

THE KHASI HILLS AUTONOMOUS DISTRICT COUNCIL SERVICE RULES, 1961.

CHAPTER I

PART I – General scope and extent of application -

1. (a) These Rules may be called the Khasi Hills Autonomous District Council Service Rules, 1961. These Rules are intended to define the conditions of service under the Khasi Hills Autonomous District Council and regulate matters relating to recruitment, promotion, official duties, discipline or the like and to conditions under which pay, leave, pension and allowances are earned by service.
(b) They shall apply to all officers and staff in the service of the Council.
(c) They shall come into force on such and from such date as may be notified by the Executive Committee on this behalf.
2. **Definition-** in these Rules, unless the context otherwise requires: -
 - (i) “Absentee” means an officer absent from an appointment on which he has a lien either on leave or deputation to another appointment, whether permanent or temporary, or on joining time or under suspension.(A man under suspension is however, not an “absentee” if he is honourably acquitted and must be treated as if he had been on duty).
 - (ii) “Accountant General” means the Accountant General of Meghalaya and includes also the Assistant Accounts Officers under him.
 - (iii) “Actual Travelling Expenses” means the actual cost of transporting a Council servant with his servants and personal luggage, including charges for pony and other tools etc. Actual expenses may be claimed only in Contingent Bill and not in T.A. Bill.
 - (iv) “Appointing Authority” means the Executive Committee or any authority empowered by it to make appointment to such service, grade or post as the case may be.
 - (v) “Approved” means approved by the Executive Committee.
 - (vi) “Audit Officer” means the Account and Audit Officer, whatever his official designation in whose circle of audit a Council servant (Public servant) is serving for the time being.
 - (vii) “Average pay” means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay.
 - (viii) “Average Emolument” means the average of the emolument calculated on the emoluments drawn by a Council servant during the last complete ten months of a service.
 - (ix) “Grade” means the strength of a service or a part of a service sanctioned as a separate unit.
 - (x) “Chief Executive Member” means the Chief Executive Member of the Khasi Hills.Autonomous District Council.
 - (xi) “Committee” means the Executive Committee of the Khasi Hills Autonomous District Council.
 - (xii) “Compensatory allowance” means an allowance granted to a Council servant who incurs expenditure, which is necessitating by special circumstances in which he performs duty. It includes the following allowances, fixed T.A., T.A., conveyance allowance, house-rent allowance, local compensatory allowance, dearness allowance, etc. The circumstances for the grants of this allowance are entirely different from those for the grant of special pay. A Council servant may be granted both compensatory allowance and special pay if the conditions for their grant are satisfied.
 - (xiii) “Constitution” means the Constitution of India.

- (xiv) “Council” means the Khasi Hills Autonomous District Council..
- (xv) “Council servant” means a person who holds a post under the Council and includes any such person on Foreign Service or whose services are temporarily placed at the disposal of State Government or any other authority and also any person in the service of the State Government or any authority whose services are temporarily placed at the disposal of the Council.
- (xvi) “Day” means a calendar day beginning and ending at midnight but an absence from headquarters which does not exceed twenty four hours shall be reckoned as one day, at whatever hours the period begins and ends.
- (xvii) “Department” means a division of the office of the Council in charge of a Secretary.
- (xviii) “Disciplinary Authority” in relation to imposition of a penalty on a Council servant means the authority competent under these Rules to impose on him that penalty.
- (xix) “Duty” means the period during which a Council servant performs the duties of a post it includes – (a) Service as a probationer provided that such service is followed by confirmation, (b) Joining time.
- A Council servant may be treated as on duty –
- (i) During a course of instruction or training in India,
 - (ii) In the case of student, stipendiary or otherwise, who is entitled to be appointed to the service of the Council on passing through a course of training at a University, College or School in India during the interval between the satisfactory completion of the course and his assumption of duties.
- (xx) “Duty Allowance” means an allowance given, in addition to pay or salary, to an officer deputed on special temporary duty when such duty involves a decided increase of work or responsibility in comparison with the duties of his regular appointment.
- (xxi) “Emoluments” means the emoluments which the officer was receiving immediately before his retirement and includes-
1. Pay other than that drawn in tenure post
 2. Personal pay and any personal allowances specifically sanctioned by the Council.
 3. Charge allowance and special pay.
- (xxii) “Executive Member” means the Executive Member of the Khasi Hills Autonomous District Council.
- (xxiii) “Extra- ordinary leave” means leave which may be granted to a Council servant in special circumstances when no other leave is by rule admissible or when, other have been admissible, the official concerned applies in writing for the grant of extra ordinary leave. It is not debited against the leave account and no leave salary is admissible during such leave.
- (xxiv) “Family” includes the officer’s wife, his legitimate children and step children residing with and wholly dependent on him, and also his parent, sister and minor brothers if wholly dependent on and residing with him. The term ‘children’ include major sons, married daughter and widow daughter so long as they are residing with and wholly dependent on the parent (Council servant) “Parent” includes a grandmother.
- (xxv) “Fee” means a recurring or non-recurring payment to a Council servant from a source other than the District Fund, whether made directly to him or indirectly through intermediary of the Council.
- (xxvi) “Foreign Service” means service in which a Council servant receives his substantive pay with the sanction of the Council from any source other than the revenue or fund of the Council.
- (xxvii) “Fund” means the District Fund for the Khasi Hills Autonomous District as constituted under rule 3 of the Khasi Hills Autonomous District Fund Rules, 1952.
- (xxviii) “Governor” means the Governor of Meghalaya.

- (xxix) “Grade and Class” means appointments in the same ‘class’ when they are in the same department and bear the same designation, or have been declared by the Council in the same class. Appointment in the same class may be divided into “Grades” according to pay.
- (xxx) “Honorarium” means a recurring or non-recurring payment granted to a Council servant from the District Fund of the Council under which he is employed as remuneration for special work of an occasional or intermittent character.
- (xxxii) “Joining time” means the time allowed to a Council servant in which to joint a new post or travel to or from a station to which he is posted.
- (xxxiii) “Leave on average pay” means leave on leave salary equal to average (or half or quarter average) pay as prescribe by rules.
- (xxxiv) “Leave Salary” means the monthly amount paid by the Council to a Council Servant.
- (xxxv) “Lien” means the title of a Council servant to hold substantively a permanent post to which he has been appointed substantively. A Council servant on substantive appointment to the permanent post acquires a lien on the post.
- (xxxvi) “Local allowance” means an allowance given in addition to pay or salary, to an officer deputed on special temporary duty in consideration of a charge of station involved by the deputation.
- (xxxvii) “Ministerial Officer” means an officer, whether gazetted or not, whose duties are not of administrative or executive character, but who is employed as a member of an office establishment.
- (xxxviii) “Month” means a calendar month. The following examples show how a period stated in calendar month should be calculated:
- (1) A period of six calendar months beginning

On the	ends on the
28 th February....	27 th August
31 st March or 1 st April	30 th September
29 th August ...	28 th February
30 th August or 1 st September ...	last day of February
 - (2) A period of 3 calendar months beginning on the

29 th November ...	28 th February
30 th November or 1 st December	Last day of February
- (xxxix) “Pay” means the amount drawn monthly by a Council servant as the pay which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre. It also includes technical pay, personal pay and any other special pay or emoluments which may be specially class as pay by the Council.
- (xl) “Pension” means an amount paid to a Council servant after retirement. Except when the term Pension is used in contradistinction to Gratuity, ‘Pension’ includes gratuity.
- (xli) “Permanent post” means a post carrying a definite rate of pay sanctioned without limit of time.
- (xlii) “Personal pay” means additional pay granted to a Council servant –
- a) to save him from a loss of substantive pay in respect of permanent post due to revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measures, or
 - b) in exceptional circumstances, or no other personal considerations.

- (xlii) “Presumptive pay” when used with reference to any particular Council servant, means the pay which he would draw if he holds the post substantively and performs its duties, may also include special pay if the conditions for the drawal of such pay are fulfilled .
- (xliii) “Provident Fund” means fund in which subscription or deposit of many class or classes of employees received and held under individual accounts and includes any contributions and any interest or increments accruing on such subscription, deposits or contributions under the rules of the fund.
- (xliv) “Provisional Lien”- when a Council servant lien on a post is suspended either compulsory or optionally, another Council servant may be appointed to that post in a provisionally substantive capacity and the lien which the Council servant so appointed acquires on the post is termed a provisional lien.
- (xlv) “Public conveyance” means a train, steamer or other conveyance which plies regularly for the conveyance to the passengers.
- (xlvi) “Salary” means the sum of pay and acting allowance or change allowance.
- (xlvii) “Schedule” means the schedule to these Rules.
- (xlviii) “Secretary” means the Secretary of the Executive Committee of the Khasi Hills Autonomous District Council, and includes an Additional Secretary and a Joint Secretary if any placed in an independent charge of one or more departments.
- (xlix) “Sixth Schedule” means the Sixth Schedule to the Constitution of India.
- (l) “Special pay” means an additional pay granted to a Council servant in consideration of –
 - (a) the special arduous nature of duties, or
 - (b) a specific addition to the work or responsibility, or
 - (c) the unhealthiness of the locality in which the work is performed.
- (li) “Subsistence allowance” means a monthly grant made to a Council servant who is not in receipt of pay or leave salary.
- (lii) “Technical pay” means pay granted in consideration of the fact that a Council servant has received technical training in Europe or the United State of America or any other Asian countries.
- (liii) “Temporary post” means a post carrying a definite rate of pay sanctioned for limited time.
- (liv) “Tenure post” means a permanent post which a servant of the Council may not hold for more than a limited period.
- (lv) “Time scale pay” means pay which subject to any conditions prescribed in these Rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay known as progressive pay.
- (lvi) “Transfer” means the movements of a Council servant from one headquarter station in which him/her is employed to another such station, either (a) to take up the duties of a new post, or (b) in consequence of a change of his headquarters.
- (lvii) “Travelling allowance” means an allowance granted to a Council servant to cover the expenses which he incurs in traveling in the interest of the public service. It includes allowances granted for the maintenance of conveyance, horses and tents.
- (lviii) “Vocational Department” means a department which avails vocational of 30 days and over at a stretch.

GENERAL EXPLANATION

Gender. – The pronoun “he” and its derivatives are used of any person whether male or female.

Right of interpreting Rules – The Committee reserve to them the right of interpreting the Rules from time to time at their discretion and of interpreting their meaning in case of dispute. No rules shall be construed to limit or abridge the power of the Committee to deal with the case of any person in their service in such a manner as may appear to them to be just and equitable.

CHAPTER II

General conditions of service

1. No person may be substantively appointed to a permanent post without a medical certificate of health which must be affixed to his first pay bill.
2. A medical certificate of fitness for Council service shall be in the following form –

“I hereby certify that I have examined Shri, a candidate for employment in the, and cannot discover thathas any disease, constitutional weakness or bodily infirmity except..... I do not consider this a disqualification for employment in the office ofShri, age is..... , according to his own statement is years and by appearance aboutyears”.

The certificate should be signed by a Civil Surgeon or a Medical Officer in- charge of a civil station. In case of a female candidate, a competent authority may accept a certificate signed by any female medical practitioner. A person whose age exceeds twenty-five years may not ordinarily be admitted to a pensionable service of the Council without the sanction of the Committee or Head of the Department. The ordinary limit may be extended in case of appointments to judicial officer or in case of candidates belonging to Scheduled Tribes of the Hills or plain, average may, in special cases, be condoned only by the appointing authority.

3. Age – when an officer is required to retire, revert or ceased to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non- working day and the officer must retire, revert or ceased to be on leave with effect from and including that day.
4. Date of birth – (i) when the year of birth is known but not the exact date, the 1st July, should be treated as the date of birth for the purpose determining the date of superannuation.
(ii) When the year and the month of birth are known but not the exact date, the 16th of that month shall be treated as the date of birth.
(iii) When a person entering service is unable to give his date of birth but gives his age, he should be assumed to have completed the stated age on the date of attestation.
(iv) When the person concerned is unable to state his age assessed or where the age as stated by him is obviously incorrect, it should be assessed by a medical officer and the age so assessed entered in his record of service.
(v) The date of birth shall be supported by documentary evidence such as the school certificate, baptismal certificate, horoscope or an extract from Municipal Birth Register, or P.S. Birth Register and the date of birth so recorded shall be held to be binding and no alteration of such date shall be permitted, except where *prima-facie* evidence is produced that the date of birth recorded is incorrect.
5. The whole time of a Council servant is at the disposal of the Council which pays him, he may be employed in any manner required by proper authority within his own branch of duty, without claim for additional remuneration.

6. (a) Two or more Council servant cannot be appointed substantively to the same permanent post at the same time.
(b) A Council servant cannot be appointed substantively to a post on which another Council servant holds a lien.
7. A Council servant may in the following cases, be transferred to post carrying less pay –
 - (a) In substantive capacity:-
 - (i) on account of inefficiency or misconduct, or
 - (ii) on his writing request, or
 - (iii) on re-transfer to the old permanent post on which he would hold lien.
 - (b) In an officiating capacity:- When he holds two or more posts at one time.
8. The committee may compel a Council servant to subscribe to a provident fund.

Date of reckoning salary.

9. An officer begins to draw pay and allowance attached to a post to which he is appointed from the date he assumes the duties of the post and cease to draw them as soon as he ceases to discharge those duties. If the charge is transferred or assumed in the afternoon, the transfer or assumption does not affect the salary until the next day.

Charge of Office

10. Unless for special recorded reasons (which must be of public nature) the authority on whose order the appointment or transfer takes place permits or requires it to be assumed or made in any particular case elsewhere, or otherwise, the charge of an office must be assumed or made over at its headquarters, both the relieving and the relieved officer, if any, being present.
11. As a general rule and subject to any special orders to the contrary in particular cases, the headquarters of an officer or the staff of the Committee, are the headquarters for the time being of the Committee to which he is attached. The headquarters of any other officers are either the station which has been declared to be his headquarters by the authority which appoints him or in the absence of such declaration, the station where the records of his office are kept.
12. No officer is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority. Journey beyond jurisdiction to give evidence in a court or to attend departmental examination do not require special sanction.
13. The Committee may authorise any of its officer to proceed on duty to any part of India.
14. (i) No Council servant shall be granted leave of any kind for a continuous period exceeding five years,
(ii) where a Council servant does not resume duty after remaining on leave for a continuous periods of five years or where a Council servant after the expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension, for any period which together with the period of the leave granted to him exceeds five years, he shall, unless the Committee, in view of the exceptional circumstances of the case, otherwise determine, be deemed to have resigned and shall accordingly cease to be in the Council employ.

Fees and Honoraria

15. The Committee may permit a Council servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities to perform a specified service or series of services for a private person or body or for a public body and to receive as remuneration therefore, the service be material, non- recurring fee.

The Committee or any authority empowered in this behalf, shall certified that the work can be undertaken without detriment to his official duties and responsibilities and may by special order or otherwise direct one birth of any fee in excess of Rs. 100 be credited to the fund of the Council

16. Fee may be accepted by a Council servant without permission in the following cases: -
 - (a) the premium awarded for any essay or plan in public competition;

- (b) any reward for the arrest of criminal, or for information or special service in connection with the administration of justice, of the customs and excise laws;
 - (c) any fees payable in accordance with the provisions of any Acts or Regulations or Rules framed there under, or special or local law or by order of the Committee or State Government.
17. A Council servant may retain the entire amount of the fees received by him without special sanction in the following case –
- a) If the amount of the fee does not exceed Rs. 250.
 - b) Fee paid for duties which he is required to perform in his official capacity under any law or order, of the Committees or State Government.
 - c) Fee received from any Examining body or University for services or examiner or from the State or Central Government for service to that Government.
18. **Honoraria:** - The Community or any other authority empowered in this behalf may grant or permit a Council servant to receive an honorarium from the Fund of the Council as remuneration for work done which is occasional in character and either so laborious or such special merit as to justify special reward.
19. Except in special cases, which should be recorded in writing an honorarium should not be sanctioned unless the work has been undertaken with the prior consent of the Committee or any other competent and its amount has been settled in advance. The sanctioning authority shall also record reasons which justify the grants of an honorarium.
20. Lien is the right lien which a Council servant acquires in a permanent post to which he has been appointed substantively. It is not necessary that he must actually join the post, although after acquitting this title, he is entitled to return immediately to the post in which he is confirmed or if he is on deputation, etc, at the time of appointment to return to the post on termination of such deputation, etc.
21. A Council servant on substantive appointment to a permanent post acquires a lien on that post. On acquiring a new lien held previously is terminated.

Retention of Lien

22. Unless his lien is suspended or transferred a Council servant holding substantively a permanent post retains a lien on that post: -
- a) While performing the duties of the post;
 - b) Without performing the duties of his permanent post: -
 - (i) While on Foreign Service or holding a temporary post or officiating in another post;
 - (ii) During joining time or transfer to another post on the same or higher pay till he joins the new post or if he is transferred to another post or a lower pay till he is returned of his duties in the old post.
 - (iii) While on leave or under suspension.

Suspension of Lien

23. (a) The Committee shall suspend the lien of a Council servant on a permanent post which he holds substantively if he is appointed in a substantive capacity : -
- (i) to permanent post outside the cadre on which he is borne, or
 - (ii) provisionally to post on which another Council or Government servant would hold a lien and his lien not been suspended.
- (b) The Committee may, at its opinion, suspend the lien of a Council servant on a permanent post which he holds substantively if there is reason to believe that he remain absent from that post on which he holds a lien for a period of not less than three years on account of his -
- (i) deputation in or outside, India, or
 - (ii) transfer to foreign service, or
 - (iii) transfer in an officiating capacity to a permanent post in another cadre, or in a temporary capacity to a post in another cadre.
24. The lien of a Council servant shall not be suspended in the following cases.

1. When a Council servant on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer his lien on the permanent posts cannot be suspended.
2. A Council servant on refused leave preparatory to retirement is deemed to be on extension of service and so will retain his lien without suspension or termination till he retires from service on the expiry of leave.
3. The provisional lien of a Council servant cannot be suspended if he is deputed in or outside India or is transferred to foreign service or in officiating in a post in another cadre and there is reason to believe that he will be away from his post on which he holds a provisional lien for a period of not less than three years.

Revival of Suspension Lien

25. A Council servant's lien which has been suspended under rule 23:-
 - (a) shall revive as soon as he ceases to hold a lien on any one of the post specified in sub – rule, (1) and (2) of that rule.
26. A Council servant's lien which has been suspended under rule 23;
 - (b) shall revive as soon as he ceases to be on deputation in or out of India or on foreign service or hold a post in another cadre.

Termination of Lien

27. A Council servant's lien shall be terminated (i) if he is appointed substantively to any permanent post while holding lien on a permanent post, or, (ii) if appointed substantively to a tenure post, (iii) if at his option, he is appointed substantively to a permanent outside the cadre on which he is borne.
28. A Council servant's lien on a post may in no circumstances be terminated, even with consent, if the result will be to leave him without a lien or a suspended lien on a permanent post.

Fixation of Pay

29. The pay of a Council servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.
30. The initial substantive pay of a Council servant appointed substantively to a post on a time scale of pay shall be fixed as follows: -
 - (a) (i) If a Council servant holding a lien on a permanent post is appointed substantively to a new post on a time scale of pay involving the assumption of duties or responsibilities of greater importance, his initial substantive pay in the time scale of the new post shall be fixed at the stage next in amount above his substantive pay in respect of the old post.
 - (ii) If the appointment in the new post does not involve higher duties or greater responsibilities, the official will continue to draw the same substantive pay as he was drawing or if there is no stage equal to draw the same substantive pay in respect of the old post, then his pay will be fixed at the stage in the new time scale next below his substantive pay and plus the difference between his substantive pay in the old post and this stage, as personal pay. In either case he will continue to draw that pay until such period as he would have post, whichever is earlier. But if the minimum of the time scale of the new post is higher than the substantive pay of the official, then he will draw the minimum as initial pay.
 - (iii) When appointment of the new post is on his own request and the maximum pay in the timescale of that post is less than his substantive pay in the old post, he will draw the maximum as initial pay.
 - (b) If a Council servant who does not hold a lien on any permanent post is appointed substantively to a post, his initial substantive pay shall be fixed at the minimum of the time scale of the new post and his officiating pay, if any, shall not be taken into account. Provided in both cases covered by sub-rule (a) and (b) that if he either has previously held substantively or officiating in (i) the same post, or (ii) permanent or temporary post on the same time scale, or (iii) a permanent post on an identical time scale, or a temporary post on an identical time scale such post being on the same time scale as a permanent post, then the initial pay shall not be less than the pay other than special

pay, personal pay or emoluments classed as pay, which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasion. If, however the pay last drawn by temporary servant in a temporary post has been inflated by the grant of premature advance increments the pay which he would have drawn but for the grant of these increments shall be taken for the purposes of the proviso to be the pay which he last drew in the temporary post.

31. The initial pay of a Council servant who is appointed substantively to a post on a time scale of pay which has been reduced for reasons other than diminution in the duties or responsibilities attached to post thereon and who is not entitled to draw pay on the time scale prior to its reduction, shall not be less than the pay other than the special pay, personal pay or emoluments classed as pay, which he would have drawn under rule 30 or on the last occasion, if the reduced time scale of pay has been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasions – that is, if he either has previously held substantively or officiated in (a) the same post prior to reduction of its time scale, or (b) a permanent or temporary posts on the same time scale as the unreduced time scale of the post or (c) a permanent or temporary post, on a time scale of pay identical with the unreduced time scale of the post, such temporary post being the same time scale as permanent post.
32. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on a new pay provided he may at his option retain his old pay until the date on which he has earned his next increment on the old scale, or until he vacates his post or ceases to draw pay on that time scale. The option once exercised is final.
33. A Council servant who is appointed to officiate in a post, which does not involve the assumption of duties or responsibilities of greater importance than those attaching to the post on which he holds a lien or suspended lien, shall not draw pay higher than his substantive pay in respect of his permanent post.
34. A Council servant who is appointed to officiate in a post will draw the presumptive pay of that post, provided that, on enhancement in the substantive pay as a result of increment or otherwise, his pay shall be re-fixed from the date of such enhancement as if he was appointed to officiate in that post on that date if such re-fixation is to his advantage.
35. The pay of a Council servant on reduction as penalty from a higher to a lower grade or post shall not be more than the maximum of the lower grade or post.
36. If the Council servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so to what extent.
37. The Committee may fix the pay of an officiating Council servant at an amount less than that admissible under these rules.
38. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withdrawn from a Council servant by the Committee or by his appointing authority, if his conduct has not been good or his work has not been satisfactory. In ordering withholding of an increment, the withholding authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponement future increments.
39. When an efficiency bar is prescribed in a time scale, the increment next above the bar shall not be given without the specific sanction of the appointing authority.
40. The following provisions prescribe the conditions on which service counts for increments in a time scales: -
 - a) All duty in a post on a time scale counts for increments in that time scale.

Provided that for the purpose of arriving at the date of next increment in the time scale, the total of such periods as do not count for increment in the time scale shall be added to the normal date of increment.

Service in another post (permanent or temporary) whether in substantive or officiating capacity, service on deputation and leave except extraordinary leave, count for increments in the time scale applicable to the permanent post on which the Council servant holds a lien and also on which he holds a suspended lien. In the case of a Council servant who holds a lien on a permanent post or would hold a lien on such post had his lien not been suspended and who has been continuously officiating in another post for more than three years at the time he proceeded on leave and would have continued to officiate on that post but for his proceeding on leave, leave other than extraordinary leave counts for increments in the time scale applicable to such other post. For the purpose of reckoning the three years limits, service in the other post will include periods of leave during which the Council servant would have officiated in the other post and officiating service in a higher post that count for increment in the other post under clause. (c) The appointing authority may however if it is satisfied that the extraordinary leave was taken on account of illness or for any cause beyond the Council servant's control, direct that such extraordinary leave shall be counted for increment in such permanent post on which he holds a lien or a suspended lien.

- b) A Council servant officiating in a temporary or permanent post shall count only the period of earned leave, including time if any, taken for increment in the post in which he was officiating at the time he proceeded on leave, provided that the appointing authority certifies that he would have actually continued to officiate in the post but for his proceeding on leave and availing himself of joining time, if any, such a Council servant shall be treated in the same way as a permanent Council servant in this regard in respect of the specified post in which he has been continuously officiating for more than three years subjects to the condition that appointing authority certifies, that the Council servant would have actually continued to officiate in the post.
 - c) If a Council servant while officiating in a permanent post or holding a temporary post on a time scale of pay is appointed to officiate in a higher permanent post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increment in the time scale applicable to such lower post.
 - d) Foreign Service counts for increments in the time scale applicable to the post on which the Council servant concerned holds a lien or suspended lien and any post to which he may receive officiating promotion for the duration of such promotion.
 - e) In the case of a Council servant who, while officiating in a post proceeds on training or to attend a course of instruction, and who is treated as on duty while under training the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.
41. If an increment falls due while a Council servant is on leave, it shall not be drawn until he returns to duty, but future increments shall not thereby be postponed.
42. An authority may grant a premature or advance increment to a Council servant on a time scale of pay if it has power to create a post in the same cadre on the same scale of pay. When such increments are granted, a Council servant is entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and must serve for a full year on the new rate before he can earn another increment in the absence of orders to the contrary.
43. Personal pay granted to a Council servant shall be merged in subsequent increments and shall cease as soon as his pay is increased by an amount equal to his personal pay.
44. If a probationer is confirmed at the end of period of probation exceeding twelve months, he shall be entitled to draw retrospectively to increments which, but for his probation, he would have received in the ordinary course.

Calculation of Average pay

45. Average pay is calculated for the purpose of determining the leave salary admissible during leave or subsistence allowance while under suspension. It should be the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay.
46. The period of 12 months should be the period 12 calendar months ending on the last day of the month preceding that in which leave is taken or the Council servant is suspended.
47. Within these 12 months only period during which duty pay is drawn should be taken into account.

The following periods should be included –

- (i) duty for which pay is drawn;
- (ii) vacation;
- (iii) period of suspension treated as duty;
- (iv) joining time for which pay is drawn;
- (v) foreign service in India;
- (vi) periods of training which are treated as duty;
- (vii) overstayal of joining time treated as extension of joining time for which pay is drawn;

From the periods of 12 months stated above, the following periods should be omitted -

- (i) periods of leave, with or without allowances;
- (ii) periods of overstayal of leave;
- (iii) periods of suspension not treated as duty;
- (iv) periods of joining time during which only leave salary is drawn;
- (v) overstayal of joining time which is not regularized.

48. In calculating the average pay the following emoluments should be taken into account –

- (i) Pay, substantive or officiating.
- (ii) Special Pay.
- (iii) Personal pay.
- (iv) Additional pay for holding deal charges.
- (v) Technical pay.
- (vi) Any other emoluments classified as pay.

49. The following emoluments should be omitted in the calculation of average pay. Compensatory allowance, house-rent allowance, traveling and conveyance allowance, dearness allowance and any other emoluments classified as allowance.

50. The rate of pay in foreign service in India to be taken into account in calculating the average pay will be –

- (i) If the foreign employer pays the contributions the pay the officer drew while in foreign service, or
- (ii) If the Council servant himself pays the contributions, the pay drawn in Foreign Service less pension and leave salary contribution.

51. In calculating leave salary based on half average pay, the average pay without rounding off should be divided by two and the resultant amount rounded to the nearest naye paise. The dearness allowance should be determined on the amount of average or half average pay so arrived at, as the case may be.

(Compensatory Allowances)

52. The Committee shall have power to grant compensatory allowance, the amount of which shall be so regulated that it is not, on the whole, and a source of profit to the recipient.

53. A compensatory allowance attached to a post shall cease to be drawn by a Council servant when he vacates the post.

54. Compensatory allowance may be drawn during leave or a period not exceeding four months only including joining time but not during leave preparatory to retirement. The authority sanctioning the leave shall certify that the Council servant is likely, on the expiry of the leave to return to the same post to which the allowance is attached and that the officer certifies that he actually continue to incur expenditure on that account.

55. If a Council servant draws in his old post a compensatory allowance on account of special expensiveness of living is transferred to another post carrying a similar allowance, he may draw the compensatory allowance during joining time provided that, if the rates differ in the two posts he draws the lower rate only.

56. A grain Compensatory Allowance or Dearness Allowance may he drawn during leave, if the authority sanctioning the leave certifies that the officer is likely, on expiry of the leave, to be appointed to post to which such an allowance is attached.

57. A portion, not exceeding Rs.40 (Rupees forty) only of an allowance granted for maintaining a motor car or jeep may be drawn during leave of not more than 50 days' duration if the sanctioning authority certifies that the officer will return to the same post or be appointed to a post in which the possession of a car or jeep will add to the efficiency of the officer and that the officer certifies that he continues to maintain the vehicle and was not used by anybody during the period. The allowance for the maintenance of horse or other animal may also be drawn during leave on similar conditions.

(Combination of Appointments)

58. A Council servant may be placed in charge of the current duties of another post or appointed to officiate, as a temporary measure, in two or more, independent appointments at one time.
59. When a Council servant is appointed as a temporary measure to officiate in two or more independent posts at one time, his pay shall be regulated as follows-
- (a) the highest pay, to which he would be entitled of his appointment to one of the posts stood above, may be drawn on account of his tenure of that post;
 - (b) for each other post he draws such additional pay, in no case exceeding twenty five percent of the presumptive pay of the post, as the Committee may fix; and
 - (c) if Compensatory allowance is attached to one or more of the posts he draws such Compensatory allowance as the Committee may fix provided that such allowance shall not exceed the total of the Compensatory allowance attached to all posts.

NOTE- (1) The above rule is not applicable in the case of appointment of two or more posts in the same office or establishment, which are in the same line of promotion and cadre.

(2) Dearness allowance admissible shall be based on the total pay drawn but not the sum total of the Dearness Allowances applicable to the different posts.

60. When a Council servant holds two or more posts to each of which a permanent Travelling Allowance is attached, he may be granted such permanent Travelling Allowance not exceeding the total of all the allowances, as a competent authority may consider sufficient to cover the traveling expenses, which he has to incur.
61. A Council servant who is dismissed or removed from service ceases, to draw pay and allowances from the date of such dismissal or removal.
62. (1) A Council servant under suspension shall be entitled to the following payments, namely:-
- (a) A subsistence allowance at an amount equal to the leave salary which he would have drawn, if he had been on leave on half pay and in addition dearness allowance based on such leave salary:

Provided that where the period of suspension exceeds 12 months the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first 12 months as follows:-

- (i) the amount of subsistence allowance may be increased by a suitable amount not exceeding 50 per cent of the subsistence allowance admissible during the period of the first 12 months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to Council servant;
- (ii) the amount of subsistence allowance may be reduced by suitable amount, not exceeding 50 % of the subsistence allowance admissible during the period of the first 12 months, if in the opinion of the said authority the period of suspension has been prolonged due to reasons to be recorded in writing, directly attributable to the Council servant;
- (iii) the rate of dearness allowance will be based on the increased or as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i) and (ii) above

(b) Other compensatory allowances, if, any, of which the Council servant was in receipt on the date of suspension; provided that he shall not be entitled to the compensatory allowances unless the said authority is satisfied that the officer continues to incur the expenditure for which they are granted.

- (2) No payment under sub-rule (1) shall be made unless the Council servant furnishes a certificate, and the authority which made or is deemed to have made the orders of suspension is

satisfied, that the officer is not engaged in any other employment, business, profession or vocation.

(3) Where the officer is due to be discharged or retrenched on account of the expiry of the sanction of the post held by him, he shall be continued in the post, the term of which shall be extended and the vacancy caused by the extension shall not however be filled.

63. (1) When a Council servant who has been dismissed, removed or suspended is reinstated, the authority competent to order the re instatement shall consider and pass a specific order –
- (a) regarding the pay and allowances to be paid to the Council servant for the period of his absence from duty; and
 - (b) Whether or not the said period shall be treated as a period spent on duty.
- (2) If the competent authority mentioned in sub-rule (1) is of the opinion that the Council servant has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the officer shall be given the full pay and allowances to which he would be entitled to, had he not been dismissed, removed or suspended as the case may be.
- (3) In other cases, the officer may be given such proportion of such pay and allowances as such competent authority may prescribe. Provided that payment of allowances under clause (2) and (3) shall be subject to all other conditions under which such allowances are admissible.
- (4) In case falling under clause (2) the period of absence from duty shall be treated as a period spent on duty for all purposes.
- (5) In a case falling under clause (3) the period of suspension shall not be treated as a period spent on duty, unless such competent authority specifically directs that it shall be so treated for any specific purpose:

Provided that if the Council servant so desires, such authority may direct that the period of absence from duty shall be converted into leave of any kind due and admissible to the officer and that if it is found that the total amount of subsistence and compensatory allowance that he received during the period of suspension exceeds the amount of leave salary and allowance the excess shall have to be refunded.

64. No leave can be granted to an official while under suspension.

Compulsory Retirement

65. (1) A Council servant shall retire on attaining the age of 58 years which shall be the date of his compulsory retirement. He shall not be retained after that age except on public grounds which must be recorded in writing and with the sanction of the Committee and shall not be retained after the age of 60 years.
- (2) Notwithstanding anything contained in these Rules, the Appointing Authority may, if it is of the opinion that it is in the public interest to do so, retire a Council servant by giving him notice of not less than three months in writing, of three months pay and allowances in lieu of such notice, after he has attained fifty years of age or has completed 25 years of service, whichever is earlier.
- (3) any council servant may, by giving notice of not less than three months in writing to the Appointing authority retire from service after he has attains the age fifty years or has completed 25 years of service, whichever is earlier.

NOTE 1 – when a Council Servant is required to retire, revolt or cease to be on leave on attaining a specified age the day on which he attains that age is reckoned as a non-working day, and the Council servant must retire, revolt or cease to be on leave, as the case may be, with elect from and including that day.

NOTE 2 – A grade IV Council Servant shall retire when he attains the age of 60 years.

NOTE 3 – Retention of a Council servant in service after he has attained a specified age, or re-employment of pensioners, is normally not permissible except on public grounds and under exceptional circumstances which must be recorded in writing.

66. An officer under suspension shall not be required or permitted to retire on reaching the date of compulsory retirement but shall be retained in service until the enquiry into the charges against him is concluded and a final order passed thereon by a competent authority.
67. No officer shall be retained in service beyond the date of compulsory retirement or offered re-employment after that date unless he continues to be efficient and is declared physically fit by a Medical Officer of the rank of a Civil Surgeon. Retention or re-employment may be granted up to two years at a time but subject to annual medical examination of the officer concerned.
68. When a Council servant is required to retire, revert or cease to be on leave, on attaining a specific age, the day on which he attains that age is reckoned as a non-working day and he must retire, revert or cease to be on leave automatically with effect from and including that day.

Joining Time

69. The period of joining time is treated as duty. (Joining time for which no pay is drawn is not to be treated as duty in calculating average pay).
70. In the case of an officer who is transferred from one officiating post to another, the period of joining time shall be treated as duty in the post, the pay of which he drawn during the period.

Admissibility of Joining Time

71. Joining time is admissible to a Council servant to enable him-
1. To join a new post to which he is appointed-
 - (a) While on duty in the old post;
 - (b) On return from earned leave of not more than 120 days inclusive of joining time;
 - (c) On return from leave other than that mentioned above when he has not had sufficient notice of his appointment to the new post.
 2. (a) To proceed from a specified station to join a post in a place in a remote locality.
 - (b) To proceed on relinquishing charge of a post in a place in a remote locality this is not easy of access to a specified station.
 - (c) To proceed to or on return from Foreign Service.
72. The Committee may at its discretion grant joining time to a person in employment other than Council Service or on leave granted from such employment, while he prepares for and makes a journey to join a post under the Council or to join his original post on revision from a post in the Council service.

Pay during joining time

73. The pay of an officer during joining time is regulated as follows –
- (1) If on joining time to join a new post while on duty in the old post, the official is entitled to the pay which he would have drawn in the old post or the pay which he will draw the new post, whichever is less.

Note: - Pay includes special pay, if any.
 - (2) In case of an officer returning from earned leave not exceeding 120 days or from other kinds of leave with allowances when he had not had sufficient notice of his appointment to the new post, he is entitled to the leave salary which he last drew on leave even though the leave salary is greater than the pay which he may draw in the new post. In the case of an officer returning from extra ordinary leave, he is entitled to no payment at all.

- (3) During joining time from a specific station to a post in a place in a remote locality which is not easy of access and vice versa, the official is entitled to pay as if he was on duty in his post in the remote locality.

- 74. A Council servant transferred from one post to another at his own request is not entitled to any pay during joining time and the time spent in transit is to be treated as non- duty. A competent authority may, however, grant regular leave to such an officer as admissible under the leave rules to cover the period between the date of handing over charge at an old station and that of taking over at another, if he applies for it.
- 75. During joining time while on transfer to Foreign Service or on a reversion there from, the officer shall be paid at such rates as the authority sanctioning the transfer may fix in constitution with the foreign employer.
- 76. If an officer in his old post was drawing a compensatory allowance granted on account of special expensiveness of living and the post to which he is transferred carries a similar allowance, he may draw compensatory allowance, during joining time under rule 74, but if the rates differ in the two posts, he may draw the lower rate only.
- 77. Conveyance or horse allowance or permanent travelling allowance may not be drawn during joining time.
- 78. If an officer overstays his joining time, he is entitled to no pay or leave salary after the end of joining time and such a period will be treated as non- duty and shall postpone the date of next increment. Willful absences from duty after the expiry of joining time may be treated as misbehavior for the purpose of rule 7. A competent authority may, however regularize the period of overstay by the grant of extraordinary leave.

Amount of joining time

- 79. If the joining of a new post does not necessarily involve a change of residence from one station to another not more than one day is allowed. A holiday counts as day for the purpose of this rule.
- 80. In cases involving a necessary change of station the joining time is subject to a maximum of 30 days and calculated as shown below.

Six days for preparation and in addition to cover the actual journey calculated as follows. –

(a) A Council Servant is allowed –

For the portion of the journey which he Travels or night travels.	One day for each			
By Railway	250 miles
By Motor Vehicle	80 miles
By horse- drawn conveyance		40 miles
In any other way	15 miles

- (b) A day is also allowed for any fractional portion of any distance prescribed in clause (a).
- (c) Travelling by road not exceeding five miles to or from a motor station at the beginning of or end of a journey does not count for joining time.
- (d) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days. Other holidays are included in the calculation of joining time.

- 81. An authority sanctioning the transfer may in special circumstances reduce the period of joining time admissible under the rules.
- 82. Joining time shall be calculated according to the route which travelers ordinarily use unless a competent authority for special reasons otherwise order.

Time and place from which joining time is calculated

83. If an officer is authorised to make overcharge of a post elsewhere than at its headquarters his joining time shall be calculated from the place at which he makes over charge.
84. If an officer is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment and he shall not be allowed a second period of 6 days for preparation.
85. If an officer takes leaves while transit from one post to another the period which has elapsed since he handed over charge of his old post shall be included in his leave unless the leave is taken on medical certificates. In the latter case the period may be treated as joining time.
86. If an officer is appointed to a new post while on earned leave not exceeding 120 days, his joining time shall be calculated from his old station or from the place in which he receives the order of appointment, whichever calculation shall entitle him to the less joining time.
87. A holiday or series of holidays immediately following the day on which joining time expires may be affixed to the joining time of an officer but cannot be prefixed to it:
- Provided that his assumption of charges does not involve the taking over of securities or of moneys other than a permanent advance and the delay does not involve a corresponding delay in the transfer to another station of another officer who was performing his duties during his absence or in the discharge of a person temporarily appointed to it.
88. If holidays are affixed to the joining time, the joining time is treated as having terminated and any consequent arrangement of pay and allowances takes effect from the day on which the joining time would have ended if the holiday has not been affixed.
89. Joining time for the places and stations in a remote locality which are yet to be declared as not easy of access shall be fixed by a competent authority as it thinks proper.
90. Except in the case of joining time fixed for places and stations declared as not easy of access, a competent authority may in any case extend the joining time with due observance of the general spirit of the rules.
91. Subject to a maximum of 30 days a competent authority may grant a longer period of joining time than is admissible under the rules in the following circumstances on conditions as it thinks fit.
- (a) When the officer has been unable to use the ordinary mode of travelling or notwithstanding due diligence on his part has spent more time on the journey than is allowed by the rules, or
 - (b) When such extension is considered necessary for the public convenience or for the saving of such public expenditure, as is caused by unnecessary or purely formal transfer; or
 - (c) When the rules have in any particular case operated harshly, as for example, when an officer has fallen sick on the journey or has missed a public conveyance for no fault on his part.
92. No officer may be transferred to Foreign Service against his will.
- A transfer to Foreign Service may be sanctioned by the Committee subject to such restriction as it may impose.
93. The transfer of a Council servant to Foreign Service is permissible –
- (a) If the duties to be performed after
94. Foreign Service begins from the date an officer relinquishes charge of his post in Council service and ends on the date he takes charge of his post in Council service. He shall draw his pay during joining time and travelling allowance from the foreign employer from the date on which he relinquishes charge of his post in Council service, as fixed by the Committee sanctioning the transfer in consultation with the foreign employer.
95. Contributions towards the cost of pension and leave salary while in Foreign Service shall be paid by the officer himself unless the foreign employer agrees to pay them on his behalf.

96. The rate of contribution payable shall be prescribed by the committee.
97. The travelling allowance of the officer both in respect of journey on transfer to Foreign Service and to journey on reservation there from to Council service shall be borne by the foreign employer.
98. An officer on Foreign Service may not without the sanction of Committee accept a pension or gratuity from his foreign employer in respect of such service.
99. If an officer is transferred to Foreign Service while on leave he ceases from the date of such transfer to be on leave and to draw leaver salary from the fund of the Council.
100. An officer on Foreign Service may be given substantive or officiating promotion in the cadre or cadres or such other promotion in the Council service in which he was included in a substantive or officiating capacity before transfer, as the authority competent to other promotion may decide.
101. An officer in Foreign Service shall be granted leave and leave salary in accordance with the rules applicable to his service under the Council.
102. The rate of contribution payable on account of pension and leave salary shall be the rates prescribed by the Government of India in respect of members of the Central Services Classes II and III (Appendix II – A in Volume II of the P. and T. Compilation of the Fundamental Rules).
103. The Committee sanctioning transfer to Foreign Service may fix or make rules prescribing the rate of interest, if any, to be levied on overdue contributions.
104. A Council servant in foreign service if appointed to officiate in a post in the Council service, will draw pay calculated on the pay of the post in Council service on which he holds a lien [or would hold a lien had his lien not been suspended] and that of the post in which he officiates. His pay in Foreign Service will not be taken into account in fixing his pay.
105. When a Council servant reverts from Foreign Service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued from the date reversion.

CHAPTER III

GENERAL RULES REGULATING APPOINTMENT AND PROMOTIONS

Cadres

1. The strength of the various cadres of different classes of services and the nature of the posts therein shall be determined by the Committee, provided that the appointing authority may leave unfilled or hold in abeyance any vacant post without thereby entitling any person to compensation. The committee may also create additional permanent or temporary or special post in any services as occasion may require.
2. The status of classes I and II services is that of gazetted rank and that of class III service and other subordinate service is that of non – gazetted rank.

Recruitment

3. The recruitment to all classes of services and staff shall be made after due advertisement and by competitive examination or the basis of an oral examination and interview.
- 4.

Qualification

5. No person shall be eligible for appointment to any posts or services under the Council unless he is a citizen of India.
 - i. The age of a candidates for direct recruitment to any post or services shall not be less than 18 years and not more than 30 years on the first day of January in the year in which recruitment is made provided that in case of candidates possessing a law degree or Master degree Engineering or Medical degree, the upper age limit shall be raised by 3 years.
 - ii. The maximum age limit will be raised for candidates belonging to Scheduled Tribes and Backward Classes by another three years.
 - iii. A candidate who is entitled in respect of his age and other
6. The minimum academic and technical qualifications required for direct recruitment to the different posts and services shall be fixed from time to time in the advertisement by the Committee.
7. A candidate for direct recruitment to any posts or services must produce a certificate of good character from the principal officer of the University or College or School in which the candidate was last educated and from two respectable gentlemen not related to him but who are well acquainted with his antecedents.

Procedure of Recruitment

8. (i) Application for permission to sit at a competitive examination, etc., for direct recruitment will be called by the appointing authority by advertisement in the *Assam Gazette* or in such other newspapers as the said authority may consider fit and proper or in such manner or form as may be prescribed by them.

(ii) None shall be admitted to the examination, etc., unless he produces a certificate or letter of admission granted by the said authority.
9. Candidates for direct recruitment shall pay to the appointing authority at the time of submitting the application, such application fees as may be prescribed by the Committee from time to time and an examination fee, if considered necessary, at the time of examination, at the rates not exceeding double the application fees. The scale of fees shall not exceed Rs. 5 both the fees are not refundable.
10. The syllabus and rules relating to competitive examination for appointment to the different posts and services shall be prescribed by the Committee from time to time. The syllabus and the rules for direct appointment to the ministerial and other staff of the office of the Council are given in the schedule below.

Schedule

The syllabus of examination for direct appointment to post of (a) Lower Division Assistants, (b) Stenographers and (c) Typists –

Subjects	Marks	Time
(a) 1. General English of Khasi	32 marks	One hour
2. Essay and General Knowledge	32 marks	One hour
3. Précis writing and drafting	32 marks	One hour

The pass mark shall be 40 per cent of the total marks (of 100).

The standard of the examination shall be that of the Matriculation and questions shall be of simple nature and shall not ordinarily take more than 2 ½ hours for an average candidate to answer all of them.

(b) Candidates for post of Stenographer shall have to sit for

- (i) A test in Stenography and (ii) English Composition – (i) The test will be consist of a dictation of a simple and idiomatic passage in English for five minutes at the rate of 120 words per minute. One hour will be given for transcribing and typing shorthand record of a dictation. A candidate whose percentage of errors in the test exceeds five will be considered to have failed.
- (ii) The test in English composition will consist of a written examination of one hour's duration and candidates will be required to write a letter or short essay on simple subject of general interest. This will carry a total of 30 marks of which 12 shall be the pass mark.

(c) No candidates for posts of typists will be considered to have qualified for employment unless he is able to type at least 15 words per minute.

11. (i) The appointing authority shall prepare a list of successful candidates in order of merit as disclosed by the aggregate marks secured by each candidate. If two or more candidates obtain equal aggregate marks, the cases of such candidate shall be further examine among themselves and their name s shall be arranged in order of proficiency on the basis of marks with due regard to the relative importance of the subjects.

(ii) Subject to a reservation of 75 per cent of vacancies for Scheduled Tribe and Backward Classes, the appointing authority shall select the candidates who stand highest in the merit list of sub - rule (i) of this rule provided that he is satisfied that such candidates are duly qualified in other respect.

(iii) The appointing authority may, however, institute such further inquiries as to the qualification, age, character, conduct and nationality of any candidate and a police report as to his antecedents, and if the result of such inquiries or reports is considered unsatisfactory in any of those respect the candidates shall be declared disqualified should any selected candidates become disqualified, the appointing authority will determine whether the candidate next in order of merit and in other respects duly qualified should or should not be selected.

12. All appointments to the Council services. Class I and II, shall be made by the Committee, provided that the Committee may, by a general or a special order and subject to such conditions as it may specify, delegate to any other authority the power to make such appointments.

13. All appointments to the Council services. Class III and IV, shall be made by the authorities specified in that behalf by a general or special order of the Committee.

14. (i) Every officers appointed to a service in a substantive vacancy shall be placed on probation for a period of one year, provided the appointing authority may allow continuous officiating for temporary service to count towards the period of probation.

(ii) If during or at the end of the period of probation an officer fails to give satisfaction or his works is found below the standard expected of him, he may be reverted to his substantive post, if he has such a post, or his service may be dispensed with.

- (iii) The appointing authority may, for reasons to be recorded, extend the period of probation in special cases.
15. A probationer will be confirmed in his post on his successful completion of the period of probation, if his work and conduct are found satisfactory and has passed the prescribed departmental or language examination if any.
 16. **Promotion to any service**, grade or post shall be made ordinarily on the basis of merit – *cum* – seniority after careful examination of the character rolls, special reports called for on the suitability of the eligible officers for promotion and other records. In cases of promotion to selection posts, whether administrative or technical, merit may be taken as the sole criterion.
 17. **Scale of Pay** – The Committee shall from time to time, by a notification, determine the time scales of pay of various classes, Appointment and service in the Council.
 18. **Increments** – Increments will be earned by all services, provided that such increment may be withheld by the appointing authority on the recommendation of the head of the office or the head of the Department or Secretary or by any other superior authority under whom the officer is serving if his work or conduct during the previous year has not been good and satisfactory. In the event of withholding an increment, the period for which it is withheld and whether the postponement will have effect of postponing future increments shall have to be stated
 19. **Crossing of the efficiency bar** – No officer shall be allowed to cross the efficiency bar unless he has proved himself fit in performing his duties.
 20. **Crossing of the efficiency bar** – No officer shall be allowed to cross the efficiency bar unless he has proved himself fit in performing his duties.
 21. The seniority of candidates selected in one batch on the recommendation of any authority or Board shall be fixed accordingly to their order of merit if they join their appointment within 15 days from the date of their appointment order. If a candidate is prevented from joining within this period by circumstances of public nature and beyond his control the period may be extended under the orders of the Head of the Office, if not so extended he will be graded according to the date of joining. In all other cases, the date of substantive appointment to or confirmation in any post or service shall be the sole criterion for fixing the relative seniority of the Council servant, provided that if two or more officers are appointed substantively or confirmed on the same date their inter-seniority in the lower class or service shall determine their seniority.
 22. The service of a temporary Council servant shall be liable to termination at any time by notice in writing given either by the Council servant to the appointing authority, or by the appointing authority to the Council servant. The period of such notice shall be one month unless otherwise agreed by the Committee and Council servant:

Provided that the service of any such Council servant may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay *plus* allowances for the period of the notice or, as the case may be for the period by which such notice falls short of one month or any agreed longer period.
 23. The staff of the Office of the Council in sub-ordinate service do not constitute one service but are divided into classes or grades or posts. The classes or grades or posts are as shown in Schedule appended to these Rules. The posts as shown in the Schedule are not inter-changeable and appointment and promotion to each class shall be made as indicated in this Rules.
 24. The appointing authority to all the above classes of posts may, if they think necessary, constitute a Departmental Board consisting of the Secretary, Executive Committee, the Judge District Council and the Secretary Legislative Department to advise them in any matter of appointments.
 25. Direct recruitment may be made only to the post of grade of Lower Division Assistants, Stenographers and Typists. All other posts shall be filled up by promotion from amongst the existing member of the class next below them.

Provided that recruitment to the post of Class I service shall be made by promotion from amongst the existing members of the class next below them on the basis of seniority, merit, qualification, efficiency and experience, or by direct recruitment, as the Committee may decide:

(Rules 16 substituted vide Amendment Rules, 1989)
(Rule 21 substituted vide Amendment Rules, 1989)
(Proviso to Rule 23 inserted vide Amendment Rules, 1989)

Provided further that all things being equal, promotion shall be made from amongst the existing members or the class next below them.

- 25 (i) For the purpose of promotion to the post of Upper Divisions Assistants, Head Assistants and to other higher posts, the Secretary Executive Committee, will call for a special report on the work and character of eligible candidates and their suitability for promotion to particular posts, from Secretaries, the Judge, District Council, the Revenue officer or any other officers or Heads of Departments under whom a candidate is serving and place such reports along with their character rolls for examination by the appointing authority. The Departmental Board if constituted may also interview any candidate, if necessary before final recommendation of two candidates for each vacancy in order of preferences.
- (ii) Promotion shall be made by selection on the basis of merit Cum – Seniority and only Lower Division Assistants who have rendered at least 3 years service will be considered for promotion to posts of Upper Division Assistants and Upper Division assistants of at least five years standing for posts of Head Assistants, other thing being equal, seniority shall prevail and any case of supersession shall be fully justified and be recorded.
- (iii) Selection of candidates for an officiating promotion not likely to exceed 2 months may be made by the head of the Department concerned with intimation to the Secretary, Executive Committee, for formal approval and further action, if necessary by the appointing authority.

CHAPTER IV

Leave Rules

1. Under this Chapter: -
 - (a) 'Leave' includes earned leave, half pay leave, commuted leave, leave not due and extra – ordinary leave;
 - (b) 'Commutated leave' means leave taken under sub – rule (c) of rule 10.
 - (c) 'Completed years of service' and 'one year's continuous service' means continuous service of the specified duration under the Council and includes periods spent on duty as well as on leave including extra ordinary leave;
 - (d) 'Earned Leave' means leave earned under rule 8 in respect of periods spent on duty;
 - (e) 'Earned leave due' means the amount of earned leave to the credit of a Council servant on the date he became subject to these rules calculated in accordance with the rules by which he was governed immediately before that date *plus* the amount of earned leave calculated as prescribed in rule 8, or 9 or 11 as the case may be diminished by the amount of earned leave taken after the date he became subjected to these rules;
 - (f) 'Half pay leave' means leave earned under rule 10 in respect of completed years of service;
 - (g) 'Half pay leave due' means the amount of half pay leave to the credit to a Council servant on that date on which he became subject to these rules calculated in accordance with the rules by which he was governed immediately before that date *plus* the amount of half pay leave calculated as prescribed in rule 10 diminished by the amount of half pay leave including twice the amount of commuted leave taken under these rules;
 - (h) 'Officers in permanent employ' means an officer who holds a substantively a permanent post or who holds a lien on a permanent post or who would hold a lien on a permanent post had the lien not been suspended.
2. Leave cannot be claimed as of right and when the exigencies of public service so demand, leave of any description may be refuse or revoked by the committee or authority empowered to grant leave, provided that no officer is compelled to proceed on leave or to alter the nature of the leave due and applied for except at his own request.
3. Leave shall be earned by duty only, unless otherwise provided in these rules.
4. Leave ordinarily begins on the day on which a transfer of charge is effected and ends on the day proceeding that on which such charge is resumed, provided that the competent authority may prescribed the circumstances in and conditions on which Sundays or other public holidays may be prefixed or affixed to leave.

5. Unless the Commission shall otherwise determine, an officer shall cease to be in Council service if he is continuously absent from duty for two years whether with or without leave unless such absence on foreign service.
6. Any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.
7. No leave shall be granted beyond the date on which an officer must compulsory retire:

Provided that the authority empowered to grant leave may allow any officer who has been denied in whole or in part on account of the exigencies of public service the earned leave which was due to him pending retirement, the whole or any portion of the earned leave so denied even though it extends to a date beyond the date on which such officers must compulsorily retire:

Provided further that an officer, whose service has been extended in the interest of public service beyond the date of compulsory retirement, may be granted earned leave as under:

- (i) During the period of extension, any earned leave due in respect of the period of such extension and to the extent necessary, the earned leave which could have been rented to him under the proceeding proviso had the retired on the date of compulsory retirement;
- (ii) After the expiry of the period of the period of extension, any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of this duties in sufficient time during the extension and refused to him on account of the exigencies of public service.

Explanation – For the purpose of this rule an officer may be deemed to have been denied leave only if, in sufficient time before the date on which he must compulsory retire or the date on which his duties finally ceases, he has either formally applied for leave as leave preparatory to retirement and has been refused it on the ground of exigencies of public service or has ascertained in writing from the sanctioning authority that such leave if applied would not be granted on the aforesaid ground.

8. (i) The earned leave admissible to an officer in permanent employ is one eleventh of the period spent on duty. Provided that he will cease to earn such leave when the earned leave due amounts top 300 days.
 (ii) The maximum earned leave that may be granted to at a time to an officer shall be 120 days; provided that earned leave exceeding a period of 120 days but not exceeding 180 days may be granted if the entire leave so granted or any portion thereof is spent outside India.
9. (a) Earned leave is not admissible to an officer in permanent employ serving in a vacation Department in respect of duty performed in any year in which he avails himself of the full vacation.
 (b) The earned leave admissible to such an officer in respect of any year in which he is prevented from availing himself on the full vacation is such proportion of 30 days as the number of days of vacation not taken bears to the full vacation.

If in any year the officer does not avail himself of the vacation earned leave will be admissible to him in respect of that year in accordance with the provision of Rule 8.

(c) Vacation may be taken in combination with or in continuation of any kind of leave provided that the total duration of vacation and earned leave taken in conjunction of other leave or not, shall not exceed the amount of earned leave due and admissible so the officer at a time under rule 8:

Provided further that the total duration or vacation, earned leave and commuted leave taken in conjunction shall not exceed 240 days.

10. (a) The half pay leave admissible to an officer in permanent employ in respect of each completed year of service is 20 days.
 (b) The half pay leave due may be granted to an officer on medical certificate or on private affairs.

(c) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate only to an officer in permanent employ subject to the following conditions: -

- (i) Commuted leave during the entire service shall be limited to a maximum of 240 days.
- (ii) When commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.
- (iii) The total duration earned leave and commuted leave taken in conjunction shall not exceed 210 days provided that no commuted leave may be granted under this rule, unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry.

(d) Save in the case of leave preparatory to the retirement, leave not due may be granted to an officer in permanent employ for a period not exceeding 360 days during his entire service, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate. Such leave will be debited against the half pay leave the officer may earn subsequently.

Note: - Leave not due shall not be granted to an officer unless the competent authority is satisfied that as far as can be reasonably foreseen, he will return to duty and earn equal amount of half pay leave.

11. The provision of rules 8, 9 and 10 apply also to an officer not in permanent employ except that in respect of the first year of service the earned leave admissible is one twenty second of the period spent on duty.

Provided that no earned leave shall be admissible to such an officer in a vacation Department in respect of the first of his service.

Provided further that in the case of officer not impermanent employ,

- (a) No half pay leave may be granted unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry; and
- (b) No leave not due shall be granted.

12. An officer not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty has been duty as an officer in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this rule.

13. (a) Extraordinary leave may be granted to any officer in special circumstances:

- (i) When no other leave by rule is admissible, or
- (ii) When other leave is admissible, but the officer concerned applies in writing for the grant of extra ordinary leave.

(b) Except in the case of an officer in permanent employ, the duration of extraordinary leave shall not exceed three or eighteen months on any one occasion, the longer period being admissible, subject to such conditions as the Committee may by a general or special order prescribe, only when the concerned in undergoing treatment for –

- (i) pulmonary tuberculosis in a recognized sanatorium or hospital, or
- (ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon, or
- (iii) leprosy in a recognized leprosy institution or by a Civil Surgeon or a specialist in leprosy recognized as such by the State Government.

Note: - 1. The concession of extra – ordinary leave upto 18 months is also admissible to an officer who for want of accommodation in any recognized sanatorium or hospital receives treatment at his residence under a tuberculosis specialist recognised as such by the State Government and produces a certificate signed by the specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

Note: - 2 The concession of extra ordinary Leave upto 18 months will be admissible only to those Council servant who have been in continuous service for a period exceeding one year.

(c) Were an officer who is not in permanent employ fails to resume duty on the expiry of the maximum period of extra – ordinary leave granted to him, or where such an officer who is granted a lesser amount of extra – ordinary leave than the maximum amount admissible remains absent from duty for any period which together with the extra – ordinary leave granted exceeds the limit upto which he could have been granted such leave under sub – rule (b), he shall, unless the committee in view of the exceptional circumstances of the case otherwise determine, be deemed to have resigned his appointment and shall, accordingly, cease to be in Council employ.

14. (1) A Council servant on earned leave will be entitled to leave salary at the rate of the average monthly pay earned during the twelve completed months immediately preceding the month in which the leave commence, or the substantive pay to which the Council servant is entitled immediately before the commencement of the leave whichever amount is greater.

NOTE – for the purpose of this Rule, “Substantive Pay” means the substantive pay of the permanent posts which of the Council servant holds substantively, or on which he holds a lien, or would have hold a lien, had the lien not been suspended.

(2) A Council servant on half-pay leave, or leave not due, will be entitled to leave salary equal to half the amount specified in sub-rule (1).

(3) A Council servant on commuted leave will be entitled to leave salary equal to twice the amount admissible under sub-rule (3).

(4) A Council servant on extraordinary leave is not entitled to any leave salary.

(5) A Council servant shall be paid cash equivalent of leave salary in respect of the period of earned leaves at their credit at the time of retirement on superannuation subject to the following conditions:-

- (a) The payment of cash equivalent of leave salary shall be limited to a maximum of 300 days earned leave.
- (b) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump sum as a one time settlement.
- (c) Cash payment under this rule will be equal to leave salary as admissible for earned leave and dearness allowances admissible or, the leave salary at the rate in force on the date of retirement. No compensatory allowance and/or house rent allowance / hill allowance shall be payable.
- (d) The authority competent to grant leave shall soumoto issue order granting cash equivalent of earned leave at credit on the date of retirement.
- (e) The benefit of cash payment in lieu of utilised earned leave subject to the maximum period of 300 days and not beyond the date of superannuation shall be extended to Council servants going on voluntary retirement or who are asked to retire by the Appointing Authority prematurely, other than as a disciplinary measure.
- (f) The benefit of cash payment of unutilized leave shall also be admissible to Council servants going on invalidation pension. The benefit in their case shall be up to a maximum of 300 days of the leave plus half pay leave at his / her credit at the time of such invalidation but not extending beyond the date of superannuation.

15. (i) Study leave may be granted to a Council servant on such terms as may be prescribed by general or special orders on rules made in this behalf by the Committee to enable him to undergo, in India or out of India, a special course of study or instruction approved by the committee in public interest.

(ii) Such leave should not be granted to officer of less than five years service or to officers within five years of the date at which they have the option of retiring and it should not involved an absence of over two years in the whole period of an officer’s service.

(iii) Study leave will count as service for promotion and pension but not for any other leave.

(iv) During study leave an officer will draw leave salary according to the nature and admissibility of the leave applied for.

(v) Such leave shall not be debited to the leave account.

16. (i) Maternity leave may be granted to a female employee on full pay for a period which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier.

(ii) Such leave shall not be debited to the leave account.

(iii) Maternity leave may be combined with leave of any other kinds but any leave applied for in continuation of maternity leave may be granted only if the application for leave is supported by a medical certificate.

(iv) Maternity leave may also be granted in cases of miscarriage including abortion subject to the condition that the leave applied for does not exceed six weeks and the application for leave is supported by a medical certificate.

N.B. In case of a Council servant in the rural areas where there is no Medical Officer, Leave of 6 (six) weeks from the date of confinement may be granted on a certificate granted by a responsible person.

17. An officer on leave shall not take any service or accept any employment without obtaining the permission of the Committee.
18. No officer who has been granted leave on medical certificate of infectious diseases shall return to duty without first producing a medical certificate of fitness in such form as the committee may, by order prescribe.
19. All orders recalling an officer to duty before expiry of leave granted to him shall state whether the return to duty is optional or compulsory. If the return is optional, the officer is not entitled to any concession. If it is compulsory, he shall be entitled to be treated as on duty from the date on which he starts for the station to which he is ordered and to draw T. A. admissible to him for the journey but to draw until he joins his post, leave salary only.
20. Overstay of leave-An officer who remains absent at the end of his leave is entitled to no leave salary for the period of such absence and that period shall be debited to his leave account as though it were leave on half pay, unless his leave is extended by a competent authority. Willful absence from duty after the expiry of leave may render an officer liable to disciplinary action.
21. An officer who is dismissed or removed or compulsorily retired from service but is reinstated on appeal or revision shall be entitled to count his former service for leave.

Casual Leave

22. (i) Casual Leave for short period is not recognized as leave and it is not subject to any rule. An officer on casual leave is not treated as absent from duty and his salary is not intermitted.
- (ii) Casual leave may be granted to an officer up to a maximum of 15 days in any one year subject to the condition that more than 10 days may be granted at any one time.
- (iii) It cannot be combined with any kind of leave and if so combined the whole period of absence will be treated as ordinary leave due.
- (iv) It may not also be combined with any public holiday or Sunday, unless specially allowed by a competent authority.

Quarantine Leave

23. Quarantine leave is leave of absence from duty necessitated by order not to attend office in consequence of the presence of infectious diseases in the family or household of a Council servant or detention in plague camps. Such leave may be granted by the head of the office on the certificate of a Medical or Public Health Officer for a period not exceeding 21 days or, in exceptional circumstances, 30 days.

Any leave necessary for quarantine purposes in excess of this period shall be treated as ordinary leave. Quarantine leave may also be granted when necessary in continuation of other leave subject to the above maximum. No substitute should be appointed in place of an officer absent on quarantine leave. An officer of quarantine leave is not treated as absent from duty and his pay is not intermitted.

CHAPTER V

Travelling Allowance Rules

1. Travelling allowance is granted to a Council servant to cover expenses which he incurs during journeys in the interest of public service and shall not be a source of profit to the recipient. It includes allowances for maintenance of conveyance, houses and tents.

Classification of Officers

2. For purpose of Travelling Allowance the officers of the Council are classified into four classes (or grades) as below: -

(1) The first class (grade) includes -

- (a) The Secretary, Executive Committee.
- (b) The Secretary, Legislative Department.
- (c) The Judge and Additional Judge Autonomous District Council
- (d) The Joint Secretary.
- (e) The Magistrate with 1st Class powers.
- (f) The Chief Forest Officer.
- (g) The Deputy Secretary.
- (h) The Engineer of the rank of Engineer and above.

(2) The Second Class (grade) includes -

- (a) The Under Secretary
- (b) The Special Officer.
- (c) The Deputy Chief Forest and the Assistant Chief Forest Officer
- (d) The Licensing Officer
- (e) The Assistant Engineer.
- (f) The Enforcement Officer.
- (g) The Supervisor Land survey.
- (h) The Education Officer.
- (i) The Editor.
- (j) the Accounts Officer.”

(3) The Third Class or Grade includes all other officers in subordinate services and other not include in the above classes.

(4) The fourth class (grade) includes all other officers in the inferior, service such as those of duffries, porters, orderlies, chokidars, peons, river guard, forest guard, process-servers, messengers, menials, sweepers and any other petty officers who may be classed such and included from time to time in the service.

(5) The classification of and officer who has no substantive appointment shall be regulated by pay.

(6) The Meghalaya Travelling Allowance Rules 1985, as amended from time to time by the Government of Meghalaya, shall mutatis mutandis apply to the Council servant

Note – All reference in the said Rules to the State Government, Government servant, Controlling Officer and other authorities therein shall be construed as reference to the Chief Executive Member, Council servant Secretary, Executive Committee and other officer respectively as may be authorize by the Chief Executive Member.

(7) An officer in transit from one post to another rank in the lower of two classes of grades.

CHAPTER VI

Classification, Discipline and Appeal Rules.

1. The Services of the Council shall be classified as follows:-
 - (1) The Council Class I Service
 - (2) The Council Class II Service
 - (3) The Council Class III Service
 - (4) The Council Class IV Service

If a service consists of more than one grade, different grade may be included in different classes.

2. The Council services, Classes I, II, III and IV shall consist the services and grades of services specified in the Schedule.

SCHEDULE

CLASS I SERVICE

1. The Secretary, Executive Committee.
2. The Secretary, Legislative Department.
3. The Judge and Additional Judge Autonomous District Council.
4. The Joint Secretary.
5. The Magistrate with 1st Class powers.
6. The Chief Forest Officer.
7. The Deputy Secretary.
8. The Engineer of the rank of Executive Engineer and above.

CLASS II SERVICE

1. The Under Secretary.
2. The Special Officer.
3. The Deputy Chief Forest officer and Assistant Chief Forest Officer.
4. Licensing Officer.
5. The Assistant Engineer.
6. The Enforcement Officer.
7. The Supervisor of Land survey.
8. The Education Officer.
9. The Editor.
10. The Account Officer.

CLASS III SERVICE

The service includes all other Officer in subordinate service and other not included in Class I or Class II Service, L. P. School Teachers, trained or untrained are included here.

CLASS IV SERVICE

The Service includes all other officers' inferior service such as those of Duftries, Porters, Orderlies, Choukidars, Peons, River Guards, Forest Guards, Process Servers, Messengers, Menial Sweepers and any other petty officers who may be classed as such and included from time to time in the service.

3. **Suspension** – (1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Committee in that behalf or authority competent to impose any other penalties specified in rule 4 may place a Council servant under suspension -
 - (a) Where a disciplinary proceeding against him is contemplated or pending, or
 - (b) Where a case against him in respect of any criminal offence is under investigation or trial.

(2) an officer who is detained in custody whether on criminal charge or otherwise, for a period exceeding forty eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the appointing authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service impose upon an officer is set aside in appeal or on review and the case is remitted for further inquiry or action or with any other directions or is set aside or declared or rendered void by a decision of a Court of Law and the disciplinary authority decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the officers shall be deemed to have been place under suspension by the appointing authority from the date of the original order of dismissal, etc., and shall continue to remain under suspension until further orders.

(4) An order of suspension may at any time be revoked by the authority which made or is deemed to have made the order by any authority which that authority is subordinate.

Discipline

4. Discipline – The following penalties may, for good sufficient reasons, be imposed on a Council servant, namely: -

- (i) Censure, (ii) withholding increments or promotion, (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Council by negligence or breach of orders, (iv) reduction to a lower service, grade or post, to a lower time scale, or to a lower stage in a time scale, or to a lower stage in a time scale, (v) compulsory retirement, (vi) removal from service which shall not be a disqualification for future employment, (vii) dismissal from service which shall be a disqualification for employment.

Explanation – The following shall not amount to a penalty within the meaning of this rules: -

- (i) Withholding of increments of an officer for failure to pass a departmental examination in accordance with rules or orders governing the service or post or the terms of his appointment;
- (ii) stoppage of an officer at the efficiency bar in the time scale in the ground of his unfitness to cross the bar;
- (iii) non-promotion whether in a substantive or officiating capacity of an officer, after consideration of his case, to a service, grade or post for promotion to which he is eligible;
- (iv) reversion to a lower service, grade or post of an officer officiating in a higher service, grade or post on the ground that he is considered, after trial, to be unsuitable for such higher service, grade or post;
- (v) reversion to his permanent service, grade or post, of an officer appointed on probation to another service, etc., during the end of the period of probation in accordance with the terms of his appointment or rule and orders governing probation;
- (vi) replacement of the service of an officer borrowed from the State Government or from any other authority;
- (vii)(a) termination of the services of an officer appointed on probation, during or at the end of the period of probation in accordance with the terms of his appointment or the rules and order governing probation; or

(b) of a temporary officer in accordance with rule 20 of Chapter III, General Rules regulating appointment and promotions.

(c) of an officer employed under an agreement in accordance with the terms of such agreement.

Note – Suspension can be ordered by a competent authority pending a departmental enquiry into alleged misconduct. Suspension of this kind is an administrative measure and is not a penalty. No hard and fast rule can be laid down regarding suspension during a departmental enquiry but generally suspension should be resorted to where the charges are serious and where the continuance of a Council servant in service pending an enquiry is likely to lead to disappearance of material evidence against him or cause further loss to the Council.

Procedure for imposing major penalties

5. (1) No order in imposing on a Council servant any of the penalties specified in clauses (IV) to (VII) of rule 4 shall be passed excepted after an inquiry, held as far as may be, in the manner here in after provided.

(2) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held, such charges, together with statement of the allegations on which they are based, shall be communicated in writing to the Council servant and he shall be required to submit, within such time as may be specified by the disciplinary Authority, a written statement of his defence and also to state whether he desires to be heard in person.

Explanation – “Disciplinary Authority” includes the appointing authority and any other authority competent to impose any of the penalties specified in rule 4.

(3) The Council servant may, for the purpose of preparing his defence, be permitted to inspected and take extract from such officer records as he may specify in the presence of another responsible Council servant, provided such permission may be refused, if, for reason to be recorder in writing, in the opinion of disciplinary authority such records are not relevant for the purpose or it is against the public interest to allow him access there to.

(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the disciplinary authority may it self inquire in to such of the charges as are not admitted or appoint an inquiring Officer for the purpose.

Explanation – “Inquiring Officer” means an officer empowered by the disciplinary authority to draw up and conduct actual proceedings and records his findings thereon.

The Council servant may present his case before the Inquiring Officer with the assistance of any other Council servant approve by the disciplinary authority but may not engage a legal practioner for the purpose unless the disciplinary authority having regard to the circumstances of the case, so permits.

(6) The inquiring officer shall, in the course of the enquiry, considered such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The Council servant shall be entitled to cross examined witnesses examined in support of the charges and to give evidence in person. The inquiring officer shall be entitled to cross-examined the Council servant and the witnesses examined in his defence. If the inquiring officer declines to examined any witness on the ground that his evidence is not relevant or material, he shall record his reasons in writing.

(7) On completion of the inquiry, the inquiring officer shall prepare a report of the inquiring recording his findings on each of the charges together with reasons therefor. If in the opinion of the inquiring officer the proceeding of the inquiry establish charges deferent from these originally framed it may record findings on such charges provided that findings on such charges shall not be recorded unless the Council servant has admitted the fact constituting them or has had an opportunity of defending himself against him.

(8) The record of inquiry shall includes: -

- (i) The charges framed against the Council servant and the statement of allegations furnish to him under the sub-rule (2),
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in course of the inquiry;
- (iv) the documentary evidence considered in the course of enquiry;
- (v) the order, if any, made in regard to the enquiry; and \
- (vi) a report setting out the findings on each charge and the reasons therefor.

(9) The Disciplinary authority shall, if it is not the enquiring officer, considered the record of the enquiry and record its findings on each charge.

(10) (i) If the Disciplinary Authority, having regard to its findings on the charges is of opinion that any of the penalties specified in clauses (iv) to (vii) of rule 4 should be imposed, it shall-

(a) furnish to the Council servant a copy of the report of the inquiring officer and, where the Disciplinary Authority is not the inquiring officer a statement of its findings together with brief reason for disagreement if any with the finding of the inquiring officer; and

(b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action.

(ii) (a) On receipt of the representation or if no such representation is received within the time specified, the record of the enquiry together with a copy of the notice given under clause (1) and the representation made in response to such notice, if any, shall be considered by the Disciplinary Authority to a panel of advisers to be appointed by the Executive Committee for their advice.

(b) On receipt of the advice stated in (a) above the Disciplinary Authority shall consider the representation, if any, made by the Council servant as aforesaid, and the advice given by the panel of the advisers and determine what penalty, if any, should be imposed on the Council servant and pass appropriate order on the case.

(11) If the Disciplinary Authority having regard to its findings is of opinion that any of the penalties specified in clauses (i) and (ii) of rule 4 should be imposed, it shall pass appropriate orders on the case.

(12) Order passed by the Disciplinary authority shall be communicated to the Council servant.

Procedure for imposing minor penalties

6. (1) No order imposing any of the penalties specified in clauses (i) to (iii) of rule 4 shall be imposed except after -

(a) the Council servant is informed in writing of the proposal to take action against him and of the allegation on which it is proposed to be taken and given an opportunity to make any representation he may wish to make;

(b) such representation, if any, is taken into consideration by the disciplinary authority.

(2) The record of proceedings in such cases shall include -

(i) a copy of the intimation to the Council servant of the proposal to take action against him;

(ii) a copy of the statement of allegations communicated to him;

(iii) his representation, if any, and

(iv) the orders on the case together with the reasons thereof.

Special procedure in certain cases

7. Notwithstanding any thing contained in the last two rules 5 and 6 :-

(i) where a penalty is imposed on a Council servant on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the disciplinary authority is satisfied for reason to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in the said rules; or

(iii) where the committee is satisfied that in the interest of the security of the District, it is not expedient to follow such procedure;

The disciplinary authority may consider the circumstances of the case and pass such order thereon as it deems fit, provided that the panel of advisers shall be consulted before passing such orders in any case involving the imposition of any of the penalties specified in clauses (iv) to (vii) of rule 4.

Regarding officers borrowed from State Government, etc

8. (1) Where an order of suspension is made or a disciplinary proceeding is taken against a Council servant whose services have been borrowed from a state Government or from any other authority,

the authority lending his services (or the lending authority) shall forthwith be informed of the circumstances leading to the order of suspension of the commencement of the disciplinary proceedings at the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against the Council -

(i) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses, (i) to (iii) of rule 4 should be imposed on him. It may, after consultation with the lending authority, pass such orders on the case as it deems necessary; provided that in the event of a difference of opinion between the Committee (borrowing authority) and the lending authority the services of the Council servant shall be replaced at the disposal of the lending authority.

(ii) if the Disciplinary authority is of the opinion that any of the penalties specified in clauses (iv) to (vii) of rule 4 should be imposed on him it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

A P P E A L

9. A Council servant may appeal against an order of suspension to the authority to which the authority which made, or is deemed to have made, the order is immediately subordinate.
10. A Council servant belonging to Classes II, III and IV services may appeal against an order imposing any of the penalties specified in rule 4 to the authority to which the authority imposing the penalty is immediately subordinate or to the appointing authority or to the Committee.
11. A Council servant belonging to Class I service may appeal to the Appointing Authority against an order made by an authority subordinate to it and to the Governor against an order made by any other authority, imposing upon him any of the penalties specified in rule 4.
12. **Appeal against other orders** – (1) A Council servant may appeal against an order which –
 - (a) Denies or varies to his disadvantage, his pay, allowances, pension or other conditions of services as regulated by any rule of by agreement; or
 - (b) interprets to his disadvantages the provisions of any such rules or agreement to (i) the Committee and to the Governor if he belongs to Class I service, and to (ii) the appointing authority and to the Committee if he belongs to any one of the Classes II, III and IV services.

(2) **An appeal against an order** -

 - (a) Stopping a Council servant at the efficiency bar on the ground of his unfitness to cross the bar;
 - (b) reverting to a lower service, grade, or post, a Council servant officiating in a higher service, post or grade, otherwise than as penalty;
 - (c) reducing or withholding the pension or denying the maximum pension admissible under the rules, and
 - (d) determining the pay and allowances for the period of suspension to be paid to a Council servant on his reinstatement and any other matter relating to the period of suspension;

Shall lie – (i) if the Council servant is a member of the Class I service, to the Committee and to the Governor, and (ii) if the Council servant is a member of any of the Classes II, III and IV services, to the Appointing authority and to the Committee.
13. No appeal shall lie against any order made by the Governor.
14. **Period of Limitation** – No appeal under these rules shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against provided the appellate authority may entertain the appeal after the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.
15. **Form and Contents of appeal** – (1) Every person submitting an appeal shall do so separately and in his own name. (2) The appeal shall be addressed to the authority to whom the appeal lies shall contain

all material statements and arguments and on which the appellant relies and shall not contain any disrespectful or improper language and shall be completed in itself.

16. Submission of appeals – Every appeal shall be submitted through proper channel and through the authority which made the order appealed against; provided that a copy of the appeal may be submitted direct to the appellate authority.

17. Considerations of appeals – In case of an appeal against an order imposing any penalty specified in rule 4, the appellate authority shall consider: -

(a) Whether the facts on which the order was based have been established;

(b) whether the facts established afford sufficient ground for taking action; and

(c) whether the penalty imposed is adequate, inadequate or excessive ; and after such consideration pass such orders as it thinks proper.

Provided that if the appellate authority proposed to enhance the penalty imposed it shall, before passing such order follow the procedure appropriate to the imposition of penalty if such procedure has not been followed.

18. In the case of an appeal against an order under rule 13, the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

19. An authority from whose orders an appeal is proposed under these rules shall give effect to any order made by the appellate authority.

20. (1) An appeal may be with held by an authority from whose order it is preferred, if –

(a) no appeal lie under these rules; or

(b) it is not preferred within three months as specified in rule 14 and no cause is shown for the delay; or

(c) it is a repetition of previous appeal; or

(d) it is not in accordance with rule 15 or 16;

(e) it is addressed to an authority to which no appeal lies.

Provided that: -

(1) when the appeal is with held the appellant shall be informed of the fact and reason for it;

(2) an appeal withheld on the ground only that it does not comply with the provisions of rules 15 and 16 may be resubmitted at any time within one month of the date on which the appellant was informed of the withholding of the appeal and, if resubmitted in a form with complies with those provisions shall be with held.

21. No appeal shall lie against the withholding of an appeal by a competent authority.

22. Every appeal which is withheld under these rules shall be forwarded to the appellate authority by the authority against whose order the appeal is preferred with an expression of opinion.

23. An appellate authority may call for any appeal admissible under these rule which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

24. Notwithstanding anything contained in the foregoing provisions the Committee may, of its own motion or otherwise, call for the record of any case in a disciplinary proceeding in which an order has been made by an authority subordinate to it, and

(a) confirm modify or reverse the order, or

(b) direct that further inquiry be held in the order, or

(c) make such other order in the case as it may deem fit:

Provided that where it is proposed to enhance the penalty imposed by any such order, the Council servant concerned shall be given an opportunity or showing cause against the proposed enhancement in accordance with the procedure appropriate to the imposition of penalty if such procedure has not been followed.

Provided that no action under this rule shall be initiated more than three months after the date of the original order.

25. Where a doubt arises as to whether any authority is subordinate to or higher than any other authority or as to the interpretation of any of the provision of these rules, the matter shall be referred to the Committee whose decision thereon shall be final.

CHAPTER VII

Conduct Rules, 1961

The following rules shall apply to all persons appointed to services and posts in connection with the affairs of the Council –

1. Every Council Servant, shall at all times maintain absolute integrity and devotion to duty.
2. No Council Servant, except with the previous sanction of the committee, shall permit his son, daughter or dependant to accept employment with any private firm with which he has official dealings.
3. **Taking part in politics and elections** – (1) No Council Servant shall be member of or be otherwise associated with any political party or any organisation which takes part in politic, nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of a Council servant endeavour to prevent any member of his family from taking part in any manner in any movement or activity which tends directly or indirectly to be subversive of the Government or Council or Committee established by law.

(3) If any question arises weather any movement or activity falls within the scope of these rules the decision of the Committee shall be final.

(4) No Council servant shall canvass or otherwise interfere or use his influence in connection with, or take part in an election to any Legislature Council or Local authority.

Provided that- (i) a Council servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted:

(ii) a Council servant shall not be deemed to have contravence the provisions of this rule by reason only that he assists in the conducts of an election in due performance of a duty imposed on him or under any law for the time being in force;

(iii) the display by a Council servant on his person or vehicle of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.
4. **Demonstration and Strikes** – No Council servant shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of services.
5. **Joining of any Association** – No Council servant shall join or continue to be a member of any Service Association of Council Servant which (a) has not, within a period of six months from its formation, obtained recognition of the Committee under the rules prescribed in that behalf, or (b) recognition in respect of which has been refused or withdrawn by the Committee under the said rules.
6. **Connection with Press or Radio** – (1) No Council servant shall, except with the previous sanction of the Committee, own wholly or in part, or conduct or participate in the editing or managing of, any news paper or other periodical publication.

(2) No Council servant shall, except with the previous sanction of the Committee or any other competent authority, or in the bonafide discharge of his duties participate in a Radio broadcast or

contribute any article or write any letter either anonymously or in his own name of any other person to any newspaper or periodical.

Provided no such sanction shall be required if such broadcast or such contribution is of purely literary, artistic or scientific character:

7. **Criticism of the Committee, etc.** – No Council servant shall in any radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion – (i) which has the effect of an adverse criticism of any policy or action of the Council, or Committee or the central or State Government or,

(ii) which is capable of embarrassing the relations between the Central Government and the Council or State Government and the Council or the Central Government and any State Government:

Provided that nothing in this rule shall apply to any statements made or views expressed by a Council servant in his official capacity or in the due performance of the duties assigned to him.

8. **Giving evidence** – (1) save as provided in sub-rule (3), no Council servant shall, except with the previous sanction of the Committee, give evidence in connection with any inquiry conducted by any person Committee or authority.

(2) where any sanction has been accorded under sub-rule (1) no Council servant giving such evidence shall criticize policy or any action of the Council, Committee, or of the Central or State Government.

(3) Nothing in this rule shall apply to – (a) evidence given at an inquiry before an authority appointed by the Central Government or state Government, by Parliament or by the State Legislature or the Council, or

(b) evidence given in any judicial enquiry, or (c) evidence given at any department inquiry ordered by the Council, Committee or authorities subordinate to it.

9. No Council servant shall, except in accordance with any general or special orders of the Committee or in the performance in good faith of the duties assigned to him, communicate directly or indirectly any official document or information to any Council servant or any other person or to the press to whom he is not authorised to communicate such document or information.

10. **Gifts** – (1) No Council servant shall, except with the previous sanction of the Committee, accept or permit his wife or any other member of the family to accept from any person any gift of more trifling value;

Provided that gifts of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasion such as wedding, anniversaries, funeral and religious functions, when the making or receiving of such gifts is in conformity with prevailing religious or social custom.

(2) If a question arises whether any gifts is of a trifling value or not, a reference shall be made to the Committee whose decision thereon shall be final.

11. **Public Demonstration in honour of Council servant** – No Servant, except with the previous sanction of the Committee shall receive any complimentary or valedictory address or accept any testimonial or attend any meeting or 4entertainment held in his honour or in the honour of any other Council servant;

Provided that nothing in this rule shall apply to: -

(i) a farewell entertainment of a substantially private and informal character held in honour of a Council servant or any other Council servant on the occasion of his retirement or transfer or any person who has recently quitted service of any Government; or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

- 12. Private trade and employment** – (1) No Council servant shall except with the previous sanction of the Committee, engage directly or indirectly, in any trade or business or undertake any employment:

Provided that a Council servant may, without such sanction, undertake honorary work of social, cultural, or charitable nature or occasional work or a literary artistic or scientific character, subject to the condition that his official duties do not thereby suffer.

(2) No Council Servant shall except with the previous sanction of the Committee, take part in the registration, promotion of management of any bank or other company registered under any law for the time being in force.

Provided that a Council servant may make part in the registration, promotion or management of a co-operative society, or of literary, scientific or charitable Society registered under any law for the time being in force.

- 13. Investment, lending and borrowing** – (1) No Council servants shall speculate in any investment.
(2) No Council servant shall make, or permit his wife or any member of his family to make, any investment likely to embarrass or influence him in the discharge of his official duties.

(3) If any question arises whether a security or investment is of the nature referred to in sub-rule (1) or sub-rule (2) decision of the Committee thereon shall be final.

(4) No Council servant shall except with the previous sanction of the Committee, lend money to any person possessing land or valuable property within the local limits of his authority, or at interest to any person:

Provided that a Council servant may make an advance of pay to a private servant, or give a loan of small amount free of interest to a personal friend or relatives even if such person possesses land within the local limits of his authority.

(5) No Council servant shall, save in the ordinary course of business with a bank or a firm of standing, borrow money from or otherwise place himself under pecuniary obligation to any person within the local limit of his authority, or any other person with whom he is likely to have official dealings, nor shall he permit any member of his family, except with the previous sanction of the Committee to enter into any such transaction.

Provided that a Council servant may accept a purely temporary loan of small amount, free of interest, from a personal friend or relative or operate a credit account with a bonafide tradesman.

- 14. Insolvency and habitual indebtedness** – A Council servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Council servant who becomes the subject of a legal proceeding for insolvency shall forthwith report the full facts to the Committee.

- 15. Moveable, immoveable and valuable property** – (1) A Council servant of Class I and Class II services shall, on first appointment in the Council service and thereafter at intervals of every twelve months submit a return in such form as the Committee may prescribe in this behalf, of all immoveable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family.

(2) The Committee or any authority empowered by it in this behalf may at any time, by general or special orders required a Council servant to submit, within a period specified in the order a full and complete statement of such moveable or immoveable property held or acquired by him or by any member of his family as may be specified in the order, such statement shall, if so required by the Committee or by the authority so empowered, include details of the means by which, or the source from which, such property was acquired.

- 16. Vindication of acts and character of Council servants:** - No Council servant shall, except with the previous sanction of the Committee, have recourse to any Court or the press for the vindication of any official act which has been the subject matter of adverse criticism or an attack of defamatory character. Nothing in this rule shall be deemed to prohibit a Council servant from vindicating his private character or any act done by him in his private capacity.

17. **Canvassing of non-official or other outside influence** – No Council servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Council.
18. **Bigamous marriages** – No person who has more than one wife shall be eligible for appointment to the Council service. A Council servant who has a wife living shall not contract another marriage without first obtaining the permission of the Committee, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.
19. **Delegation of Powers** – The Committee may, by general or special order, direct that any power exercisable by it or any Head of Department under this rule shall subject to such conditions if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.
20. **Interpretation** – If any question arises relating to the interpretation of these rules, it shall be referred to the Committee whose decision thereon shall be final.

CHAPTER VIII

PENSIONS

General Rules

1. Future good conduct is an implied condition of every grant of pension. The committee reserve to themselves the right of withholding or withdrawing a pension or any part of it if the pensioner be convicted of serious crime or be guilty to grave misconduct.
2. The Committee also reserve to themselves the right to order the recovery from the pension of an officer of any amount on account of losses bound in judicial or departmental proceedings to have been caused to the Council by the negligence or fraud of such officer during his service provided that such judicial or departmental proceedings shall be instituted not later than a year from the date on which he was last on duty and shall be in respect of and even which took place not more than a year before the date on which the officer was last on duty.
3. No pension shall be granted to an officer dismissed or removed for misconduct, insolvency or inefficiency; but the officers so dismissed or removed compassionate allowances may be granted when they are deserving of special consideration; provided that the allowance granted to any officer shall not exceed two-thirds of the pension which would have been admissible to him if he had retired on medical certificate.
4. (a) An officer cannot earn to pensions in the same office at the same time, or by the same continuous service.

(b) Two officers may not simultaneously count service in respect of the same office or post.

(c) A Council servant who having retired on a superannuation pension or retiring pension is subsequently re-employed shall not be entitled to a separate pension or gratuity for the period of such re-employment.

Condition of qualifying service

5. (1) An officer's service does not qualify till he has completed twenty years of age and eighteen years of age in case of an officer in inferior of Class IV service. The service of every officer begins when he take charge of the office to which he is first appointed.

(2) Staff paid from contingencies is not entitle to any pension or gratuity and the age of compulsory retirement for all categories of Class IV servants (in inferior service) shall be 60 years.
6. The service of another does not qualify for pension unless it conforms to the following three conditions: -

First – The service must be under the Council.

Second – The employment must be substantive and permanent.

Third – The service must be paid by the Council.

7. The Committee may, however, in the case of service paid by or from the Council even though either or both of conditions (1) and (2) are not fulfilled -
 - (1) declared any specified kind of service rendered in a non-gazetted capacity shall qualify for pension;
 - (2) in individual cases, and subject to such conditions as it may think fit to impose in each case, allow service rendered by an officer to count for pension.
8. **First Condition** – The service of an officer does not qualify unless he is appointed and his duties and pay are regulated by the Committee or under conditions determined by the Committee.
9. **Second Condition** – Service does not qualify unless an officer holds a substantive office on a permanent establishment.
10. An officer transferred from a temporary to a permanent appointment can count his service in the temporary office, if, though at first created experimentally or temporarily, it eventually becomes permanent.
11. An officer without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in his service, count his officiating service.
12. the service of a probationer who holds a substantive office and draws substantive pay qualities. So does that of an officer who is on probation for a substantive office, if he is employed in a vacancy reserved for him pending probation, and in which no other officer simultaneously counts service.
13. An officer on a permanent establishment detached on temporary duty, on the understanding that when the temporary duty ceases, he will return to the permanent establishment, counts his detached service.
14. **Third Condition** – (1) Service paid from the revenues of the Council qualifies and service paid from any other sources of remuneration does not qualify unless the Committee otherwise declare.
 - (2) Half the continuous temporary service under the Council, rendered after an officer has attained the minimum qualifying age, is followed by confirmation in a pension able post, will count as “qualifying service”. This benefit will not, however, be allowed in respect of period of extraordinary leave and any temporary service or portion thereof which already counts towards” qualifying service” under the existing rules.

Suspension, Resignation Breaks and Deficiencies in Service

15. Time passed under suspension pending enquiry into conduct counts, if the suspension is immediately followed by reinstatement, but time passed under suspension adjudged as a specific penalty does not count.
16. If an officer, who has been suspended, pending enquiry into his conduct, is reinstated but with forfeiture of any parts of his allowance for the period of suspension, this period does not count unless the authority who reinstates the officer, expressly declares at the time that it shall count.
17. Resignation of the public service; or dismissal or removal from it for misconduct insolvency, inefficiency not due to old age, or failure to pass a prescribe examination entails forfeiture of past service.
18. Resignation of an appointment to take up another appointment service in which counts, is not a resignation of the public service.
19. any authority who, on revision or appeal, reverses, an order dismissing or removing an officer, may declare that the officer’s past service counts.

20. An interruption in the service of an officer entails forfeiture of his past service, except in the following cases: -
- (a) Authorised leave of absence.
 - (b) Unauthorised absence in continuation of authorised leave of absence so long as the office of the absence is not substantively filled, if his office is substantively filled the past service of the absence is forfeited.
 - (c) Suspension immediately followed by reinstatement, which need not be to the same office.
 - (d) Abolition of office or loss of appointment owing to reduction of establishment.
 - (e) Transfer to non-qualifying service in an establishment under the control of the Council or Committee by a competent authority.
 - (f) Time occupied in transit from one appointment to another, provided the transfer is under the orders of a competent authority.
21. the authority who sanction of the pension may commute retrospectively periods of absence without leave into leave without allowance or extraordinary leave.
22. Upon any conditions which it may think fit in each case to impose, the authority competent to sanction the pension of an officer may condone a deficiency of three months in his qualifying service.
23. (1) Upon any conditions which it may think fit in each case to impose, the authority competent to sanction the pension of an officer may condone a deficiency of three months in his qualifying service.
- (2) the Committee may similarly condone a deficiency not exceeding twelve months.

Period of leave counting for qualifying service

24. (i) Any period of earned leave upto 120 days in any one spell shall count as service for pension.
- (ii) Any other period of leave during which leave salary is drawn shall count as leave with allowance.
- (iii) Study leave when admissible shall count as service for pension.
- (iv) Maternity leave or leave salary equal to average pay.

Time passed on leave with allowance counts as service for pension as follows: -

If the total service of the officer is not less than He counts as services a period of leave not exceeding.

15 years	1 years
20 years	2 years
25 years	3 years
30 years	4 years
35 years	5 years

Note – 1. Commuted leave should be treated in the same way a leave on half pay for purpose of this rule.

2. Total service means total service reckoning from the date of commencement of service qualifying for pension and includes period of all kinds of leave including extraordinary leave.

Classification of pension.

25. The following are the different kinds of pensions.
1. Compensation pension is awarded to an officer discharged from the public service, if, on reduction of establishment his appointment is abolished and other suitable appointment cannot be found for him.

2. Invalid pension is awarded on his retirement from the public service to an officer who by bodily or mental infirmity is permanently incapacitated from the public service or for the particular branch of it to which he belongs.
3. Superannuation pension is granted to an officer entitled to be compelled, by rule, to retire at a particular age.
4. Retiring pension is granted to an officer who is permitted to retire after completing qualifying service for thirty years or such less time as may for any special reason, be prescribed.
5. Extraordinary pension is granted to an officer who is injured and to the family of such an officer who is killed or dies of injuries received in the execution of public duties.

Emoluments and average emoluments

26. 'Emoluments' means the emoluments which the officer was receiving immediately before his retirement and includes (1) Pay, (2) Personal pay or allowance, (3) Charge allowance, (4) Special pay and (5) Dearness pay, if any, shall count as emoluments for pension and gratuity.
27. (1) Average emoluments means the average of the emoluments calculated on the emoluments drawn for the last ten months of service.

(2) If during the last ten months of his service, an officer has been absent from duty on leave with allowance or having been suspended has been reinstated without forfeiture of service, his emoluments, for the purpose of calculating the average, should be taken at what they would have been had he not been absent from duty or suspended; provided that his pension must not be increased on account of increase in pay not actually drawn.

(3) If, during the last ten months of his service, an officer has been absent from duty on leave without allowances (not counting for pension) or suspended under such circumstances that the period of suspension does not count as service, the period so passed should be disregarded in the calculation of the average, an equal period before the ten months being included.

Amount of Pensions

28. The full pension admissible is not to be given as a matter of course or unless the service rendered has been really approved.

Note – Except the term "Pension" is used in contradistinction to gratuity, "Pension" includes Gratuity.
29. If the service has not been thoroughly satisfactory, the authority sanctioning the pension should make such reduction in the amount as it thinks proper.
30. An officer entitled to pension may not take a gratuity instead of pension.
31. The amount of pension that may be granted is determined by length of service. Fractions of a year are not taken into account in the calculation of any pension admissible to an officer. In adding together broken periods of month, a month should be taken to consist of 30 days.
32. A Council servant may retire from service any time after completing 33 years qualifying service provided that he shall give in this behalf a notice in writing to the appointing authority at least three months before the date on which he wishes to retire. The appointing authority may also require a Council servant to retire any time after he has completed 33 years qualifying service provided that the Appointing Authority shall give in this behalf a notice in writing to the Council servant at least three months before the date on which he is required to retire.

(Rule 25 as amended vide Amendment Rules, 1989)

*(Rule 27 as amended *ibid*)*

(Rule 32 substituted vide Amendment Rules, 1989)

33. The amount of pension shall be regulated as follows: -

(1) In the case of a Council servant retiring in accordance with the provisions of these rules before completing qualifying service of ten years, the amount of service gratuity shall be the appropriate amount as set out below namely: -

Completed six monthly periods of qualifying service		Scale of service gratuity	
1		2	
1	1/2	Month's	Emoluments
2	1	"	"
3	1 1/2	"	"
4	2	"	"
5	2 1/2	"	"
6	3	"	"
7	3 1/2	"	"
8	4	"	"
9	4 3/6	"	"
10	4 3/4	"	"
11	5	"	"
12	5 1/2	"	"
13	5 7/8	"	"

1		2	
14	...	6 1/4	Month's emoluments
15	...	6 5/8	" "
16	...	7	" "
17	...	7 3/8	" "
18	...	7 3/4	" "
19	...	8 1/8	" "

(2) In the case of Council servant retiring in accordance with the provisions of these three rules after completing qualifying service of not less than ten years, the amount of pension shall be 50 percent of the average emoluments.

The amount of pension arrived at on the basis of the above calculation will be related to the maximum qualifying service of 33 years. In respect of Council servants who at the time of retirement, have rendered qualifying service of 10 (ten) years or more but less than 33 years the amount of pension shall be such proportion of the maximum admissible pension as the qualifying service rendered by them bears to the maximum qualifying service of 33 years.

(3) In calculating the length of service, fractions of year equal to six months and above shall be treated as a completed six monthly periods.

EXPLANATION – For the purpose of calculating the length (qualifying) of service, a fraction of three months and above but less than six months shall be treated as one-half year and the period of less than three months shall be ignored.

(4) The amount of pension shall be fixed at monthly rates and be expressed in whole rupees where the pension contains a fraction of a rupee it shall be rounded off to the next higher rupee:

Provided that in no case a pension in excess of the maximum pension prescribed under this rule shall be allowed.

(5) The pension determined in accordance with the above calculation will be subject to a maximum of Rs. 8500, 00 per month.

(Rule 33 substituted ibid and as amended vide Amendment Rules, 2002)

Death-cum-retirement gratuity

34. (1) The amount of death-cum-retirement gratuity will be one-fourth of the emoluments of a Council servant for each completed six monthly period of qualifying service, subject to a maximum of 161/2 times the emoluments or Rs 2,50,000 whichever is less.

NOTE – For the purpose of calculating the qualifying service for Death-Cum-Retirement Gratuity, a fraction of three months and above shall be treated as one-half year and the period less than three months shall be ignored.

(2) If a Council servant dies while in service after completing five years qualifying service, the amount of death-cum-retirement gratuity shall be equal to 12 times of the emoluments or the amount determined under sub-rule (1), whichever is higher, and it shall be paid to the persons on whom the right to receive the gratuity is conferred, and if there is no such nomination or if the nomination made does not subsist, the gratuity shall be manner indicated below: -

(a) If there are one or more surviving members of the family as in items (a), (b), (c) and (d) sub-rule (1) of Rule 35, it may be paid to all such members in equal shares;

(b) If there are no such surviving members of the family as at (a) above, but there are one or more surviving members of the family as in items (e), (f) and (g) of sub-rule (1) of Rule 35, the gratuity may be paid to all such members in equal shares.

(3) If a Council servant who has become eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension together with the death-cum-gratuity admissible under sub-rule (1) are less than the amount equal to twelve times of his emoluments, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (2).

(4) Death-cum-retirement gratuity shall also be admissible in the case of a Council servant who dies while in service before completion of five years' qualifying service at the following rate: -

Length of Service:	Amount of gratuity:
Below one year	Two times the emoluments at the time of death.
Above one year but less than five years.	Six times the emoluments at the time of death.

The above gratuity may be paid to his family in the same manner as indicated in sub-rule (2).

NOTE – “Emoluments” for the purpose of this rule shall be reckoned in accordance with Rule 26 provided that if the emolument of a Council servant have been reduced during the last ten months of his service, otherwise than as a ‘penalty’ average emoluments as defined in Rule 27 may at the discretion of the Executive Committee to sanction the gratuity under this rule be treated as the “Emoluments”.

Nominations

- 35 (1) “Family” for the purposes of this paragraph will include the following relatives of the officer –
- (a) Wife in the case of a male officer.
 - (b) Husband, in the case of a female officer.
 - (c) Sons.
 - (d) Unmarried and widowed daughters.
 - (e) Brothers below the age of 18 years and unmarried or widowed sister.
 - (f) father, and
 - (g) Mother.

Note – (c) and (d) will include step-children.

(2) An officer shall, as soon as he completes five years' qualifying service, make a nomination conferring on one or more persons the right to receive, any gratuity that may be sanctioned under sub-rule (2) and (4) of rule 34:

Provided that if, at the time of making the nomination, the officer has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(3) If an officer nominates more than one person under sub-rule (2), he shall specify in the nomination the amount of share payable to each of the nominee in such manner as to cover the whole amount of the gratuity.

(4) An officer may be provided in a nomination -

(a) In respect of any specified nominee, that in the event of his predeceasing the officer, the right conferred upon that nominee shall pass to such other member of the officer's family as he may specify in the nomination.

(b) That the nomination shall become invalid in the event of the happening of a contingency, specified therein.

(5) The nomination made by an officer who has no family shall become invalid on his subsequent acquiring a family.

(6) (a) Every officer may at any time cancel a nomination by sending a notice in writing to the appropriate authority, provided that the officer shall, along with such notice, send a fresh nomination made in accordance with this paragraph.

(7) Immediately on the death of a nominee in respect of whom on special provision has been made in the nomination under clause (a) of sub-special provision has been made in the nomination under clause (a) of sub-rule (4) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub-rule (5) the officer shall send to the appropriate authority a notice in writing formally canceling the nomination, together with a fresh nomination made in accordance with this paragraph.

(8) Every nomination made and every notice of cancellation given by an officer under this paragraph, shall be sent by the officer to his Accounts Officer in the case of a gazetted officer and to the head of his office in the case of a non-gazetted officer. Immediately on receipt of a nomination from a non-gazetted officer the head of the office shall countersign it indicating the date of receipt and keep it under his custody.

(9) Every nomination made, and every notice of cancellation given by an officer shall, to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in sub-rule (8).

Family pension

36. (1) A family pension not exceeding the amount specified in sub-rule (2) may be granted to the family of an officer in the event of his death after he has completed 20 years' qualifying service, for the following period: -

(a) In the event of death of the officer while in service the pension will be payable, for ten years from the date following the date on which the officer dies, provided that the period of payment of family pension will in no case extend beyond a period of 5 years from the date on which the deceased officer would have retired on a superannuation pension in the normal course.

(b) In the event of death of the officer after retirement, pension will be payable, for the unexpired portion of five years from the date of retirement.

(2) The scale of family pension admissible shall be thirty percent of basic pay subject to the minimum of rupees one thousand two hundred and twenty per mensem and a maximum of rupees five thousand and one hundred.

(3) "Family" for the purpose of this Section will be as defined in sub-rule (1) of rule 35.

(4) No pension will be payable under this rule -

(a) to person mentioned in clause (b) of sub-rule (5) without production of reasonable proof that such person was dependent on the deceased officer for support.

(b) to an unmarried female member of an officer's family in the event of her marriage;

(c) to widowed female member of an officer's family in the event of her remarried;

(d) to a brother of an officer on his attaining the age of 18 years;

(e) to a person who is not a member of an officer's family,

(5) Except as may be provided by a nomination under sub-rule (6)

(a) a pension sanctioned under this rule will be allowed -

(i) to the eldest surviving widow, if the deceased is a male officer or to the husband, if the deceased is a female officer;

(ii) failing a widow or husband, as the case may be, to the eldest surviving son;

(iii) failing (i) and (ii) to the eldest surviving unmarried daughter;

(iv) these failing, to the eldest widowed daughter, and

(b) in the event of no pension becoming payable under clause (a) the pension may be granted –

(i) to the father;

(ii) failing the father, to the mother;

(iii) failing the father and the mother to the eldest surviving brother below the age 18;

(iv) these failing, to the eldest surviving unmarried sister;

(v) failing (i) to (iv) to the eldest surviving widowed sister

(6) Permanent Council servants may, at any time after their confirmation in the Council service, make a nomination in Form E indicating the order in which the pension should be payable to the members of his family; and to the extent that it is valid, the pension will be payable in accordance with such nomination provided the person concerned satisfy the requirements of sub-rule (4) at the time of the grant of the pension. In case the person concerned does not satisfy the requirements of the said sub-rule, the pension shall be granted to the person next lower in the order. The provisions of sub-rule (6) (b), (8) and (9) of rule 35 will apply in respect of nomination under this sub-rule.

(7) (a) A pension awarded under this rule will not be payable to more than one member of an officer's family at the same time;

(b) if a pension awarded under this rule ceases to be payable before the expiry of the period mentioned in sub-rule (1) on account of death or marriage of the recipient or other causes, it will be regranted to the person next lower in the order mentioned in sub-rule (5) or to the person next lower in the order shown in the nomination made under sub-paragraph (6), as the case may be, who satisfied the other provisions of the rule.

(8) A Pension sanctioned under this rule will be tenable in addition to any extra-ordinary pension or gratuity or compensation if any that may be granted to the members of an officer's family under any other rules or Acts.

(9) As in the case of the grant of an ordinary pension, future good conduct of the recipient is an implied condition of every grant of an ordinary pension under the rule. The Council reserve to themselves the right of withholding or withdrawing such a pension or any part of it if the recipient be convicted of serious crime or be guilty of grave misconduct and Council decision in such matter will be final.

Commutation

37. Facilities for commuting pension in accordance with the Assam Civil Pensions (Commutation) Rules apply but the maximum amount of pension which may be commuted will be restricted to one-third of any pension granted under rule 33.

Miscellaneous

38. (1) Committee will have the right to effect recoveries from a gratuity or pension sanctioned under rules 34 and 36 in the same circumstances as recoveries can be effected from an ordinary pension under rules 1 and 2.
- (2) No gratuity or pension may be granted under rules 34 and 36 if the officer was dismissed or removed for misconduct, insolvency or inefficiency. Compassionate grants may, however, be made under these rules in accordance with rule 3.
- (3) A gratuity or pension shall be sanctioned under rules 34 and 36 and after giving due regard to the provisions of rules 28 and 29.

SCHEDULE

(See Rule 21 of Chapter III)

1. Superintendent and Additional Superintendent
2. Area Superintendent and Assistant Superintendent Enforcement.
3. Accountant.
4. Cashier.
5. Seristader and Head Assistant.
6. Assistant Accountant and Nazir.
7. Accounts Assistant.
8. Upper Division Assistant and Criminal Peshkar.
9. Stenographer Grade I, II.
10. Stenographer Grade III and Selection Grade Typist.
11. Lower Division Assistant, Typist and Bench Assistant.
12. Recorded.
13. Trade Enforcement Inspector.
14. Assistant Trade Enforcement Inspector.
15. Sub-Inspector of Schools and Assistant Sub-Inspector of Schools.
16. Overseer Grade I.
17. Overseer Grade II.
18. Overseer Grade III.

FORM 'A'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the officer has a family and wishes to nominate one member thereof.

I hereby nominate the person mentioned below, who is a member of my family, and confer on him the right to receive any gratuity that may be sanctioned in the event of my death.

Name and address of nominee	Relationship with Officer	Age	Contingencies on the happening of which the nomination shall become invalid	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer.
1		3	4	5

Dated this day of..... 19 at

Witnesses to signature-

1. Signature of Officer.

2.

(To be filled in by the head of office in the case of a non-gazette officer).

Nomination by Signature of Head of Office.

Designation

Office

Date

Designation

FORM 'B'

NOMINATION FOR DEATH-CUMRETIREMENT GRATUITY

When officer has a family and wishes to nominate more than one member thereof.

I hereby nominate the persons mentioned below, who are members of my family, and confer on them the right to receive, to the extent specified below, any gratuity that may be sanctioned in the event of my death.

Name and address of nominee	Relationship with Officer	Age	Amount on share of gratuity payable to each	Contingencies or the happening on which the nomination shall become invalid	Name, address and relationships of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing of officer
1	2	3	4	5	6

N.B – The officer should drawn lines across the blank space below the last entry to prevent the insertion of any name after he has signed,

 Dated this day of 19 at

Witnesses to signature

1. Signature of officer,
 2.

 Note – “This column shall be filled in so as to cover the whole amount of the gratuity”.

(To be filled in by the head of office in the case of non-gazette officer).

Nomination by

Designation

Officer Signature of head of office.

Date

Designation

FORM 'C'

NOMINATION FOR DEATH-CUM-RETIREMENT GRATUITY

When the officer has no family and wishes to nominate one person. I having no family, hereby nominate the person mentioned below and confer on him the right to receive my gratuity that may be sanctioned in the event of my death.

Name and address of nominee	Relationship with Officer	Age	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer.
1	2	3	4	5

Dated this day of 19.....at.....

Witnesses to signature –

1. Signature of Head of Office.

2.

(To be filled in by the head of office in the case of a non-gazette officer).

Nomination by Signature by the Head Office

Designation

Office

Date

Designation

FORM 'D'

NOMINATION AOR DEATH-CUM-RETIREMENT GRATUITY

When the officer has no family and wishes to nominate more than one person. I, having no family, hereby nominate the persons mentioned below and confer on them the right to receive to the extent specified below, any gratuity that may be sanctioned in the event of my death.

Name and address of nominee	Relationship with Officer	Age	Amount on share of gratuity payable to each	Contingencies on the happening of which the nomination shall become invalid.	Name, address and relationship of the person, if any, to whom the right conferred on the nominee shall pass in the event of the nominee predeceasing the officer.
1	2	3	4	4	5

Dated this day of19.....at.....

Witnesses to signature –

1. Signature of Head of Office.

2.

(To be filled in by the head of office in the case of a non-gazette officer).

Nomination by Signature by the Head Office

Designation

Office Date

Designation

FORM 'E'
NOMINATION FOR FAMILY PENSION

I hereby nominate the persons mentioned below, who are members of my family to receive in the order shown below the Family Pension which may be granted in the event of my death after completion of 25 years qualifying service.

Name and address of nominee	Relationship with Officer	Age	Whether married or unmarried
1	2	3	4

N.B – The officer should draw lines across the blank space below the last entry to prevent the insertion of any name after he has signed,

Dated this day of 19 at

Witnesses to signature

1. Signature of officer,

2.

(To be filled in by the head of office in the case of non-gazette officer).

Nomination by

Designation

Officer Signature of head of office.

Date

Designation

APPENDIX XVI

(Rule 58 (2))

RECEIPT BOOK

(in duplicate)

..... Town Committee,

United Khasi and Jaintia Hills.

Receipt Book No

Serial No

Dated

Receipt from _____

Sum of Rupees _____ n P. _____

_____ in cash on account of _____

Rs. _____ nP. _____ Signature _____

Designation _____
