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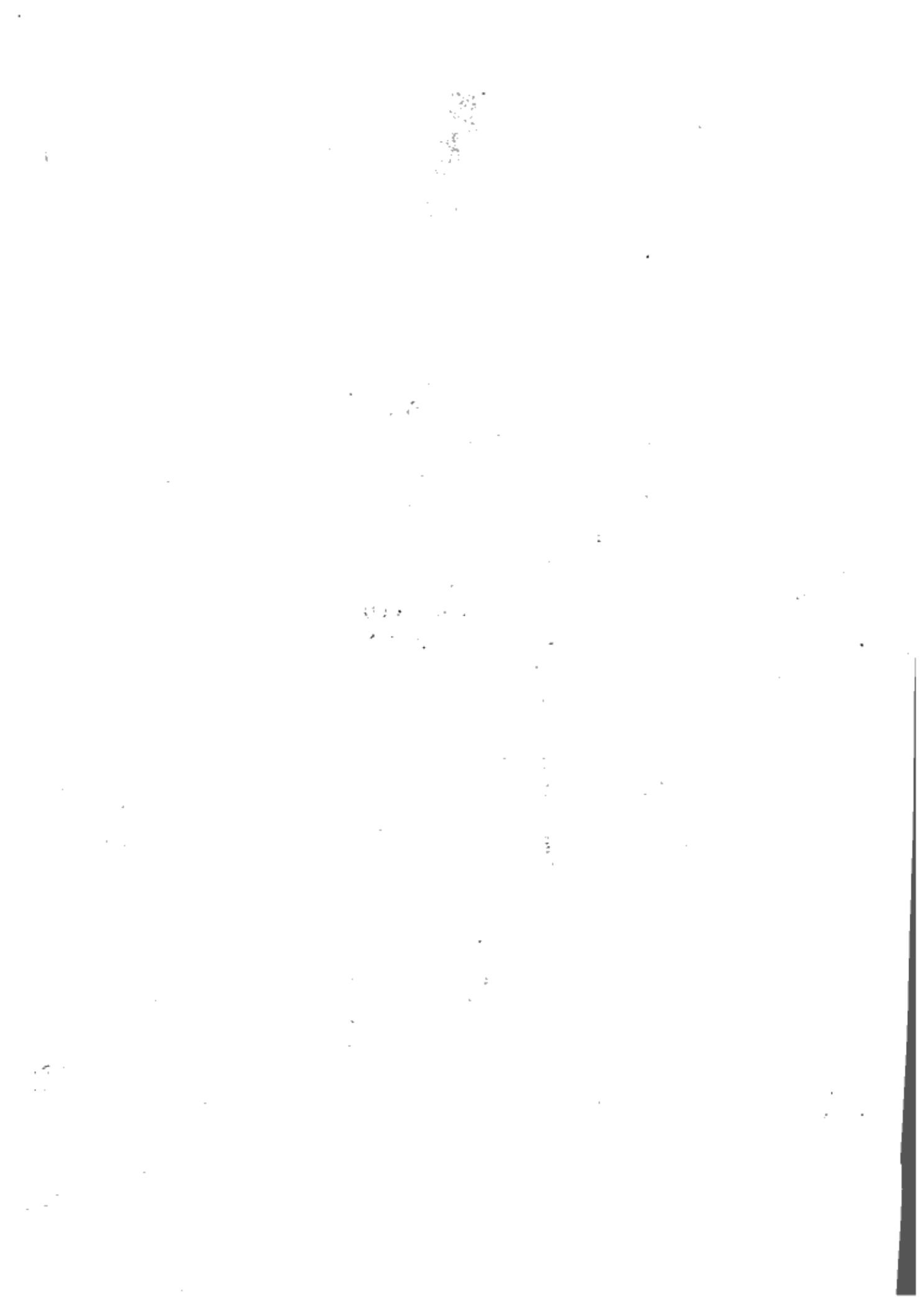
GOVERNMENT OF ASSAM

*HANDBOOK
OF
GENERAL CIRCULARS*

Volume -- II

PERSONNEL CIRCULARS
Administrative Reforms and Training Department

2012



LIST OF CIRCULARS

A

SL NO	SUBJECT	CIRCULAR NO AND DATE
1	Appointment against leave vacancy.	No ABP.74/96/43 dated 30/12/1996
2	Appointment under Regulation 3(f) of the Assam Public Service Commission	No ABP.89/2001/19 dated 29/10/2001.
3	The Assam Public Services (Appointment of family members of persons killed by extremists/terrorists) Rules 1992	No.ABP121/92/Pt-V/136 dated 22/06/04
4	Amendment of Assam Public Service Commission Regulations 1951	No ABP.5/2002/84-A dated 5/01/2005.
5	Raising the age of retirement of State Govt Employees from 58 to 59 years on Superannuation.	No. AAP.115/72/Pt-1/140 dated 25/01/2005
6	Ad hoc appointment under regulation 3(f)/4 (d) of the Assam Public Service Commission Regulation and Limitation of Functions, 1951.	No ABP.78/85/48 dated 10/11/2005.
7	Ad-hoc appointment in conformity with National Policy on reservation of vacancies in services and posts for SC, ST, OBC & MOBC etc.	No-ABP.118/2003/39 dated 16/11/2005.
8	'Assam Woman' (Reservation of vacancies in services and posts) Act 2005.	No ABP 84/2003/97 dated 30/11/2005.
9	Appointment under Regulation 3(f) of Assam Public Service Commission Regulation 1951	No.ABP.76/2005/1 dated 19/12/05.
10	Appointment in the BTC area	No. ABP.98/2002/100 dated 1/3/2006.
11	State level committee for appointment on compassionate ground	No.ABP.50/2006/58 dated 11/10/2006.
12	Filling up of self assessment report of ACR and recording, re-viewing and accepting thereof.	No AAP.22/2007/9 dated 17/03/2007.

13	Deputation of Officers during Assembly Session	No ABP.91/2001/156 dated 1/01/09.
14	Revised guidelines/or appointment on compassionate ground of a son, daughter of a Govt. servant	NoABP.357/80/Vol.1/303 dated2/03/2009.
15	Revised guidelines for appointment on compassionate ground of a son, daughter of a Govt. servant	No ABP.357/80/Vol.1/314 dated 1/10/2009.
16	Amendment of Assam Public Service Commission Regulation 1951	No ABP.96/2008/89 dated 28/1/2010.
17	Raising the upper age limit for entry into State Govt. Services from 36 years to 37 years	No AAP.115/72/Pt-I/152 dated 4-01-2006.
18	Raising the upper age limit for entry into State Govt. Services from 37 years to 38 years	No AAP.115/72/Pt-I/194 dated 10/03/2008.
19	Raising the upper age limit for entry into State Govt. Services in respect of persons with disabilities from 38 years to 43 years.	No AAP.193/2007/57 dated 19/07/2010
20	Maintenance and preparation of Annual Performance Appraisal Reports -Communication of all entries for fairness and transparency in public administration	NO .AAP.234/2010/11 Dated Dispur, 25/04/11
21	Submission of Annual Property Return by Assam Civil Service officers	NO. AAP 288/2011/25 Dated 13 /02/12.

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2	Assam Civil Service Conduct Rule 1965 - A Supreme Court Judgment	No. ABP.2597/71 dated 8-03-2001.
3	Amendment of Assam Civil Service Conduct Rule 1965	No ABP.25/97/160 dated 11-10-2007.
4	Conduct of Govt. officials before Hon'ble SC, HC & other subordinate courts.	No ABP.7/2004/90 dated 7-03-2008.
5	Giving interviews to press and electronic media restrictions thereof.	No. ABP.25/97/152 dated 18-04-2007.

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11	Transfer and posting of Govt. officials.	No ABP.116/2001/25 dated 14/02/2007
12	Policies of transfer of Government officials.	No. ABP.116/2001/29 dated 12/11/2009.

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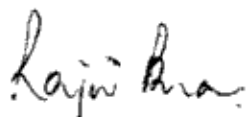
1	Vigilance in public administration	No PLA (V).80/2001/5 dated 03/08/2001
2	Vigilance and Anti-corruption measures	No. PLA(V) 55/2003/12 dated 16/06/2004
3	Vigilance Clarence	No. PLA (V) 36/2002/327 dated 19/03/2008
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5	Vigilance and Anti-corruption measures	No. PLA(V) 139/2009/5 dated 13/11/2009

INTRODUCTION

The Administrative Reforms and Training Department decided to bring out this new edition of **The Handbook of General Circulars** as the last edition was compiled and published in 1995. Numerous circulars have been issued since 1995 on a wide range of subjects by different departments and the absence of an updated compilation has been greatly felt by the official functionaries at different levels in different departments.

This (second) volume primarily contains circulars issued by Personnel Department . A few circulars of Political Department are also included because of their relevance to personal matters. These circulars have been grouped together under broad subjects and arranged in an alphabetical order. While every effort has been made by the department to ensure that the circulars are identical to the original, some errors and omissions may have inadvertently crept in. In case of any doubt, officials should consult the original circulars or seek clarifications from the concerned administrative department. In case of any doubt about the validity/ accuracy or in the event of any discrepancy between the original circular and what is reproduced in the **Handbook** , the contents of the original circular will prevail and due care may be taken to avoid any wrong interpretation of the contents.

I would like to thank Sri Atul Dutta Bhuyan, ACS, Joint Secretary and Sri Udayan Hazarika , ACS , Joint Secretary, and Smti Pallabi Phukan, ACS ,Deputy Secretary of Administrative Reforms and Training Department for the great effort they have put in compiling , correcting , formatting and proof reading . Also Sri Jitendra Singh, Typist and Sri Bipul Jyoti Rabha Junior Administrative Assistant of Administrative Reforms and Training Department deserve special mention for the data entry work .



Principal Secretary
Administrative Reforms and Training Department
Govt of Assam

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL: : PERSONNEL (B)
DISPUR : : : GUWAHATI.**

No. ABP. 74/96/43

Dated, Dispur, the 30th December, 1996.

OFFICE MEMORANDUM

The undersigned is directed to say that it has come to the notice of the Government that in some Departments / Offices persons are appointed against leave vacancies although there is no provision in the respective Service Rules for filling-up such vacancies.

After careful consideration of all aspects of the matter it has been decided that no such leave vacancies shall be filled-up by any authority henceforth.

The above instructions shall come into force with immediate effect and non-compliance of the instructions will be viewed seriously.

**Secretary to the Government of Assam,
Personnel (B) Department**

Memo No. ABP. 74/96/43-A

Dated, Dispur, the 30th December, 1996.

Copy to:-

1. Commissioner & Secretary to the Governor of Assam, Dispur.
2. Commissioner & Secretary to the Chief Minister, Assam.
3. P.S. to Ministers/Ministers of state, Assam, Dispur
4. P.S. to Chief Secretary to the Govt. of Assam, Dispur.
5. Chairman, Assam Administrative Tribunal, Guwahati.
6. Chairman, Assam Board of Revenue, Guwahati.
7. All Additional Chief Secretaries to the Govt. of Assam.
8. All Principal Secretaries/Commissioner & Secretaries/ Secretaries to the Government of Assam, Dispur.
9. All Heads of Departments.
10. All Commissioners of Divisions.
11. All Deputy Commissioners.
12. Secretary, Assam Public Service Commission, Bhangaghar,
13. Principal Secretary, Karbi Anglong Autonomous Council, Dispur/North Cachar Hills Autonomous Council, Haflong,
14. Principal Secretary, Bodoland Autonomous Council, Kokrajhar/ Rabha Hasong Autonomous Council, Dudhnoi, Goalpara, District/Mising Autonomous Council, Gogamukh, North Lakhimpur/Lalung (Tiwa) Autonomous Council, Morigaon.
15. All Sub-Divisional Officers.

**Secretary to the Government of Assam,
Personal (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : : PERSONNEL (B)
DISPUR : : : GUWAHATI**

No. ABP. 89/ 2001 / 19

Dated, Dispur, the 29th October, 2001

OFFICE MEMORANDUM

The State Government have issued Consolidated Instructions vide O.M No. ABP. 59 / 99 / 129 dated 30-6-2001 banning direct recruitment to the service on adhoc basis including appointment under Regulation 3 (f) of the Assam Public Service Commission Regulation, 1951.

However, there are instances of relaxation of this ban on ad-hoc appointment in certain exceptional cases with the prior approval of the Cabinet.

As the ad-hoc appointment generates scope for arbitrariness, malpractice, favouritism and corruption, the State Government with a view to eliminate any such scope of malpractice, favouritism etc., have decided to issue following further guidelines for strict compliance by all Administrative Department / Head of department / Appointing Authorities.

1. The practice of direct recruitment by way of ad-hoc appointment should be avoided as a matter of policy. It may be resorted to only in exceptional cases with the prior approval of the Cabinet when it becomes totally unavoidable in the interest of public service to make such ad-hoc appointment.

2. In every case of ad-hoc appointment it shall be based on a departmental selection process, involving issue of a proper advertisement, giving reasonable time and inviting candidature from the eligible candidates. The case of candidate for ad-hoc appointment shall not be considered merely on the basis of an application submitted by him without any proper advertisement. In the advertisement it must be specifically mentioned that appointment to be made is purely on ad-hoc basis and to become eligible for regular appointment a candidate must qualify himself in the regular recruitment test as and when held.

3. A departmental selection committee shall be constituted and due regard is to be given to the provision of reservation made in favour of SC/ST and O.B.C. The departmental selection committee to be constituted for the purpose shall conduct a written test/interview to assess the suitability of the candidates for the post and shall recommend a panel of names in order of preference with due regard to the provisions of reservation Act, Rules and Circulars.

4. Immediately after issue of orders of ad-hoc appointment the

process for regular appointment shall be commenced by the appointing authority within 30 days from the date of issue of first ad-hoc appointment letter.

In case of any appointment through the Assam Public Service Commission, the steps shall be taken by the departmental authority to forward draft advertisement to APSC simultaneously along with requisition as already prescribed and circulated in the State Government O.M. No. AAP. 319/78/50 dated 24-3-1980 (copy enclosed) for advertising the post and also for obtaining the recommendation of APSC for regular appointment in time and for any lapses in this regard, the departmental Secretary shall be held personally responsible.

In case of other regular appointment, where the nomination by APSC is not involved, the departmental authority within 30 days from the date of issue the advertisement inviting candidatures from the eligible candidates for regular appointment to the service and for any default in this regard the concerned appointing authority who made the ad-hoc appointment shall be held personally responsible.

5. An ad-hoc appointee shall be watchful and vigilant so as to avail of and offer his/her candidature for regular appointment in response to advertisement from the APSC/departmental authority. It shall be responsibility of the Department/appointing authority to ensure that the selection process for regular appointment is completed within a period of one year from the date of issue of first ad-hoc appointment and all the vacant posts that are allowed to be filled up by Government including the posts held by ad-hoc appointees are filled up on regular basis from the select list so prepared for regular appointment in order of preference with due regard to the Reservation Provision for SC/ST/OBC.

6. All the ad-hoc appointees who fail to qualify for regular appointment shall be discharged from the service making room for filling the post by regular appointment.

The above instructions should be brought to the notice of all concerned for strict compliance and any deviation therefrom will be viewed seriously and concerned Commissioner and Secretary of the Department shall be held personally responsible for any violation and appropriate action will be initiated against the officers at fault.

Chief Secretary to the Govt. of Assam

Copy for information and necessary action to :-

- 1) Commissioner & Secretary to the Governor of Assam, Dispur.
- 2) Commissioner & Secretary to the Chief Minister, Assam .
- 3) PS to Ministers/Ministers of state, Assam.
- 4) PS to Chief Secretary to the Government of Assam, Dispur.
- 5) PS to Chief Vigilance Commissioner, Assam, Dispur.
- 6) Chairman , Assam Administrative Tribunal, Guwahati.
- 7) Chairman, Assam Board of Revenue, Guwahati.
- 8) Chairman, Assam Public Service Commission, Khanapara, Guwahati.
- 9) PS to Additional Chief Secretary, Assam.
- 10) All Principal Secretaries/Commissioner & Secretaries/ Secretaries to the Government of Assam.
- 11) All Heads of Departments.
- 12) All Commissioner of Divisions.
- 13) All Deputy Commissioners.
- 14) Secretary, Assam Public Service Commission, Khanapara, Guwahati.
- 15) Principal Secretary, Karbi Anglong Autonomous Council, Diphu/ North Cachar Hills Autonomous Council, Haflong.
- 16) Principal Secretary, Bodoland Autonomous Council. Kokrajhar, Rabha Hasong Autonomous Council, Dudhnoi, Goalpara District , Mising Autonomous Council, Gogamukh, North Lakhimpur/ Lalung (Tiwa) Autonomous Council, Morigaon.
- 17) All Sub- Divisional Officers.
- 18) Secretary, Assam Legislative Assembly, Dispur.

By order etc.,

**Joint Secretary to the Government of Assam
Personnel (B) Department**

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL: : PERSONNEL (B)
DISPUR : : : GUWAHATI

No. ABP.121/ 92/ Pt-V/ 136

Dated, Dispur the 22nd June, 2004.

From : Sri J.P. Saikia, IAS.
Commissioner & Secretary to the Govt. of Assam,
Personnel (B) Department.

To : All Deputy Commissioners.

Sub : The Assam Public Services (Appointment of Family members of Person
Killed by extremists/ terrorists) Rules, 1992- Repeal Thereof.

Sir,

I am directed to inform you that the Assam Public Services (Appointment of Family members of Person Killed by extremists/ terrorists) Rules, 1992 has been repealed by the Govt. vide this Deptt. Notification No. ABP. 121/ 92/ Pt-V/ 135 dt. 22. 6. 2004. The Govt. has also decided to consider the following measures in place of the said Rule to give relief to the affected families -

1. Preference to Members of the affect families certified as such by competent district authority in recruitments to Govt. and semi Govt. jobs.
2. Preference to such certified persons in selection of beneficiaries under self- employment generation Schemes of different departments and relied Schemes of social welfare etc. Departments.
3. Enhancement of the ex-gratia amount paid to the next of kin of a person killed in extremist violence to Rs.3, 00000 (Three lakhs).
4. Alternative means of livelihood to families of earning victims of extremist violence to be determined by the district authorities after assessing the economic conditions of each family separately.
5. Free Education to Children of the poor affected families till they become eligible to earn.

You are therefore requested to kindly take immediate necessary action on the matter.

All application received earlier through the respective D.C.s are being returned to the D.Cs separately.

Yours faithfully

Sd/ J.P. Saikia, IAS,
Commissioner & Secretary to the Govt. of Assam.
Personnel (B) Department.

Memo No. ABP. 21/ 92/ Pt-V/ 136-A,

Dtd., Dispur, the 22nd June 2004.

Copy to:-

1. The Secretary to the Governor of Assam, Dispur.
2. P.P.S. to Chief Minister, Assam.
3. The P.S. to Ministers/ Ministers of state, Assam.
4. The P.S. to Chief Secretary to the Govt. of Assam.
5. All Spl. Commissioners & Spl. Secretaries/ All Commissioners and Secretaries/ All secretaries to the Govt. of Assam – for information & necessary action.
6. The Commissioner & Secretary to the Govt. of Assam, Relief & Rehabilitation Deptt./ Education Deptt. for taking necessary action on the item No.3 & 5 respectively.
7. All Commissioners of Divisions.
8. The Chairmen, Assam Administrative Tribunal, Guwahati.
9. The Chairmen, Board of Revenue, Assam, Guwahati.
10. The Secretary, Assam public Service Commission, Jawaharnagar, Khanapara, Guwahati-22.
11. All Deputy Commissioner/ Sub- Divisional officers.
12. All Administrative Departments.
13. All Heads of Departments.
14. Political (Cabinet Cell) Department.

By order etc.,

Joint Secretary to the Govt. of Assam,
Personnel: (B): Department.

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : PERSONNEL (B)
DISPUR : : : GUWAHATI-6

NOTIFICATION

No. ABP. 5/2002/84 -A

Dated, Dispur, the 5th Jan/2005.

In exercise of the powers conferred by Article 318 of the constitution of India the Governor of Assam is hereby pleased to make the following Regulations further to amend the Assam Public Service Commission Regulations, 1951, here in after referred to as the principle Regulation namely:-

Short title and
Commencement

1. (1) These Regulations may be called the Assam Public Service Commission (Amendment) Regulations, 2005.

2) They shall come into force on the date of their publication in the Official Gazette.

Substitution of
Regulation 4

2. In the principal Regulation, for Regulation 4, the following shall be substituted, namely:-

"4. (i) The commission shall consist of a Chairman and six other Members including a woman Member.

(ii) The Chairman and Members of the commission shall be competent, honest and impartial person of outstanding ability, integrity and high reputation who command confidence of the people and who would not allow themselves to be deflected by an extraneous consideration from discharging their duties of making selection on merit.

(iii) As nearly as may be one-half of the Members of the commission shall be person who at the date of their respective appointments have held office for at least ten years either under the Government of India or under the state Government.

(iv) The woman Member should be an eminent woman who have adequate qualifications and have shown capacity in dealing with the problems relating to woman or who has been holding the

post of head or additional head of any department of the state Government or who is a principal or Professor of any Govt. College including professional college or she must be a reputed Advocate, Chartered Accountant, Medical practitioner, principal, professor of University or aided College.

(v) Among the seven Members including the Chairman at least three Members shall be appointed from persons down in clause (iii) and have served at least as Secretary to the Government.

(vi) The Governor of Assam or his nominee shall administer the oath of Secrecy to the Chairman and Members before entering upon their office according to the following form, namely:-

I, A. having been appointed as Chairman / Member of the Assam Public Service Commission do swear in the name of God and solemnly affirm that I will bear true faith and allegiance to the constitution of India as by law established and that I will faithfully discharge the duty upon which I am about to enter."

Substitution
of Regulation
14

In the Principal Regulations, for Regulation 4, the following shall be substituted, namely:-

14. (i) The Secretary of the Commission shall be appointed by the Commission with approval of the Governor. The normal tenure of the office of the Secretary shall be five years, provided that the commission, may with the approval of the Governor extend the tenure of secretary for a further period not exceeding one year.
- (ii) The Secretary shall not be given dual charge of the Commission.
- (iii) The Secretary shall play a responsible role in the conduct of examination in direct/recruitment and he should undergo training at the Union Public Service Commission to acquaint himself with the functioning of the Public Service Commission.
- (iv) The Controller of Examination of the Commission shall be responsible to the Secretary of the Commission

**Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.**

13. The Secretary to the Governor of Assam, Guwahati
14. The Secretary, Assam Legislative Assembly, Dispur.
15. The P.P.S. to Chief Minister, Assam.
16. All Principal Secretaries of the Autonomous Councils, Assam
17. All Deputy Commissioners/Sub-Divisional Officers, Assam
18. The Secretary, State Election Commission, Assam
19. The Deputy Director, Assam Government Press, Bamunimaidam, Guwahati-21 for publication.
20. The P.S. to Chief Secretary, Assam.
21. The P.S. to Addl. Chief Secretaries, Assam.
22. The P.S. to Ministers/Ministers of State, Assam
23. The P.S. to Adviser to Chief Minister(I&PR) to the, Assam, Dispur.
24. The OSD (Press & PR) to Chief Minister, Assam, Dispur.
25. All Heads of Departments.

By order etc.

**Commissioner & Secretary to the Govt. of Assam
Personnel (A) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : : PERSONNEL (B)
DISPUR : : GUWAHATI**

No. ABP. 78/85/48

Dated, Dispur, the 10th Nov, 2005

OFFICE MEMORANDUM

Sub :- Ad-hoc appointment under Regulation 3(f) / 4 (d) of the Assam Public Service Commission (Regulation and Limitation of Functions) 1951- Regulation of.

Comprehensive instructions have already been issued vide Govt. O.M. No. AAP. 319/78/150 dt. 24-3-80 and ABP. 149/94/10 dt. 14-12-94 regarding regularisation of 3(f) appointment & 4 (d) promotions. Instances have come to the notice of this deptt. that the administrative departments do not submit required particulars to APSC for regularization of 4 (d) promotions. In order to avoid cross-correspondences and to avoid delay in process the following documents should invariably be forwarded to APSC along with proposals for regularization of 4 (d) promotions :-

1. Final gradation list in each cadre.
2. ACRs in original consecutive 5 (Five) years of the recommended officers before the date of holding the Selection Committee Meeting.
3. Notification copy of regularisation in the feeder post of the recommended officers.
4. Clearance certificate from the W.P.T. and B.C. Deptt in respect of reservation of posts.
5. Service particulars of the proposed promotees.
6. Copy of Govt. Notification for promotion under Regulation 4(d) of the A.P.S.C. (L/F) Regulations, 1951, if any.
7. Minutes of the Selection Committee/ Selection Board duly attested by the competent authority.
8. Service Rules / Executive orders, if any.

This may be brought to the notice of all concerned.

Sd/ J.P. Saikia, IAS,
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.

Copy to :-

- 1) All Principal Secy/Commissioner & Secy./Secy to the Govt. of Assam for information and necessary action.
- 2) The Heads of Deptts for information and necessary action.
- 3) The accountant General, Assam, Maidamgaon, Beltola, Ghy-29.
- 4) The Secy., APSC for information with reference to letter No. 35 PSC/DP-16/7/2002-2003 dt. 22-09-2005.

By order etc,

**Deputy Secretary to the Govt. of Assam,
Personnel (B) Department.**

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : : PERSONNEL (B)
DISPUR : : : GUWAHATI

No. ABP. 118/2003/39

Dated, Dispur, the 16th Nov , 2005

OFFICE MEMORANDUM

In conformity with the National Policy on reservation of vacancies in services and post for SC, ST, & OBC including MOBC etc. , the State of Assam enacted necessary Act / Rules and issued O.M.s etc. in order to provide adequate representation to those weaker sections of people in the services and posts under the state Government and the state public sector undertakings. Needless to say that these laws on reservation are applicable equally in case of filling up of vacancies by way of regularization of services of ad-hoc appointees also as in cases of direct recruitment or promotion etc.

It is, therefore, impressed upon all administrative departments and all Appointing Authorities that while processing the matter of regularization of ad-hoc appointees they shall ensure compliance of reservation policies of the Govt. scrupulously. Any deviation from the policy will be viewed seriously and the appointing authority will be held responsible for the lapses.

This may be brought to the notice of all concerned.

Sd/- Md. Alauddin,

**Secretary to the Government of Assam,
Personnel (B) Department.**

Memo No. ABP. 118/2003/39-A

Dated Dispur, the 16th Nov, 2005.

Copy to :-

- 1) The Commissioner & Secretary to the Governor of Assam, Dispur.
- 2) The Commissioner & Secretary to the Chief Minister, Assam, Dispur.
- 3) P.S. to Ministers/ Minister of state, Assam.
- 4) P.S. to Chief Secretary, Assam.
- 5) P.S. to Addl. Chief Secretaries, Assam.
- 6) All Principal Secretaries / Commissioner & Secretaries/ Secretaries to the Govt. of Assam.

- 7) All Heads of Departments.
- 8) All Deputy Commissioners / S.D. Os.
- 9) The Principal Secretary, Karbi Anglong Autonomous Council, Diphu / N.C. Hills Autonomous Council, Haflong.
- 10) The Principal Secretary, B.T.C. , Kokrajhar/ Rabha Hasong Autonomous Council, Dudhnoi/ Lalung (Tiwa) Autonomous Council, Morigaon/ Mising Autonomous Council, Gogamukh.

By order etc.,

**Under Secretary to the Govt. of Assam
Personnel (B) Department.**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL: : PERSONNEL (B)**

ORDERS BY THE GOVERNOR

NOTIFICATION

No. ABP 84/2003/97

The 30th November, 2005

In exercise of the powers conferred by section 11 (1) of the Assam Women (Reservation of vacancies in Services and Posts) Act, 2005, the Governor of Assam is pleased to make the following Rules:

Short title extent and commencement 1. (1) This rules shall be called "Assam Women (Reservation of Vacancies Extent and in Services and Post) Rules, 2005".

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

Definition 2. In these rules unless there is anything repugnant in the subject or context,

A) "ACT" means the Assam Women (Reservation of Vacancies in Services and Posts) Act 2005.

B) "Government" means the Government of Assam;

C) "Schedule" means the schedule appended to these Rules;

D) "Commission" means the Assam Public Service Commission;

E) The words and expressions used in these rules and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

Direct Recruitment by APSC 3. Direct recruitment through Assam Public Service Commission or Selection Committee/ Board :- While filling up vacancies by direct recruitment on the basis of the recommendation of the APSC or the Selection Committee/ Board as the case may be, the following procedure shall be followed:

1. While making a request to the APSC or the Selection Committee/ Board for recommending candidates for direct recruitment, the appointing authority shall also furnish the

information about reservation in favour of candidates belonging to women.

2. The APSC or the Selection Committee/ Board as the case may be shall furnish its recommendation about such number of Women candidates in order of preference for appointment.

3. The appointing authority shall make the appointment of Women candidates on 30% basis as has been shown in schedule of these Rules.

4. In case of non availability of adequate number of candidates belonging Women for the appointment, the post should be filled up by the respective reserved/ un reserved male candidates. To which the post is meant.

5 The appointing authority shall consider the list in accordance with the provisions of the respective service rules and shall also consult the APSC where such consultation is necessary and shall finally approve the list.

6. The seniority of the candidate so appointed shall be determined in order of preference shown in the combined list furnished by the APSC or by the Selection Committee/ Board.

Maintenance of
Registers by
Department for
records.

4. Appointing Authority shall maintain a Register recording filling up of posts by Women candidate from the beginning.

Repeal and saving

5. Any Rules corresponding to these rules in force immediately before the commencement of these Rules are hereby repealed.

Notwithstanding such repeal any order made or any action taken under the rules so repealed shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

Schedule
(Rule-3)

Breakup of 30% reservation in respect of appointment to the services and post by direct recruitment for Women candidates.

Sl- No	Category	Existing reserved for women	Percentage	Number of posts
1	ST (P)	10		3
2	SC	7		2
2	ST(H)	5		1
4	OBC/ MOBC	27		8
5	General	51		16
		100		30

J.P. SAIKIA,
Commissioner & Secretary to the Govt. of Assam,
Personnel (B) Department.

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : : PERSONNEL (B)
DISPUR : : : GUWAHATI**

No. ABP. 76/2005/1

Dated, Dispur, the 19th Dec./05

OFFICE MEMORANDUM

State Govt. have issued instructions from time to time setting the conditions to be followed in the matter of appointment under Regulation 3 (f) of the Assam public service Commission (Limitation of functions) Regulation, 1951 wherein it was, inter alia, stipulated that all the ad-hoc appointees who fail to qualify for regular appointment shall be discharged from the service making room for filling the posts by regular candidates as recommended by Assam Public Service Commission.

However, instances have come to notice of Govt. that person who are initially appointed under the provision of Regulation 3(f) of the Assam Public Service Commission (Limitation of Functions) Regulation, 1951 have been allowed to continue in the same capacity for years together without having their appointment regularized. In most of the cases such ad-hoc appointees are allowed to continue even after their failure to qualify the selection test conducted by the Assam Public service Commission. The State Govt. views it with grave concern and hereby re-iterates that Administrative Depts/ Appointing Authorities shall immediately discontinue services of all those employees appointed under Regulation 3(f) of the Assam Public Service Commission (Limitation of Functions) Regulation, 1951 whose names do not appear in the Assam Public Service Commission selected list or appear in waiting list prepared for the purpose by Assam Public Service Commission.

The above instructions should be brought to the notices of all concerned for strict compliance. Any deviation therefrom will be viewed seriously and concerned authorities will be personally responsible for the lapses.

Sd/-

Md. Alauddin, IAS,
Secretary to the Govt. of Assam,
Personnel (B) Department

Copy to :-

1. The Commissioner & Secretary to the Governor of Assam, Guwahati.
2. The Commissioner & Secy. to the Chief Minister, Assam Dispur
3. P.S to Minister/ Minister of State, Assam .
4. P.S. to Chief Secretary, Assam , Dispur .
5. P.S. Addl. Chief Secretaries, Assam , Dispur .
6. All Principal Secretaries /Commissioner & Secretaries/ Secretaries to the Govt. of Assam , Dispur.
7. All Heads of Departments.
8. All Deputy Commissioners/Sub-Divisional Officers.
9. The Principal Secretary, Karbi angling Autonomous Council Diphu/N.C. Hills Autonomous Council, Haflong .
10. The Principal Secretary, B.T.C. Kokrajhar /Rabha Hasong Autonomous Council, Dudhnoi / Lalung (Tiwa) Autonomous Council, Morigaon / Mising Autonomous Council, Gogamukh.

By Order etc.

**Joint Secretary to the Govt. of Assam,
Personnel (B) Department**

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL: : PERSONNEL (B)
DISPUR: : GUWAHATI

No. ABP. 98/2002/100

Dated, Dispur, the 1st March./2006.

OFFICE MEMORANDUM

Subject: - Appointment in the BTC area.

It has come to the notice of the Govt. that the BTC has been facing various difficulties in the matter of appointments in various posts of class-III & Class-IV. It is therefore, impressed upon all concerned that the vacancies which are existing in respect of offices under the control of BTC should be identified, earmarked and allowed to be filled up by BTC in accordance with the rules and procedures framed for the purpose by the Govt. of Assam. Proposals for this purpose, shall be submitted by the BTC to the concerned Deptts. who will in turn take suitable steps to get clearance for filling up the vacant posts under the control of BTC, from the Finance Deptt. In case any Deptt. has already obtained such clearance, it could immediately inform the number of such posts to the BTC authority so that they can take necessary steps for filling up the same observing all formalities laid down in the concerned Service Rules in respect of class -III & Class-IV posts only which are outside the purview of Assam Public Service Commission.

Sd/

D.N. SAIKIA,
Commissioner & Secy. to the Govt. of Assam,
Personnel (B) Department

Memo. No. ABP. 98/2002/100-A

Dated, Dispur, the 1st March/05

Copy to :-

1. P.P.S. to Chief Minister, Assam, Dispur.
2. P.S. to All Minister /Ministers of State, Assam, Dispur.
3. P.S. to Chief Secretary to the Govt. of Assam, Dispur.
4. P.S. to all Additional Chief Secretaries to the Govt. of Assam.
5. All Commissioners of the Division.

6. All Principal Secretaries /Commissioner & Secretaries / Secretaries to the Govt. of Assam.
7. All Heads of the Department.
8. All Deputy Commissioners/Sub-Divisional Officers.
9. The Secretary, Bodoland Territorial Council, Kokrajhar.

By order etc.

**Joint Secretary to the Govt. of Assam,
Personnel (B) Department**

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL::: PERSONNEL (B)
DISPUR::: GUWAHATI

ORDERS BY THE GOVERNOR
NOTIFICATION

DATED DISPUR THE 11th OCTOBER, 2006

No. ABP.50/2006/58 : In pursuance to the order/direction of the Hon'ble High Court dated the 3rd August, 2006 in W.P.(C) NO 3875 of 2005 and 162 other connected cases of compassionate appointment, the Governor of Assam is pleased to constitute a State Level Committee with the following members:

- | | | |
|---|-------|------------------|
| 1. The Chief Secretary to the Govt. of Assam. | | Chairman |
| 2. The Commissioner & Secretary to the Govt. of Assam, Finance Department | | Member |
| 3. The Commissioner & Secretaries/Secretaries/Additional Secretaries/Joint Secretaries to the Govt. of Assam of Administrative Departments relating to compassionate appointment cases. | | Member Secretary |

The State Level Committee will meet once in three months to examine and decide the compassionate appointment cases when any case is referred to it by the District Committees and the Departments as per direction of the Hon'ble High Court.

As per Hon'ble High Court direction all vacancies available against the quota of compassionate appointment is to be filled up within a period of six months from the date of occurrence of the vacancies. In the Court order it is also mentioned that if the application of eligible candidates remains pending and cannot be considered due to want of vacancy for a period of two years from the date of making such application, all such applications will require no further consideration and must be understood to have spent their force.

All the District Authorities/Committees/Appointing Authorities and Administrative Departments will examine the compassionate cases/applications as per direction/guide lines given by the Hon'ble High Court in the Judgement dated 3.8.2006 which have been sent to all authorities by the Hon'ble High Court vide their Memo No HC.XXI/17558-644 RM dated 19-08-2006.

The meeting of the State Level Committee will be convened by the Member Secretary of the Committee of the respective Departments under which those compassionate appointment cases come in.

Personnel (B) Department may be informed by the respective Departments as and when any case is decided by them.

**Sd/- D.N. Saikia,
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.**

Memo No. ABP.50/2006/58-A

Dated : Dispur, the 11th October, 2006

Copy to:

1. The Commissioner & Secy. to Chief Minister, Assam for information.

Copy for information and necessary action to:

2. P.S. to Chief Secretary, Assam, Dispur
3. All Addl. Chief Secretaries to the Govt. of Assam, Dispur.
4. All Principal Secretaries/Commissioner & Secretaries/Secretaries/Addl. Secretaries to the Govt. of Assam
5. The Chairman, A.S.E.B., Bijuli Bhawan, Guwahati, Assam
6. The Managing Director, A.S.T.C., Paltan Bazar, Guwahati, Assam
7. The Chairman, G.M.C., Guwahati, Assam
8. The C.J.M. Dhemaji, Assam
9. The Principal Secy., Karbi Anglong Autonomous Council, Diphu.
10. The Principal Secy., N.C. Hills Autonomous Council, Haflong.
11. The Secretary, Bodoland Autonomous Council, Kokrajhar.
12. All Deputy Commissioners, Assam
13. All Heads of Departments, Assam.
14. All Superintendent of Police, Assam.
15. Shri K.N. Choudhury, Addl. Advocate General, Assam, Gauhati High Court, for information with reference to their letter No AGL.58/Pt/75/156 dtd.11-09-2006.
16. The Asstt. Registrar, Gauhati High Court for information with reference to his Memo No. HC.XXI/17,558-644 RM dtd.19-8-2006.
17. The P.S. to Commissioner, Information Commission, Assam for information.

By order etc.

**Joint Secretary to the Govt. of Assam
Personnel(B) Department**

**GOVERNMENT OF ASSAM
PERSONNEL (A) DEPARTMENT
DISPUR : GUWAHATI-6**

No.AAP.22/2007/9

Dated Dispur the 17th March, 2007

OFFICE MEMORANDUM

Sub : Filling up of self assessment report of ACR and Recording, Reviewing and Accepting thereof.

1. The Assam Services (Confidential Rolls) Rules 1990 came into force from 10th April, 1990 i.e. from the date of its publication in the Assam Gazette. The said rules apply to the writing and maintenance of the confidential reports of the employees of the Government of Assam except to those borne on the All India services.
2. The Rule 9 of the said rules stipulates that the reporting/reviewing and accepting of the annual confidential reports should be completed ordinarily within three months of the close of the Financial year and the same be forwarded for safe custody to the respective controlling officer/head of offices.
3. Of late, it is observed that the procedures as laid down in the aforesaid rules are not being followed scrupulously by all concerned which has led to a huge accumulation of arrears of incomplete ACRs resulting inordinate delay in filling up of vacant posts by promotion and granting of other service benefits viz. confirmation, crossing of efficiency bar including deputation etc. to the employees of the Government of Assam.
4. It is also observed that non-submission of Self Assessment part of the ACR on time by the Assam Civil Service officers causes deprivation of such officers to service benefits to which they are otherwise entitled. Furthermore, non-submission of self assessment of ACRs has also resulted in delaying the process of promotion to IAS of a large number of ACS officers.
5. It is, therefore, impressed upon all concerned that if ACR of an officer remains incomplete due to non-submission of Self Assessment part thereof to the Reporting Authority as per time schedule prescribed below, reason for deprivation of such officers will lie personally with him/her.

6. Time Schedule for writing Part I, Part II and Part III of ACR (ACS only) :

Category of cases	When CR is to be given to the officer reported upon Part-I	Time Schedule for Officer reported upon for completing Part -II	Time schedule of Reporting Officer to Complete ACR Part-III
1	2	3	4
(a) Report at the end of Reporting Year	Last week of March	30 th April	31 st May
(b) Report in the event of Relinquishment of Charge by officer Reported upon	Along with the Communication Regarding Relinquishment Of post	Within 15 days of Receipt of ACR Format	Within 15 days of Receipt of self-assessment
(c) Report in the event Relinquishment of Charge by reporting Officer	Along with the Communication Regarding Relinquishment Of post	Within 15 days of receipt of ACR Format	Within 15 days of receipt of Self-assessment but not Later than 1 month after relinquishment
(d) Report in the event Of retirement of Officer reported Upon	The month preceding the month in which the Officer reported Upon is due to retire	Within 15 days of receipt of ACR Format	Before the retirement of The officer reported upon
(e) Report in the event of retirement of Reporting Officer	The month preceding the month in which the Officer is due to retire	15 days before the retirement of Reporting Officer	Within one month of retirement of Reporting Officer

7. If the Officer reported upon does not submit the ACR after completing Part II (Self Assessment) within the schedule prescribed in column 3 above, the Reporting Authority shall write the report without the self assessment and submit it to the Reviewing authority.

8. It is expected that the concerned Reporting Authority/Reviewing authority/accepting Authority will do his part of the job on time so that no officer is deprived of his/her legitimate service benefits due to non-availability recorded ACR.

9. This supercedes all instruction (s) issued earlier in the matter.

Sd/- P.C. Sarma
Chief Secretary to the Govt. of Assam

Memo No.AAP. 22/2007/9-A

Dated Dispur, the 17th March, 2007

Copy to:

1. The Additional Chief Secretary to the Govt. of Assam, Dispur, Guwahati-6.
2. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam.
3. P.S. to Hon'ble Chief Ministers, Assam.
4. P.S. to all Ministers/ Ministers of State/Parliamentary Secretaries.
5. All Heads of the Department.
6. All Commissioners of Division.
7. All Deputy Commissioners /Sub-Divisional Officers.
8. All Departments of the Secretariat.
9. The Chairman, ASEB/AAT/Assam Board of Revenue.

By order etc.

(J. Barua)
Commissioner & Secretary to the Govt. of Assam
Personnel (A) Department,
Dispur, Guwahati-6

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No. ABP.91/2001/156

Dated: Dispur, the 12th Jan./09

OFFICE MEMORANDUM

Subject: Deputation of Officers during Assembly Session.

Instruction have been issued from this Department to depute an Officer of appropriate Seniority to attend the Assembly Session and to submit a report to the concerned Administrative Department vide this Department's O.M. No ABP.18/2008/1 dated 7.3.2008.

It is observed that during the ongoing Assembly Session, most of the Department have not deputed their Senior Officers to attend the Session at the time of Debates on Motion of Thanks on the Governor's Address in the House.

It is, therefore, once again impressed upon all concerned to ensure that the Senior Officer of the Department attend the Assembly Session at the time of Debates on Motion of Thanks on the Governor Address as well as at the time of discussion on the subject relating to concerning Departments.

Sd/- JISHNU BARUA
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.

No. ABP.91/2001/156-A

Dated: Dispur, the 12th Jan./09

Copy to:

1. The PS to Chief Secretary, Assam
2. All Addl. Chief Secretaries/ All Principal Secretaries/Commissioner & Secretaries/ Secretaries to the Govt. of Assam.
3. All Administrative Departments.
4. All Heads of Department.
5. P.S. to Secretary, Assam Legislative Assembly, Dispur, Guwahati-6.

By order etc,

**Addl. Secretary to the Govt. of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.357/80/Vol-I/303

Dated: Dispur, the 2nd March, 2009

OFFICE MEMORANDUM

Subject: Revised guidelines for appointment on Compassionate ground of a son, daughter of a Government Servant.

State Govt. had adopted a scheme vide O.M. No. ABP.357/80/137 dated 9.9.83 and as amended vide No. ABP.357/80/Pt/12 dated 23.3.92. No ABP. 357/80/Pt/79 dated 8.4.96 and Notification No. ABP.50/2006/58 dated 11.10.06 to give appointment on Compassionate ground to the widow or son or unmarried daughter or adopted son, adopted unmarried daughter of a Govt. servant who dies in harness with a view to giving immediate financial assistance to the family of deceased in a Class-III/Class-IV post (not above the level of L.D. Asstt.) limiting such appointment to 5% of vacancies occurring in a year. This restriction will however not apply where only one vacancy is to be filled up in a year. Thus the Deptt. can appoint one person on compassionate ground against 5% quota upto 20 vacancies in a year.

Since the scheme is to give immediate relief to the distressed family, the applications received for compassionate appointment should not be kept pending for years together by the concerned Departments. As soon as applications are received, the Deptt. should take prompt action for giving appointment of the vacancies arising in that particular year on the basis of 5% quota.

The concerning Deptts should workout year-wise vacancy and calculate eligibility quota of 5% for compassionate appointment under their administrative control.

Considerable confusion has arisen as regard to the implementation of the scheme. In order to simplify the matter the following guidelines have been issued for strict compliance.

1) Application for appointment under the Scheme in prescribed Format should be submitted within a period of 3 months from the date of death of the person, to the respective office/Departments under which the person dies in harness. Applications submitted after 3 months should not be considered.

2) The 5% of the vacancies in Class III and Class IV posts occurring in a year must be reserved for appointment on compassionate ground. The Ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded.

3) A person selected for appointment on compassionate ground should be adjusted in the recruitment roster against the appropriate category viz. SC/ST(P)/ST(H)OBC/General depending upon the category to which he/she belongs. For example if he/she belongs to SC category he/she will be adjusted against S.C. reservation point and if he/she belongs to ST/OBC category he/she should be adjusted against ST/OBC point and if he/she belongs to General category he/she will be adjusted against the vacancy point meant for General Category.

4. Since compassionate appointment is made in relaxation of prescribed procedure of recruitment, as such approval of Finance (SIU) Deptt. will not be necessary when there is a clear sanctioned vacancy to consider the proposal subject to the condition that the vacant post against which appointment on compassionate ground is to be made has been retained upto-date/retained permanently.

5. As per direction of Hon'ble High Court dtd. the 3rd Aug/2006 in W.P.(c) No 3875 of 2005 and 162 other connected cases, guidelines have already been issued to follow the process and examination of compassionate appointment cases by all Deptts and authorities vide Notification No ABP.50/2006/58 dated 11.10.2006, which should be strictly adhered to.

6. All cases of compassionate appointment of a District should be routed through the District Level Committee to the respective Administrative Deptts. for proper verification so that the Administrative Deptts. can prepare a statement of eligible candidates to be appointed on compassionate ground with the approval of State Level Committees.

7. All vacancies available against the 5% quota on compassionate appointment are to be filled up within a period of six months from the date of occurrence of vacancies. If the applications of eligible candidates remain pending and cannot be considered due to want of vacancy or otherwise for a period of two years from the date of making such application, all such applications will require no further consideration and must be understood to have spent their force.

8. However, if no candidate is available for appointment under compassionate scheme, then the posts may be filled up in the usual manner as per provision of Rules.

9. All the Administrative Deptts/Directorates/Appointing authorities should examine the cases including the proposal received from the District Level Committee with their recommendation as indicated in this Department's Notification mentioned at para-5 above before placing the same in the State Level Committee by them.

10. In case of any confusion, power of interpretation lies with Personnel (B) Department.

The above instructions should be brought to the notice of all concerned and

should be followed scrupulously. Any deviation from the above will be viewed seriously and will invite disciplinary action.

Sd/- JISHNU BARUA
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.

Memo No. ABP.357/80/Vol-I/303-A

Dated: Dispur, the 2nd March, 2009

Copy to:

1. The Secretary to the Governor of Assam, Dispur
2. P.P.S. to Chief Minister, Assam, Dispur
3. P.S. to Chief Secretary to the Govt. of Assam, Dispur
4. P.S. to Additional Chief Secretaries, Assam
5. All P.S. Principal Secretaries/Commissioner & Secretaries/Secretaries to all Administrative Department
6. All Heads of the Department
7. All Deputy Commissioners/Sub-Divisional Officers
8. The Secretary, Assam Public Service Commission, Khanapara, Guwahati-22
9. All Commissioner of Divisions.
10. All Administrative Departments
11. The Secretary, Assam Legislative Assembly, Dispur.
12. The Secretary to the Govt. of Assam, Judicial Deptt. Dispur.

By order etc,

Under Secretary to the Govt. of Assam
Personnel (B) Department

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.357/80/Vol-I/314

Dated: Dispur, the 1st October, 2009

OFFICE MEMORANDUM

Subject: Revised guidelines for appointment on Compassionate ground of a son, daughter of a Government Servant.

A revised guidelines have been issued vide O.M. NO ABP. 357/80/Vol.1/ 303 dated 2-3-2009 for appointment on compassionate ground to the son & daughter of a Government Servant who dies in harness. Para 4 of the Office Memorandum stipulates that since compassionate appointment is made in relaxation of prescribed procedure of recruitment, as such approval of Finance (SIU) Department will not be necessary when there is a clear sanctioned vacancy to consider the proposal subject to the condition that the vacant post against which appointment on compassionate ground is to be made has been retained upto date/retained permanently.

On further consideration it has been decided to amend Para 4 of that Office Memorandum which be read as below:

“Since compassionate appointee cannot be differentiated with that of other fresh appointee who are recruited as per provision of rules & procedure, as such mandatory requirement of obtaining approval / appraisal of Finance (SIU) Department before making appointment on compassionate ground will be required for release of salary by the concerned Treasury Officer to avoid possible irregularities, like fraudulent drawal of salaries making irregular appointment etc.” All other conditions will remain same.

Sd/- Rajiv Bora
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.

Memo No.ABP.357/80/Vol-I/314-A

Dated: Dispur, the 1st October, 2009

Copy to:

1. The Secretary to the Governor of Assam, Dispur
2. P.P.S. to Chief Minister, Assam, Dispur
3. P.S. to Chief Secretary to the Govt. of Assam, Dispur
4. P.S. to Additional Chief Secretaries, Assam
5. The P.S. Principal Secretaries/Commissioner & Secretaries/Secretaries to all Administrative Department.
6. All Heads of the Department
7. All Deputy Commissioner/Sub-Divisional Officer
8. The Secretary, Assam Public Service Commission, Khanapara, Guwahati-22

9. All Administrative Departments for information and necessary action.
10. All Commissioner of Divisions.
11. The Secretary, Assam Legislative Assembly, Dispur.
12. The Secretary to the Govt. of Assam, Judicial Deptt. Dispur.
13. The Under Secretary to the Govt. of Assam, Finance (SIU) Department with reference to his letter No FSI 8/2007/88 dtd 24-6-2009

By order etc, -

Under Secretary to the Govt. of Assam
Personnel (B) Department

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

NOTIFICATION

NO ABP.96/2008/89: In exercise of the powers conferred by Article 318 of the Constitution of India the Governor of Assam is hereby pleased to make the following Regulations further to amend the Assam Public Service Commission Regulation, 1951 hereinafter referred to as the Principal Regulations, namely:

Short title and Commencement 1 (1) These Regulation may be called the Assam Public Service Commission (Amendment) Regulations, 2009.

(2) They shall come into force on the date of their publication in the Official Gazette

Substitution of Regulation 4(vi) In the Principal Regulations for regulation 4(vi), the following shall be substituted, namely:-

The Governor of Assam or his nominee shall administrate the oath of office to the Chairman and Members before entering upon their Office according to the following form, namely.

"I.A.B. , having been appointed as Chairman/Member of Assam Public Service Commission do swear in the name of God that I will bear true faith and allegiance to the Constitution of India, as by law established, that I will uphold the sovereignty and integrity of India that I will duly and faithfully and to the best of my ability, knowledge and Judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws".

Sd/- R.K. Bora,
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.

Dated: Dispur, the 28th January, 2010

Copy to:

1. The Secretary to the Governor of Assam, Raj Bhawan, Guwahati, for information and necessary action.
2. The P.P.S. to Chief Minister, Assam, Dispur, Guwahati-6
3. The P.S. to Chairman APSC for kind appraisal of Chairman.
4. The P.S. to Chief Secretary, Assam, Dispur, Guwahati-6
5. All Principal Secretary/Commissioner & Secretary/Secretary to the Govt. of Assam, Dispur.
6. P.S. to Minister/Ministers of State, Assam, Dispur, Guwahati-6
7. The Secretary, Assam Public Service Commission, Jawaharnagar, Khanapara, Guwahati-22, for information and necessary action.
8. The Chairman, Board of Revenue, Assam Panbazar, Guwahati-1
9. The Chairman, Assam Administrative Tribunal, Panbazar, Guwahati-1
10. All Commissioners of Divisions.
11. All Deputy Commissioners/Sub-Divisional Officers.
12. All Heads of Departments.
13. The Accountant General, Assam, Maidamgaon, Beltola, Guwahati-29
14. The Superintendent, Assam Govt. Press, Bamunimaidan, Guwahati-21 for publication in the extra ordinary gazette and to send 300 copies spare copies to this Department immediately.

By Order etc.

**Additional Secretary to the Govt. of Assam
Personnel (B) Department**

No.AAP.115/72/Pt.I/152
GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL (PERSONNEL :A)
ASSAM SECRETARIAT(CIVIL) DISPUR
GUWAHATI-6

Dated Dispur, the 4th January, 2006

OFFICE MEMORANDUM

Sub : Raising of Upper Age Limit for entry into State Govt. Service from 36 years to 37 years.

1. The undersigned is directed to invite attention to the instructions contained in this Department's O.M. No. AAP.115/72/1 Dated 15-5-72, No AAP.115/72/4 Dated 20-6-72, No AAP.115/72/114 dated 6-9-80 and No AAP.115/72/Pt/70 dated 29-10-91 and to state that after careful consideration of all aspects of the matter, the Government have decided to further raise the Upper Age Limit for entry into the State Government Service from 36 years to 37 years. The Government have also decided to further raise the Upper Age Limit by 5 years over the general age limit i.e. upto 42 years for entry into State Government Service in respect of candidates belong to Scheduled Caste and Scheduled Tribes and by 2 years i.e. upto 39 years in respect of Ex-Servicemen.
2. The contents of the aforesaid O.M.s may be treated as modified to the extent indicated above only in so far as Upper Age Limit for entry into the State Government Services is concerned.
3. This order will come into force with immediate effect.
4. This Department's O.M. No.AAP.115/72/39 Dated 29-8-77 with regard to age limit of Non-Gazetted ranks of Police Department will remain unchanged.

Sd/- B.K. Gohain
Commissioner & Secretary to the Govt. of Assam
Personnel (A) Department

Memo No.AAP.115/72/Pt.I/152-/A

Dated: Dispur, the 4th January, 2006

Copy to:

1. The Accountant General(A&E) Assam, Maidamgaon, Beltola, Guwahati-29
2. The Chairman, Assam Administrative Tribunal, Guwahati
3. The Chairman, Assam Board of Revenue, Guwahati-1
4. The Commissioner & Secretary to the Govt. of Assam, Political (Cabinet

- Cell)/Finance/A.R. & Training/P&D Department, Dispur, Guwahati-6
5. Commissioners of Divisions, Assam.
 6. The Agriculture Production Commissioner, Assam, Dispur.
 7. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam.
 8. The Chief Electoral Officer, Assam, Dispur, Guwahati-6.
 9. The Resident Commissioner, Govt. of Assam, Assam House, New Delhi
 10. The Commissioner & Secretary to the Chief Minister, Assam, Dispur.
 11. The Secretary to the Governor of Assam, Guwahati
 12. The Secretary, Assam Legislative Assembly, Dispur
 13. The P.P.S. to Chief Minister, Assam.
 14. All Principal Secretaries of the Autonomous Councils, Assam
 15. All Deputy Commissioners/Sub-Divisional Officers, Assam
 16. The Secretary, State Election Commission, Assam
 17. The Deputy Director, Assam Government Press, Bamunimaidam, Guwahati-21 for publication of the O.M. in the Assam Gazette. He is requested to supply 1000 printed copies to this Department early.
 18. The P.S. to Chief Secretary, Assam.
 19. The P.S. to Addl. Chief Secretaries, Assam.
 20. The P.S. to Ministers/Ministers of State, Assam
 21. The OSD (Press & PR) to the Chief Minister, Assam.
 22. The P.S. to Adviser to Chief Minister(I&PR) to the, Assam, Dispur.
 23. All Heads of Departments/All Departments of Assam Secretariat.
 24. The Chairman, Assam State Electricity Board, Guwahati
 25. The Chairman, Assam Administrative Reforms Commission, Dispur.

By Order Etc.

(N.C. Misra)

**Joint Secretary to the Govt. of Assam
Personnel (A) Department**

No.AAP.115/72/Pt.I/194
GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL (PERSONNEL :::A)
ASSAM SECRETARIAT(CIVIL) DISPUR
GUWAHATI-6

OFFICE MEMORANDUM

Dated: Dispur the 10th March, 2008

Sub : Raising of Upper Age Limit for entry into State Govt. Service from 37 years to 38 years.

The undersigned is directed to invite attention to the instructions contained in this Department's O.M. No. AAP.115/72/1 Dated 15-5-72, No AAP.115/72/4 Dated 20-6-72, No AAP.115/72/114 dated 6-9-80 and No AAP.115/72/Pt/70 dated 29-10-91 and No. AAP.115/72/Pt.1/152, dated 4-1-2006 and to state that after careful consideration of all aspects of the matter, the Government have decided to further raise the Upper Age Limit for entry into the State Government Service from 37 years to 38 years. The Government have also decided to further raise the Upper Age Limit by 5 years over the general age limit i.e. upto 43 years from existing 42 years for entry into State Government Services in respect of candidates belong to Scheduled Caste and Scheduled Tribes and by 2 years i.e. upto 40 from existing 39 years in respect of Ex-Servicemen.

2. The contents of the aforesaid O.M.s may be treated as modified to the extent indicated above only in so far as Upper Age Limit for entry into the State Government Services is concerned.

3. This order will come into force with immediate effect.

4. This Department's O.M. No.AAP.115/72/39 Dated 29-8-77 with regard to age limit of Non-Gazetted ranks of Police Department will remain unchanged.

Sd/- J. Barua
Commissioner & Secretary to the Govt. of Assam
Personnel (A) Department

Memo No.AAP.115/72/Pt.I/194/A

Dated: Dispur, the 10th March, 2008

Copy to:

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29
2. The Chairman, Assam Administrative Tribunal, Guwahati
3. The Chairman, Assam Public Service Commission, Khanapara, Guwahati-22
4. The Chairman, Assam Board of Revenue, Guwahati-1
5. The Chairman, Assam State Electricity Board, Guwahati
6. The Commissioner & Secretary to the Govt. of Assam, Political (Cabinet

- Cell)/Finance/A.R. & Training/P&D Department, Dispur, Guwahati-6
7. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam.
 8. The Chief Electoral Officer, Assam, Dispur, Guwahati-6.
 9. The Resident Commissioner, Govt. of Assam, Assam House, New Delhi
 10. The Agriculture Production Commissioner, Assam, Dispur.
 11. All Commissioners of Divisions, Assam.
 12. The Commissioner & Secretary to the Chief Minister, Assam, Dispur.
 13. The Secretary to the Governor of Assam, Guwahati
 14. The Secretary, Assam Legislative Assembly, Dispur.
 15. The P.P.S. to Chief Minister, Assam.
 16. All Principal Secretaries of the Autonomous Councils, Assam
 17. All Deputy Commissioners/Sub-Divisional Officers, Assam
 18. The Secretary, State Election Commission, Assam
 19. The Deputy Director, Assam Government Press, Bamunimaidam, Guwahati-21 for publication of the O.M. in the Assam Gazette. He is requested to supply 1000 printed copies to this Department early.
 20. The P.S. to Chief Secretary, Assam.
 21. The P.S. to Addl. Chief Secretaries, Assam.
 22. The P.S. to Ministers/Ministers of State, Assam
 23. The P.S. to Adviser to Chief Minister(I&PR) to the, Assam, Dispur.
 24. The OSD (Press & PR) to the Chief Minister, Assam.
 25. All Heads of Departments/All Departments of Assam Secretariat.
 26. The Secretary, Assam Information Commission, Janata Bhawan, Dispur.

By order etc.

Deputy Secretary to the Govt. of Assam
Personnel (A) Department

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL (PERSONNEL:: A)
ASSAM SECRETARIAT (CIVIL) DISPUR
GUWAHATI-6**

Dated: Dispur, the 19th July, 2010

OFFICE MEMORANDUM

**Sub : Raising of Upper Age Limit for entry into State Govt. Service in respect
of persons with Disabilities from 38 years to 43 years.**

As per provision of Section 38(b) of "The Persons with Disabilities(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and after careful consideration of all aspects of the matter, the Upper Age Limit for entry into State Govt. Services in respect of Persons with Disabilities is raised from 38 years to 43 years.

This order will come into force with immediate effect.

Sd/- Rajiv Kr. Bora.
Principal Secretary to the Govt. of Assam
Personnel (A) Department.

Memo No. AAP.193/2007/57-A

Dated: Dispur, the 19th July, 2010

Copy to:

1. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29
2. The Chairman, Assam Administrative Tribunal, Guwahati
3. The Chairman, Assam Public Service Commission, Khanapara, Guwahati-22
4. The Chairman, Assam Board of Revenue, Guwahati.
5. The Chairman, Assam State Electricity Board, Guwahati
6. The Commissioner & Secretary to the Govt. of Assam, Political (Cabinet Cell)/Finance/A.R. & Training/P&D Department, Dispur, Guwahati-6
7. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam.
8. The Chief Electoral Officer, Assam, Dispur.
9. The Resident Commissioner, Govt. of Assam, Assam House, New Delhi
10. The Agriculture Production Commissioners, Assam
11. All Commissioners of Divisions, Assam
12. The Commissioner & Secretary to the Chief Minister, Assam, Dispur.
13. The Secretary to the Governor of Assam, Guwahati
14. The Secretary, Assam Legislative Assembly, Dispur.
15. The P.P.S to Chief Minister, Assam
16. All Principal Secretaries of the Autonomous Councils, Assam

17. All Deputy Commissioners/Sub-Divisional Officers, Assam
18. The Secretary, State Election Commission, Assam
19. The Deputy Director, Assam Government Press, Guwahati-21 for publication.
20. The P.S. to Chief Secretary, Assam
21. The P.S. to Addl. Chief Secretaries, Assam
22. The P.S. to Ministers/Ministers of State, Assam
23. The P.S. to Advisor (I&PR) to the Chief Minister, Assam
24. The OSD (Press & PR) to the Chief Minister, Assam.
25. All Heads of Departments/All Departments of Assam Secretariat.
26. The Secretary, Assam Information Commission, Janata Bhawan, Dispur.

By Order etc.

(N.C. Misra)

**Joint Secretary to the Govt. of Assam
Personnel (A) Department.**

NO .AAP.234/2010/11
GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL (PERSONNEL : A)
ASSAM SECRETARIAT (CIVIL) DISPUR
GUWAHATI : 781006

Dated Dispur, the 25th April 2011

OFFICE MEMORANDUM

Subject :- Maintenance and preparation of Annual Performance Appraisal Reports
-Communication of all entries for fairness and transparency in public administration

(1) The existing provisions in regard to preparation of and maintenance of Annual Confidential Reports which inter-alia provide that only adverse remarks should be communicated to the officer reported upon for representation, if any. The Supreme Court has held in their judgement dated 12-05-2008 in the case of Dev Dutta - Vs - Union of India (Civil Appeal No. 7631 of 2002) that the object of writing the Confidential Report and making entries is to give an opportunity to the public servant to improve the performance. The 2nd Administrative Reforms Commission in their 10th Report has also recommended that the performance appraisal system for all services to be made more consultative and transparent on the lines of Performance Appraisal Report (PAR) of the All India Services.

(2) Keeping in view of the above position , the matter regarding communication of entries in the ACRs in the case of Civil Services under the Govt of Assam has reviewed and the following decisions of the Government are conveyed :-

- (i) The existing nomenclature of the Annual Confidential Report will be modified as Annual Performance Assessment Report (APAR).
- (ii) The full APAR including the overall grade and assessment of integrity shall be communicated to the concerned officer after the report is in complete with remarks of the Reviewing Officer and the Accepting Authority wherever such system is in vogue. Wherever Government Servant has only one supervisory level above him as in the case of personnel staff attached to officers , such communication shall be made after the reporting officer has completed the performance assessment.
- (iii) The section entrusted with the maintenance of APARs after its receipt shall communicate the performance assessment report to the officer reported upon.
- (iv) The concerned shall be given the opportunity to make any representation against the entries and the final grading given in the report within a period of fifteen days from the date of receipt of entries in the APAR. The representation shall be restricted to the specific factual observations contained in the report leading to assessment of the officer in terms of attributes , work output etc. While communicating the entries , it shall be made clear that in case no representation is received within the fifteen days , it shall be deemed that he/she has no representation to make. If the concerned authority does not receive any information from the concerned officer on or before fifteen days

from the date of receipt of the communication referred in clause (III) the APAR will be treated as final.

- (v) The new system of communicating the entries in the APAR shall be made applicable prospectively only with effect from the reporting period 2008-2009 which is to be initiated after 1st April 2009.
- (vi) The competent authority for considering adverse remarks under the existing instructions may consider the representation , if necessary , in consultation with the reporting and / or reviewing officer shall decide the matter objectively based on the material placed before him within a period of thirty days from the date of receipt of representation.
- (vii) The competent authority after due consideration may reject the representation or may accept and modify the APAR accordingly. The decision of the competent authority and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the decision of the competent authority by the concerned authority of the concerned department.
- (viii) In those cases where the reckonable ACRs prior to the reporting period 2008-09 are to be considered in a future DPC on which the adverse remarks of Reporting / Reviewing/ Accepting / Authorities have been expunged or modified by the Competent Authority , the "overall grading" in the ACR be kept blank for appropriate re-grading by the DPCs. The existing grading shall be blocked in such cases. It has also been decided that where the authority has upgraded / downgraded the overall grading without giving sufficient reasons, the DPC shall treat such an exercise as non-est / invalid. General terms such as " I agree or disagree with the Reporting Officer / Reviewing Officer" used by the Reviewing / Accepting Authority shall not be constructed as sufficient reason for upgrading / downgrading the overall grading given by the Reporting Authority / Reviewing Authority. The proposal for the DPC where ACRs upto the reporting period 2007/2008 will be taken into account should specifically bring out these guidelines.
- (ix) In those cases where the reckonable ACRs prior to the reporting period 2008-09 are to be considered in a future DPC for assessment of fitness of an employee for promotion and his ACRs prior to the period 2008-09 contain final grading which are below the benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication . It may be noted that only below benchmark ACR for the period relevant to promotion need be sent. There is no need to send below benchmark ACRs of other years.
- (x) As per existing instructions , representations against the remarks or for upgradation of the final grading given in the APAR (previously known as ACR) should be examined by the competent authority in consultation , if necessary , with the Reporting and Reviewing Officer , if any. While considering the representation , the competent authority decides the matter
- (xi) Departments shall inform the competent authorities while forwarding such cases to them to decide on the representations against the remarks or for upgradation of the grading

in the APAR or upgrading below benchmark ACR grading at par with the benchmark for next promotion that the decision on the representation may be taken objectively after taking into account the views of the concerned Reporting / Reviewing Officers if they are still in service and in case of upgradation of the final grading given in the APAR or upgrading the below benchmark ACR/APAR grading at par with the benchmark for next promotion, specific reasons therefore may be given in the order of the competent authority.

(3) The competent authority referred to in this Office Memorandum shall mean the State Govt or the authority next above the accepting authority as provided in Rule 11 of the Assam Services (Confidential Rules) 1990.

Where the Chief Minister is accepting authority the responsibility of the competent authority shall also lie with the Chief Minister.

(4) All Department are requested to bring to the notice of all the officers under them for strict implementation to the above instructions.

Sd/- Rajiv Bora
Principal Secretary to the Govt of Assam
Personnel (A) Department

Memo No. AAP. 234/2010 11-A

Dated Dispur, the 25th April 2011

Copy to :-

- 1) All Addl. Chief Secretaries to the Govt of Assam.
- 2) All Principal Secretaries to the Govt of Assam.
- 3) All Commissioner & Secretaries to the Govt of Assam.
- 4) All Departments of the Govt of Assam.
- 5) The Commissioner and Secretary to the Governor of Assam, Raj Bhawan, Guwahati-1
- 6) P.P.S. to Chief Minister, Assam, Dispur.
- 7) S.O. to the Chief Secretary, Assam.
- 8) The Principal Secretary, Assam Legislative Assembly, Dispur, Guwahati-6
- 9) All Heads of Departments.
- 10) All Deputy Commissioners.
- 11) All Sub-Divisional Officers (Civil)

By order etc.,

Joint Secretary to the Govt of Assam,
Personnel (A)

By Special Messenger/Speed Post

**NO. AAP 288/2011/25
GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL (PERSONNEL:A)
ASSAM SECRETARIAT (CIVIL) DISPUR
GUWAHATI:781006.**

Dated Dispur, the 13th February, 2012.

OFFICE MEMORANDUM

Sub : Submission of Annual Property Return by Assam Civil Service officers.

It is observed that the members of the Assam Civil Services are not submitting their property returns to the Government in spite of repeated requests from the cadre controlling authority despite clear provision in the Assam Civil Services (Conduct) Rules, 1965 according to which every government servant shall on his first appointment to any service or post and thereafter at such intervals as may be specified by the Government submit a return of his assets and liabilities, in such form as may be prescribed by Government with full particulars.

- II) It has been thereafter decided that all the members of the Assam Civil Service shall submit their Annual Property Returns henceforth regularly latest by 31st January every year
- III) It has also been decided that Assam Civil Service officers who do not submit the property returns / Assets & Liabilities statements in time would be denied vigilance clearance and will not be considered for promotion, empanelment for senior level post under the Government, deputation to foreign services, permission for foreign tour, permission for availing bank loan and NOC for obtaining Indian Passport.
- IV) It is also reiterated that non submission of Asset & Liabilities statement and Immovable Property Return statement will be recorded against the column "Integrity" in the ACR beside initiating disciplinary action against the officer concerned for violating provision of the Assam Civil Services (Conduct) Rules, 1965.
- V) The Annual Immovable Property Returns submitted by the members of the Assam Civil Services cadre will be placed in the public domain/Government website.

Against this backdrop, it is once again requested that each and every member of Assam Civil Services shall submit their Annual Property Return as on 31st December every year regularly latest by 31st January each year.

**Sd/- Rajiv Kumar Bora
Principal Secretary to the Govt. of Assam
Personnel(A), etc Departments**

Memo No. AAP288/2011/25-A

Dated Dispur, the 13th February, 2012

Copy to :

- 1) All Principal Secretaries/Commissioner & Secretaries of all Administrative Departments
- 2) All Commissioner of Divisions
- 3) All Deputy Commissioners/SDO(C)
- 4) All ACS officers

By order etc.,

**(Dr. Deepak Majumdar)
Deputy Secretary to the Govt. of Assam
Personnel (A) Department**

16. Chief Executive of All Public Sector Undertakings under the Government of Assam
17. Registrar, Gauhati High Court, Guwahati.
18. The Secretary, Assam Legislative Assembly, Dispur.
19. The Secretary, Lok Ayukta, Assam, Guwahati.
20. The Secretary, Assam State Human Rights Commission, Guwahati.
21. The Secretary, Assam Backward Classes Commission, Guwahati
22. The Secretary, Assam State Commission for Women, Guwahati.

By order etc.

**Under Secretary to the Government of Assam,
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL:: PERSONNEL (B)
DISPUR ::: GUWAHATI**

NOTIFICATION

No. ABP. 25/97/70,

Dated, Dispur, the 8th March, 2001.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Assam hereby makes the following rules further to amend the Assam Civil Service (Conduct) Rules 1965 hereinafter called the Principal Rules in the manner hereinafter appearing, namely :-

1. Short title and commencement 1. (1) These rules may be called the Assam Civil Services (Conduct) (Amendment) Rules, 2001.

(2) They shall come into force with immediate effect.

Amendment of Rules-24- 2 In the Assam Civil Services (Conduct Rules) 1965 after Rule 24(2) the following Rule shall be inserted, namely :-

“24(A) prohibition of sexual harassment of working women

1. No Government servant shall indulge in any act of sexual harassment of any woman at her work place.

2. Every Government servant who is in-charge of a work place shall take appropriate steps to prevent sexual harassment to any woman at such work place.

Explanation- For the purpose of this rule, “sexual harassment” includes such unwelcome sexually determined behaviour, whether directly or otherwise, as—

- a) Physical contact and advances,
- b) Demand or request for sexual favours,
- c) Sexually coloured remarks,
- d) Showing any pornography, or
- e) Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature”.

**Commissioner & Secretary to the Government of Assam
Personnel Department.**

Copy to :-

1. The Secretary to the Governor of Assam, Dispur.
2. PPS to Chief Minister, Assam.
3. PS to Speaker, Assam Legislative Assembly, Dispur.
4. The Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
5. PS to Chief Secretary, Assam.
6. PS to Additional Chief Secretary Assam.
7. All principal Secretaries/ Commissioner and Secretaries/ All Secretaries to the Government of Assam.
8. All Commissioners of Divisions.
9. All Deputy Commissioners/ Sub-Divisional Officers.
10. PS to All Minister/Ministers of State.
11. All Administrative Departments.
12. All Heads of Departments.
13. The Accountant General (Audit) Assam, Guwahati-28.
14. The Accountant General (A & E) Assam, Guwahati-28.
15. Chief Executive Members, North Cachar Hills District Council, Haflong/ Karbi Anglong District Council, Diphu/ Bodoland Autonomous Council, Kokrajhar.
16. The Superintendent, Assam Government press, Bamunimaidan, Guwahati-21 for favour of publication of the above Notification in the extra ordinary Assam Gazette and to supply 200 spare copies.

By order etc.,

**Joint Secretary to the Government of Assam,
Personnel (B) Department.**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL: PERSONNEL (B)
DISPUR: GUWAHATI- 781006.**

NO. ABP. 25/97/71

Dated Dispur, the 8th March, 2001.

OFFICE MEMORANDUM

SUBJECT: ACS (C) RULES, 1965- SUPREME COURT JUDGEMENT IN THE CASE OF VISHAKA VS.STATE OF RAJASTHAN REGARDING SEXUAL HARASSMENT ON WORKING WOMEN.

1. The undersigned is directed to say that in the case of Vishaka and others-Vs-State of Rajasthan and others (JT.1997 (7) SC 384) the Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

2. It has been laid down in the judgment above-mentioned that it is the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedure for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required. For this purpose, sexual harassment includes such unwelcome sexually determined behaviour (Whether directly or by implication) as:-

- (a). Physical contact and advances;
- (b). A demand or request for sexual favours;
- (c). Sexually coloured remarks;
- (d). Showing pornography;
- (e). Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

3. Attention in this connection is invited to Rule 3 (I) (III) of Assam Civil Services (Conduct) Rules, 1965 which provides that every Government servant shall at all times do nothing which is unbecoming of a Government servant. Any act of sexual harassment of women employees is definitely unbecoming of a Government servant and amounts to a misconduct. Appropriate disciplinary action should be initiated in such cases against the delinquent Government servant in accordance with the Rules.

4. Where such conduct amounts to a specific offence under the Indian Penal Code or under any other law, the concerned authorities shall initiate appropriate action in accordance with law by making a complaint with the appropriate authority.

5. In Particular, it should be ensured that victims or witnesses are not

victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

6. Complaint Mechanism: - Whether or not such conduct constitutes an offence under law or a breach of the service rules, an appropriate complaint mechanism should be created in every organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints. Wherever such machineries for redressal of grievance already exist, they may be made effective and in particular women officers should preferably handle such complaints.

7. Awareness: - Awareness of the rights of female employees in this regard should be created in particular by prominently notifying the guidelines in a suitable manner.

8. A specific provision is, however, being made in the Assam Civil Services (Conduct) Rules, 1965 prohibiting sexual harassment of women by Government servants, in compliance of the Judgment of the Hon'ble Supreme court.

The Departments are requested to bring these instructions to the notice of all concerned for District compliance.

Sd/-B.K. Gohain.
8/3/2001.

Commissioner & Secretary to the Government of Assam
Personnel Department, Dispur.

Memo No. ABP. 25/97/71-A

Dated, Dispur, the 8th March, 2001.

Copy to:-

1. The Secretary to the Governor of Assam, Dispur.
2. PPS to Chief Minister, Assam.
3. PS to Speaker, Assam Legislative Assembly, Dispur.
4. The Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.
5. PS to Chief Secretary, Assam.
6. PS to Additional Chief Secretary, Assam.
7. All principal Secretaries/ Commissioner & Secretaries/ All Secretaries to the Govt. of Assam.
8. All Commissioners of Divisions.
9. All Deputy Commissioners/ Sub-Divisional Officers.
10. PS to all Ministers/ Ministers of State.
11. All Administrative Departments/ All Heads of Departments.

12. The Accountant General (Audit) and (A&E), Assam, Guwahati-28.
13. The Chief Executive Members, North Cachar Hills District Council, Haflong/ Karbi Anglong District, Council, Diphu/ Bodoland Autonomous Council, Kokrajhar.
14. The Superintendent, Assam Govt. press, Bamunimaidam, Guwahati-21 for favour of publication of the above notification in the extra ordinary Assam Gazette and to supply 200 spare copies.

By order etc.

Sd/- P.K. Gupta.

80. 3.2001

Joint Secretary, Personnel (B) Deptt.

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL::: PERSONNEL (B)
DISPUR::: GUWAHATI
ORDERS BY THE GOVERNOR

NOTIFICATION

Dated the Dispur, the 11th October, 2007

No. ABP.25/97/160: In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India the Governor of Assam is hereby pleased to make the following rules further to amend the Assam Civil Services (conduct) Rules, 1965 hereinafter referred to as the principal Rules in the manner hereinafter appearing, namely:

Short title and
Commencement

1. (1) These rules may be called the Assam Civil Services (Conduct) Amendment Rules, 2007.

(2) They shall come into force on the date of their publication in the official Gazette.

Insertion of new
new rule 15-A

2. In the Principal Rules, after rule 15, the following new rule 15-A shall be inserted, namely:

"Rule 15-A communication of official Information : Every Government servant shall, in performance of his duties in good faith communicate to a member of Public or any organization full and accurate information which can be disclosed in accordance with the Right to Information Act, 2005 (Act. No 22 of 2005) and rules made thereunder.

Explanation : Nothing in this rule shall be construed as permitting communication of classified information in an unauthorized manner or for improper gains to a Government Servant or Others."

Commissioner & Secy. to the Govt. of Assam
Personnel Department

- Copy to:
1. The Secretary to the Governor of Assam, Dispur
 2. P.P.S. to Chief Minister, Assam, Dispur
 3. P.S. to Speaker, Assam Legislative Assembly, Dispur.
 4. The Deputy Secretary to the Govt. of India, Ministry of Personnel, P.G. & Pension, (Department of Personnel & Training, North Block, New Delhi with reference to letter No 11013/6/2007-Est.(A) dated 14th May, 2007.
 5. P.S. to Chief Secretary to the Govt. of Assam, Dispur
 6. P.S. to Additional Chief Secretaries, Assam
 7. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam.
 8. All Commissioners of Divisions.
 9. All Deputy Commissioners/Sub-Divisional Officers.
 10. P.S. to All Ministers/Ministers of State, Assam
 11. All Administrative Departments.
 12. All Heads of the Department
 13. The Accountant General, (Audit) Assam, Beltola, Maidamgaon, Guwahati-29
 14. The Accountant General (A&E) Assam, Maidamgaon, Ghy-29
 15. The chief Executive Members, N.C. Hills District Council, Haflong/Karbi Anglong District Council, Diphu/Bodoland Autonomous Council, Kokrajhar.
 16. The Suptd. Assam Govt. Press, Bamunimaidam, Guwahati-21 for favour of publication in the above notification in the extra ordinary Assam Gazette and to supply 200 spare copies.

By order etc,

**Additional Secretary to the Govt. of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.7/2004/90

Dated: Dispur, the 7th March, 2008

OFFICE MEMORANDUM

It has come to the notice of the Government that some officers and staff of the Government of Assam are not aware of how they should conduct themselves before the Hon'ble Supreme Court of India, the Gauhati High Court and other Subordinate Courts. The Judicial Department has issued detailed guidelines with regard to the steps to be followed while preparing affidavits and in matters relating to correspondence with the various courts.

With a view to streamlining the procedure to be adopted by officials whilst making appearances before the Hon'ble Courts, either during personal appearances or while responding to summons, etc. the following guidelines are laid down. All officials are required to follow them scrupulously.

- 1) Officials should be attired formally with full sleeved shirts preferably white, duly buttoned up and tucked inside the trousers during summers and tie with blazer/suit during winters. T-Shirts and half sleeved shirts are to be completely avoided.
- 2) Cloths worn should be well laundered and ironed.
- 3) Police Personnel attending the Hon'ble Court should be in proper inspection dress(either summer or winter inspection dress as the case may be) and should salute the Hon'ble Court while entering in and coming out of the Court.
- 4) Mobile phones should be kept in "switched off" mode while inside the Court.
- 5) Sun Glasses should not be worn inside the Court.
- 6) Officials should bow while entering the court and are also required to bow while existing the court.
- 7) Slippers, sandals and sports shoes should be avoided and instead leather shoes/other formal shoes should be worn.
- 8) That the powers of the court are supreme should be reflected in the official's attitude.
- 9) Unless directly addressed by the Court, officials should reply through their duly authorized counsel only.
- 10) In case a query is addressed directly to an official by the Court, proper and decent language is to be used and any personal references are to be strictly avoided.
- 11) The reply should be based on facts and, if any information, is not readily available the same should be brought to the notice of the court.
- 12) The court can be addressed as either 'Your Honour' or 'Sir' in respect of Subordinate Courts and 'My Lord' in respect of Hon'ble High Court and Supreme court.
- 13) Entering into arguments with the Hon'ble Court is to be strictly avoided.
- 14) Thanking the court on any matter should be avoided.

- 15) On any matter where there is doubt while an official is inside the court the authorized counsel should be consulted and his advice should be sought for.

The above list of do's and don'ts are illustrative in nature and should not be deemed as exhaustive. All officials should ensure that while dealing directly with Courts, they are expected to be courteous and humble.

Any deviation from the above by any official shall be viewed seriously and disciplinary action will be initiated against any official who is found discourteous in his behavior vis-a-vis the Hon'ble Courts.

The above instructions come into force with immediate effect and shall continue till further instructions are issued.

Sd/- JISHNU BARUA
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department

Memo No. ABP.7/2004/90-A

Dated: Dispur, the 7th March, 2008

Copy to:

1. The PS to Chief Secretary, Assam
2. All Principal Secretaries to the Govt. of Assam
3. All Commissioner & Secretaries to the Govt. of Assam
4. All Heads of Departments
5. All Deputy Commissioners/Sub-Divisional Officers (Civil)
6. All Administrative Departments.
7. The Secretary, Assam Public Service Commission.

By order etc,

Addl. Secretary to the Govt. of Assam
Personnel (B) Department

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No. ABP.25/97/152

Dated: Dispur, the 18th April, 2007

OFFICE MEMORANDUM

Subject Giving interviews to Press and Electronic Media, restrictions thereof.

Detailed guidelines have been issued to State Government officials restricting participation in a Radio broadcast and interviews before the electronic media as a whole without prior approval/clearance of the Government as per Rules of the Assam Civil Service (Conduct) Rules, 1965 read with OM. No ABP.25/97/149 dtd. 24th June, 2005.

Of late, it has been observed that Government officials have been giving interviews to the media which are violative of the existing provisions of Conduct Rules.

State Government desires that no Government servant henceforth will give interviews to radio and electronic media without prior permission of Chief Secretary. There is however, no bar in supplying information by DIPR to them.

Any violation in this regard will be viewed seriously and Departmental proceedings will be drawn up as per rules against erring officials.

This may be brought to the notice of all concerned.

Sd/- P.C. Sharma
Chief Secretary to the Govt. of Assam

No. ABP.25/97/152-A

Dated: Dispur, the 18th April, 2007

Copy to:

1. The Secretary to the Governor of Assam, Dispur.
2. The P.S. to Chief Minister, Assam.
3. The P.S. to Speaker, Assam Legislative Assembly, Dispur.
4. The Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.
5. The P.S. to Chief Secretary, Assam
6. The P.S. to Additional Chief Secretary, Assam
7. All Principal Secretaries/Commissioner & Secretaries/All Secretaries to the

Government of Assam.

8. All Commissioners of Divisions
9. All Deputy Commissioner/Sub-Divisional Officers.
10. P.S. to All Ministers/Ministers of State.
11. All Administrative Departments.
12. All Heads of Departments.

By order etc.,

Chief Secretary to the Govt. of Assam,

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : PERSONNEL (B)
DISPUR : : : GUWAHATI**

No. ABP. 152/ 2000/27

Dated, Dispur, the 25th Feb., 2002.

OFFICE MEMORANDUM

**Subject: PROCEDURE FOR RECORDING OF THE STATEMENT OF
DEPARTMENTAL WITNESSES AND DEFENCE WITNESSES IN AN
ENQUIRY IN A DEPARTMENTAL PROCEEDING CASE.**

It has come to the notice of the State Government that in the process of inquiry in the Departmental proceeding cases certain inquiry Officers are recording the Statements of defence witness first before recording the statements of Departmental witnesses or are first recording the statement of Departmental witnesses No. 1., thereafter the statement of defence witness and then again the statement of departmental witness No.2 in violation of the principle of natural justice. It may be mentioned that in an inquiry into charges against the delinquent official in any disciplinary proceeding, onus lies on the prosecution to prove the charges against delinquent official by producing cogent evidences.

In view of above, the examination of all prosecution witnesses has to be completed first, before starting the examination of any defence witness before the examination of the prosecution witness(es) or in between the examination of the prosecution witness (es)

It is, therefore, impressed upon all concerned that henceforth in an enquiry into charges against the delinquent official, the inquiry officer must complete the examination of all the prosecution witness(es) first before examination of the defence witness to avoid litigation.

Sd/- J.P.Saikia, IAS.
Commissioner & Secretary to the Govt. of Assam
Personnel (B) Department

Memo. No. ABP. 152/2000/27-A

Dated, Dispur, the 25th Feb., 2002

Copy to :-

1. Commissioner & Secretary to the Governor of Assam, Dispur.
2. Commissioner & Secretary to the Chief Minister, Assam.
3. PS to Minister s/Ministers of State, Assam.

4. PS to Chief secretary to the Government of Assam, Dispur.
5. Chairman, Assam Administrative Tribunal, Guwahati.
6. Chairman, Assam Board of Revenue, Guwahati.
7. PS to Additional Chief Secretary to the Government of Assam.
8. All principal Secretaries /Commissioner & Secretaries/ Secretaries to the Government of Assam.
9. All Heads of Departments.
10. All Commissioner Divisions.
11. All Deputy Commissioners.
12. Secretary Assam Public service Commission, Jawaharnagar, Guwahati – 22.
13. Principal Secretary, Karbi Anglong Autonomous Council, Diphu/ North Cachar Hills Autonomous Council, Haflong.
14. Principal Secretary, Bodoland Autonomous Council, Kokrajhar, Rabha Hasong Autonomous Council, Dudhnoi, Goalpara District, Mising Autonomous Council, Gogamukh, North Lakhimpur /Lalung (Tiwa) Autonomous Council, Marigaon .
15. All Sub –Divisional Officers.
16. Secretary, Assam Legislative Assembly, Dispur.

By order etc.,

**Deputy Secretary to the Government of Assam
Personnel (B) Department .**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : PERSONNEL (B)
DISPUR : : : GUWAHATI**

NO. ABP 28/97/Pt-I /16

Dated, Dispur, the 28 the April, 1998.

OFFICE MEMORANDUAM

Subject: ABOLITION OF EXAMINATION FEE.

Clarifications have been sought for from certain quarters whether examination /application fees need be realised from applicants seeking various Govt. jobs. After careful consideration of the matter, it is clarified that there is no provision under the Assam Public Services (Direct Recruitment to class-III and Class-IV posts) Rules, 1997, so as to empower or authorize to collect application/ examination fees. In absence of any valid Law authorizing such collection of fees, the appointing authority has no power to collect application/ examination fees.

(P. K. Gupta)
**Deputy Secretary to the Government of Assam,
Personnel (B) Department.**

Memo No. ABP. 28/97/Pt-I/16-A:

Dated, Dispur, the 28th April, 1998.

Copy to:-

1. All Special commissioners & special Secretaries to the Govt. of Assam.
2. All Commissioners and Secretaries to the Govt. of Assam.
3. All Secretaries to the Government of Assam.
4. All Commissioner of Divisions.
5. All Deputy Commissioners & Sub-Divisional Officers.
6. All Administrative Departments.
7. All Heads of Departments.
8. PPS to Chief Minister, Assam, Dispur.
9. PS to Chief Secretary to the Govt. of Assam.
10. PS to Additional Chief Secretary to the Govt. of Assam.

By Order etc.,

**Deputy Secretary to the Government of Assam
Personnel (B) Department**

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL :: PERSONNEL (B)
DISPUR :: GUWAHATI
OFFICE MEMORANDUM

No. ABP. 78/ 90 / 166

Dated, Dispur the 12th July, 2001

For an affective and efficient administration at the field level, it is essential that the field level officials of various departments attend offices regularly and also stay at their respective headquarters.

It is, therefore, impressed upon all concerned administrative departments to fully ensure that the Government instructions relating to attendance in offices, discipline and proper functioning are scrupulously followed in their field level offices. The senior officers in the Secretariat have to be pro-active and also ensure that the field level officers of their respective departments are accessible and people friendly and their functioning is transparent. Proper steps need to be taken that all such officers are available at their headquarters, functions efficiently and effectively and keep close watch on the working in their offices.

In order to ensure effective and efficient administration of the different departments, the Principal Secretaries/ Commissioner & Secretaries/ Secretaries must visit at least one district in a month and personally see the departmental schemes and services, capacity building of institutions and the construction activities. Verification may be made of measurement books and utilization certificates to ascertain their genuineness so that fictitious bills are not paid. It is also necessary to appreciate the contributions of the honest and efficient employees. The Chief Secretary would also make similar visits to the districts to take stock of departmental schemes.

After completion of a visit, the senior officers shall submit a report of the tour with his observations and details of the actions taken to the Chief Minister within a week and continue to monitor the actions taken at regular intervals with intimation to the Chief Minister's office.

Chief Secretary to the Government of Assam.

Memo No. ABP. 78/ 90/ 166-A

Dated, Dispur, the 12th July, 2001.

Copy to :-

1. Commissioner & Secretary to the Governor of Assam, Dispur.
2. Commissioner & Secretary to the Chief Minister, Assam.
3. PS to Ministers/ Minister of state, Assam.

4. PS to Chief Secretary, Assam.
5. Chairman, Assam Administrative Tribunal, Guwahati.
6. Chairman, Assam Accord of Revenue, Guwahati.
7. PS to Additional/ Chief Secretary, Assam.
8. All Principal Secretaries/ Commissioner & Secretaries/ Secretaries to the Government of Assam.
9. All Heads of Departments.
10. All Commissioners of Divisions.
11. All Deputy Commissioners.
12. Secretary, Assam Public Service Commission, Jawaharnagar, Ghy-29.
13. Principal Secretary, Karbi Anglong Autonomous Council, Diphu/ North Cachar Hills Autonomous Council, Haflong.
14. Principal Secretary, Bodoland Autonomous Council, Kokrajhar, Rabha Hasong Autonomous Council, Dudhnoi, Goalpara District, Mising Autonomous Council, Gogamukh, North Lakhimpur / Lalung (Tiwa) Autonomous Council, Morigaon.
15. All Sub-Divisional officers.
16. Secretary, Assam Legislative Assembly, Dispur.

By order etc.,
Joint Secretary to the Government of Assam
Personnel (B) Department.

CONFIDENTIAL

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI-6**

No.ABP.132/93/70

Dated: Dispur, the 19th March, 2004

OFFICE MEMORANDUM

Subject: Foreign Travel of Officials of the State government and Officials of State Government under takings and Statutory bodies etc.

Instructions/guidelines regarding foreign travels by officials of State Govt. and officials of State Govt. undertaking and Statutory Bodies have been issued by this Department vide O.M. No ABP.132/93/44 dated 28-04-94.

Instances have come to the notice that very often tour programmes of Senior Officers of Govt. of Assam pertaining to their proposals for obtaining requisite Political Clearance and sanction for availing foreign exchange etc. are sent to the Ministry of External Affairs, Govt. of India, New Delhi just a few days before the actual dates of their visits putting the Ministry in an embarrassing position.

It is therefore, impressed upon all concerned to send the approved Tour programmes of State Govt. officials with due approval of Personnel(B) Department at least a fortnight before the actual date of departure so that necessary formalities could be made well before the actual dates of departure abroad.

Sd/- J. P. Saikia, IAS,
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.

Dated: Dispur, the 19th March, 2004

Memo No.ABP.132/93/70-A

Copy to:

1. All Commissioners & Secretaries to the Govt. of Assam
2. All Spl. Secretaries to the Govt. of Assam
3. All Secretaries to the Govt. of Assam,
4. P.P.S. to Chief Minister, Assam
5. P.S. to Chief Secretary to the Govt. of Assam
6. P.S. to All Ministers/Ministers of State, Assam
7. All Administrative Departments
8. The Secretary to the Govt. of Assam, Parliamentary Affairs Department. He is requested to examine if earlier circular issued from Parliamentary Affairs Deptt. in regard to Ministers/MLAs Foreign Tour requires revision.
9. The Secretary, Assam Legislative Assembly, Dispur.

By order etc.

**Under Secretary to the Govt. of Assam
Personnel (B) Department, Dispur.**

CONFIDENTIAL / MOST IMMEDIATE

**NO.1/19/1/2000-Cab
GOVERNMENT OF INDIA(BHARAT SARKAR)
CABINET SECRETARIT(MAINTRIMANDAL SACHIVALAYA)
Rashtrapati Bhavan.**

New Delhi, the 3rd September, 2004

OFFICE MEMORENDUM

Subject: Guidelines regarding foreign travel of Ministers of State Governments /Union Territories, Members of State Legislatures /Union Territories and State Government officials.

The undersigned is directed to refer to sub para 2(iv) of the endorsement of Cabinet Secretariat's letter no 21/1/1/81-Can, dated the 16th August, 1982 (copy enclosed) which prescribes the procedure to obtain Prime Minister's approval for foreign visits on official account by the Ministers of State Governments/ Union Territories, Members of State Legislatures/Union Territories and State Government officials and to say that this procedure stands modified to the extent that in respect of cases relating to foreign visits of Ministers of State Governments/UTs and MLAs/MLCs, the consolidated views of the Departments, including Ministry of External Affairs (for political clearance) and Ministry of Home Affairs (for FCRA clearance, if necessary) would be submitted by the Department of Economic Affairs to the Screening Committee of Secretaries, which in turn will give its recommendation to the Finance Minister for final orders.

2. It is requested that the above modifications in the existing procedure may please be brought to the notice of all concerned.

(K.L. Sharma)
Deputy Secretary to Cabinet

To

All Secretaries to the Government of India

Copy to: The Chief Secretaries to the State Government/Union Territories

(K.L. Sharma)
Deputy Secretary to Cabinet

CONFIDENTIAL/MOST IMMEDIATE

**NO.1/19/1/2000-Cab
GOVERNMENT OF INDIA(BHARAT SARKAR)
CABINET SECRETARIT(MAINTRIMANDAL SACHIVALAYA)
Rashtrapati Bhavan.**

New Delhi, the 2nd November, 2004

OFFICE MEMORENDUM

Subject: Guidelines regarding foreign travel by the Chief Minister of States or Union Territories.

In continuation of this Secretariat Memo of even number dated the 3rd September, 2004, the undersigned is directed to say that the proposals relating to foreign travel by the Chief Ministers of States/Union Territories would continue to be submitted for Prime Minister's consideration as per existing guidelines.

2. It is requested that the above modifications in the existing procedure may please be brought to the notice of all concerned.

Sd/-
(K.L. Sharma)
Deputy Secretary to Cabinet

To

All Secretaries to the Government of India(by name)

Copy to: The Chief Secretaries to the State Government/Union Territories

(K.L. Sharma)
Deputy Secretary to Cabinet

NOO: Copy to Prime Minister's office (Ms Renuka Kumar, Director) with reference to their I.D. Note No 885/27/P/1/2003-Pol dated 28-10-2004.

(K.L. Sharma)
Deputy Secretary to Cabinet

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.132/93/92

Dated: Dispur, the 16th July, 2007

OFFICE MEMORANDUM

Subject: Foreign Travel of Officials of the State government and Officials of State Government Undertakings and Statutory bodies etc.

Comprehensive instructions/guidelines regarding Foreign Travel of Officials of the State Govt. and Officials of State Govt. undertakings and Statutory bodies etc. have been issued by this Deptt. Vide Govt. O.M. No. ABP.132/93/44 dtd. 29-04-1994 and No.ABP.132/93/70 dtd.19-3-2004(copies enclosed for ready reference)

In this regard, revised guidelines issued by the Govt. of India, M.O. External Affairs on Foreign Travel for extension of Protocol Courtesies and other arrangement by Indian Missions/posts abroad to visiting Indian dignitaries, delegations and officials circulated vide their O.M. No. AA 122/43/2006 dated 15-5-06 and Govt. of India's Circular No 11019/6/2001-AIS-III dtd. 7.3.2003 and O.M. No. 1/19/1/200 Cab dated 3.9.2004 along with its enclosures are also enclosed herewith for compliance.

In spite of the clear instructions/guidelines in this regards, of late, it has been observed that mandatory requirements while forwarding the proposals for ex-India visit have not been scrupulously followed by the Administrative Departments.

It is, therefore, impressed upon all concerned to follow the guidelines mentioned above strictly while sending the proposal for tour programmes of State Govt. Officials and State Govt. under-takings and Statutory bodies officials etc.

Sd/- J. BARUA,
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.

Memo No.ABP.132/93/92-A

Dated: Dispur, the 16th July, 2007

Copy to:

1. P.P.S. to Chief Minister, Assam, Dispur.
2. All Additional Chief Secretaries to the Govt. of Assam, Dispur.
3. All Principal Secretaries to the Govt. of Assam, Dispur.
4. All Special Secretaries to the Govt. of Assam, Dispur.
5. All Commissioner & Secretaries/Secretaries to the Govt. of Assam.
6. P.S. to Chief Secretary, Assam, Dispur.

7. All Administrative Departments.
8. All Heads of Deptt.
9. The Secretary, Assam Legislative Assembly, Dispur.
10. The Secretary, Assam Public Service Commission, Khanapara, Guwahati-22
11. The Director, Printing & Stationery, Assam, Bamunimaidam, Guwahati-21

By order etc.

**Joint Secretary to the Govt. of Assam
Personnel(B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.57/2008/2

Dated: Dispur, the 29th July, 2008

OFFICE MEMORANDUM

Subject: Grievance Redressal Cell at the Raj Bhawan, Assam.

For facilitating interaction between the members of public with His Excellency, the Governor of Assam, a Grievance Redressal Cell is opened at the Raj Bhawan, Assam. The issues brought-forth during these interactions shall be endorsed to the concerned Government Department directly by the Governors Secretariat.

The Governor Secretariat shall affix individual docket identity numbers to the petitions and requests received during the daily interactions of the members of public and shall follow-up by monitoring the steps taken by the various concerned Departments.

It is, therefore, impressed upon all concerned that the petitions and requests etc. stemming from the public interactions with His Excellency, the Governor of Assam, should be acted upon immediately and action taken or compliance report should be intimated to the Governor Secretariat forthwith.

This may be brought to the notice of all concerned.

**Sd/- JISHNU BARUA
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.**

Memo No.ABP.57/2008/2-A

Dated: Dispur, the 29th July, 2008

Copy to:

1. The PS to Chief Secretary, Assam
2. The P.S. to all Addl. Chief Secretary, Assam, Dispur.
3. All Principal Secretaries/Commissioner & Secretaries / Secretaries to the Govt. of Assam
4. The P.S. to Addl. Secretary (Adm.) Governor Secretariat, Raj Bhawan, Assam, Guwahati for information with reference to his letter No. GSA 69/2008/3 dated 9.7.2008
5. All Administrative Departments.
6. All Heads of Department.
7. All Deputy Commissioner/Sub-Divisional Officers.

By order etc,
**Addl. Secretary to the Govt. of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.59/2000/54

Dated: Dispur, the 23rd June, 2006

OFFICE MEMORANDUM

Subject: Changing the existing nomenclature of L.D. Assistants. and U.D. Assistants. as Jr. Assistants , and Sr. Assistants in the Dist. Offices.

State Govt. have been considering for quite sometime past to change the nomenclature of L.D. Asstt. And U.D. Asstt. of all the State Govt. offices through out the state. As a part of that, State Govt. have already changed the nomenclature of the L.D. Asstt. and U.D. Asstt. to that of Jr. Asstt. And Sr. Asstt. respectively vide Notification No. ABP.141/97/78 dated 17.2.99 for the Dist. Offices i.e, Offices of the Deputy Commissioner, S.D.O. Circle Offices and Block Development Offices which are under the purview of Assam Ministerial Dist. Esstt. Service Rules, 1967. The State Govt. have also changed the nomenclature of L.D. Asstt. And U.D. Asstt. to that of Jr. Asstt. and Sr. Asstt. respectively of the Offices of Heads of Deptt. by way of amendment of Rule vide Notification No ABP.59/2000/51 dated 18.1.2006.

Accordingly, the State Govt. have decided to change the nomenclature of L.D. Asstt. and U.D. Asstt. serving in remaining other Dist. Offices also as Jr. Asstt. and Sr. Asstt. respectively.

Hence, the nomenclature of L.D. Asstt. and U.D. Asstt. of the other Dist. Offices are here by changed as Jr. Asstt. and Sr. Asstt. respectively with immediate effect.

This may be brought to the notice of all concerned.

Sd/- D.N. Saikia,
**Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.**

Copy to:

1. P.P.S. to Chief Minister, Assam, Dispur.
2. P.S. to Chief Secretary, Assam, Dispur
3. P.S. to Minister/Minister of State, Assam.
4. P.S. to Addl. Chief Secretary, Assam.
5. All Principal Secretarys /Commissioner & Secys./Secretarys to the Govt. of Assam
6. All Department of Secretariat, Dispur
7. All Heads of Deptt. with a request to amend the Service Rules accordingly.
8. The Secretary, Assam Public Service Commission, Guwahati-22
9. The Suptd. Assam Govt. Press, Guwahati-21. He is requested to publish the notification in the next issue of the Assam Gazette and send 200 copies of the same to the undersigned.

By order etc.

**Joint Secretary to the Govt. of Assam
Personnel(B) Department**

**GOVERNMENT OF ASSAM
PERSONNEL (B) DEPARTMENT.**

NO. ABP. 195/96/22,

March 30, 1998.

In pursuance of the judgement of the Hon'ble Supreme Court of India in the civil Appeal no. 13352 of 1996, arising out of SLP (C) No. 14862 of 1995 -State of Rajasthan -Appellant Vrs Sriram Verma & another -Respondents, the undersigned is directed to say that while selecting the Candidates for promotion post on the basis of merit or merit-cum-seniority/ merit -cum-suitability , the selecting authority should follow the method of grading of the candidates who are in the zone of consideration before drawing up the final select list for promotion in case where the rules do not provide for grading or awarding marks or for recording of reasons for not selecting a senior .

This instruction comes into force with immediate effect.

Sd/ J.P. Meena,
**Commissioner & Secretary to the Government of Assam
Personnel Department.**

Memo No. ABP. 195/96/22-A,

Dated: Dispur the March 30, 1998.

Copy to :-

1. All Special Commissioners/ Special Secretaries to the Government of Assam.
2. All Commissioners & Secretaries to the Government of Assam .
3. All Secretaries to the Government of Assam.
4. All Commissioners to the Govt. of Assam .
5. All Deputy Commissioners & Sub-Divisional Officers.
6. All Administrative Departments .
7. All Heads of Department .
8. P.S. to Chief Minister, Assam, Dispur .
9. P.S. to Ministers/ Ministers of State, Assam, Dispur.
10. P.S. to Chief Secretary to the Govt. of Assam .

By Order etc.,

Sd/-
**Deputy Secretary to the Government of Assam
Personnel (B) Department.**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : PERSONNEL (B)
DISPUR : : : GUWAHATI**

No. ABP. 59/96/163

Dated, Dispur, the 12th March, 2002.

OFFICE MEMORANDUM

**Subject :- FIXATION OF SENIORITY OF RESERVED CANDIDATES
 vis-à-vis
 GENERAL CANDIDATES IN PROMOTIONAL POSTS.**

Consequent upon the amendment of Article 16 (4A) of the Constitution of India by the Constitution (Eighty fifth) Amendment Act. 2001 it has been decided that the following principle of fixation of seniority of reserved candidates vis-a-vis general Candidates in promotional posts shall be followed :-

Scheduled castes /scheduled Tribes Government Servants shall on their promotion by virtue of rule of reservation /roster be entitled to consequential seniority also and the above decision shall be effective from 17th June, 1995 .

On the basis of the reserved seniority, consequential benefits like promotion, pay pension etc. shall be allowed to the concerned scheduled castes/scheduled Tribes Government servants (without arrears by applying principle of no work no pay). For this purpose , senior scheduled castes/ scheduled tribes Government servants may be granted promotion with effect from the date of promotion of their immediate junior general /other Backward Classes Governments servants, such promotion of scheduled castes /scheduled tribes Governments Servants may be given with the approval of the appointing authority of the post to which the Government servant is to be promoted at each level after following normal procedure of Departmental Selection Committee and with the approval of Assam Public Service Commission.

Except seniority, other consequential benefits like promotion, pay etc. (including retrial benefits in respect of those who have already retired), allowed to General/Other Backward Classes Government servant by virtues of implementation of office Memorandum No. ABP. 59/96/17 dated 12-6-96 and/or in pursuance of the direction of Assam Administrative Tribunal/ Court, should be protected as personal to them . The instructions contained in this Department's office Memorandum No. ABP. 59/96/17 dated 12-6-96 stand withdrawn with effect from 12-6-96 it-self and seniority of Government servant determined in the light of office Memorandum dated 12-6-96 shall be revised as if that office Memorandum was never issued.

(J.P. Saikia)
Commissioner & Secretary to the Government of Assam
Personnel Department

Copy to :-

1. Commissioner & Secretary to the Governor of Assam, Dispur.
2. Commissioner & Secretary to the Chief Minister, Assam.
3. The Chief secretary to the Government of Assam, Dispur.
4. The Additional Chief Secretary to the Government of Assam.
5. The All Principal Secretaries to the Government of Assam.
6. The All Commissioner & Secretary/Secretary to the Government of Assam.
7. All Deputy Commissioner/Sub-Divisional Officers (Civil).
8. All Administrative Departments.
9. All Heads of Departments.
10. PS to Ministers/Ministers of State, Assam.

By order etc.,

**Deputy Secretary to the Government of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : : PERSONNEL (B)
DISPUR : : : GUWAHATI**

No. ABP. 29/2006/38

Dated, Dispur, the 9th May /2006.

OFFICE MEMORANDUM

Subject :- Promotion of Government Servants against whom departmental/ disciplinary / Court proceedings are pending or whose conduct is under investigation procedure and guidelines to be followed .

1. The undersigned is directed to refer to the office Memorandum No. ABP. 230/75/6 dated 6.7.1976 and political (A) Deptts. Letter No. PLA (V) 5793/31 dtd. 23.8.94 and subsequent instructions issued from time to time on the above subject and to say that the procedure and guidelines to be followed in the matter of promotion of Government servants against whom departmental / Court proceedings are pending reviewed carefully. Govt. have also noticed the judgement dtd. 27.8.1991 of the Supreme Court in Union of India etc. vs- K.V. Jankiraman etc. (AIR 1991 SC 2010) . As a result of the review and in suppression of all the earlier instructions on the subject , the procedure to be followed in this regard by the authority concerned is laid down in the subsequent paras of this O.M. for their guidance .

2. At the time of consideration of the cases of Govt. Servants in the zone of consideration for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee/Selection Committee/Appointing Authority :

- i) Government Servants under suspension.
- ii) Government Servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending ; and
- iii) Government servants in respect of whom prosecution for a criminal charge is pending.

3. The Departmental promotion Committee/Selection Committee/Appointing Authority shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned in para-2 above, along with other eligible candidates, without taking into consideration the disciplinary case /criminal prosecution pending . Therefore it is made clear that only bare statement that case of an employee in the zone of consideration /extended zone of consideration is covered by any of the three situations indicated in para-2 above is to be furnished to the Departmental promotion committee / Selection Committee / Appointing Authority to enable it to place its recommendations in the sealed cover . No. other details about the pending inquiry or the nature of Charges etc. are to be furnished to the Departmental Promotion Committee /Selection Committee/Appointing Authority list these details weigh with the Departmental

Promotion Committee/Selection committee /Appointing Authority in making its recommendations, which are to be placed in the sealed cover.

4. Considerable doubts also persist about the furnishing of the vigilance clearance and integrity certificates to the Departmental Promotion Committee /Selection Committee /Appointing Authority. It is clarified that the Departmental promotion committee /Selection Committee/Selection committee is required to consider the cases of all persons who are otherwise eligible in terms of the recruitment Rules as on the relevant crucial date and are in the zone of consideration . If however, case of an employee in the zone of consideration is covered by any of the three situations indicated in para-2 above, only this fact is to be furnished to the Departmental promotion committee/ selection committee or the Appointing Authority as the case may be , so that the recommendations could be placed in sealed cover . Where none of the three situations as indicated in para-2 above has arisen , a simple vigilance clearance would need to be furnished . Vigilance clearance /Status would have no other significance and would not be a factor in deciding the fitness of the Officer/Govt. Servant for promotion on merit.

5. It is also clarified that there is no requirement of furnishing a separate integrity certificate to the Departmental Promotion committee/Selection committee or the appointing Authority . In term of the judgment of the Hon'ble Supreme court in the case of Union of India –vs K.V. Janakiraman etc. (AIR 1991 SC 2010), no promotion can be withheld merely on the basis of suspicion or doubt or where the matter is under preliminary investigation and has not reached the stage of issue of charge sheet etc. If in the matter of corruption /dereliction of duty etc. there is a serious complaint and the matter is still under investigation of C.B.I. or otherwise the Government is within its right to suspend the official, in that case, the officer's/Govt. Servants case for promotion would automatically be required to be placed in the sealed cover.

6. If the conditions indicated in para-2 above arisen only after the Departmental Promotion Committee /Selection Committee or the Appointing Authority has made its recommendations and therefore,the recommendations could not be placed in the sealed cover, the recommendations of the Departmental promotion Committee/Selection Committee/Appointing Authority shall be deemed to have been placed in the sealed cover and he shall not be promoted until he is exonerated of the charges . Therefore, after the recommendations of the Departmental promotion committee / Selection Committee/Appointing Authority have been approved by the Competent Authority, it is necessary to again seek the status position from the concerned vigilance division before issuing promotion order in respect of any officer included in the approved panel of names to ensure that there is no hindrance in issuing the promotion order in respect of the concerned officer /Government Servant.

Sd / D.N. SAIKIA,
Commissioner & Secy. to the Govt. of Assam,
Personnel (B) Department.

Copy to:-

1. All Departments of Secretariat, Dispur.
2. All Heads of Department.
3. The Accountant General (A&E) Assam, Maidamgaon, Guwahati-29.
4. The Secretary , Assam Public Service Commission, Khanapara, Guwahati-22
5. The Secretary to the Governor of Assam, Raj Bhawan, Guwahati-1.
6. The Chairman, Board of Revenue, Assam, Guwahati-1.
7. The Chairman, Assam Administrative Tribunal, Guwahati-1.
8. All Deputy Commissioners.

By order etc.,

**Joint Secretary to the Govt. of Assam,
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No. ABP.68/92/104

Dated: Dispur, the 16th August, 2006

OFFICE MEMORANDUM

Subject: Punctuality in attendance.

Instructions have been issued from time to time stressing the need for ensuring punctuality in attendance and application to duties on the part of Government employees in the State Govt. offices vide O.M.s No ABP.163/82/56 dtd. 8-12-84, No ABP.68/92/16 dtd.4.7.1992, No ABP.68/92/21 dtd.9.7.1992, No ABP.68/92/44 dtd.17.8.1993, No ABP.68/92/51 dtd.24.5.1994 and No ABP.68/92/88 dtd.1.7.2005.

In spite of clear instructions contained therein, it is seen that observance of punctuality in attendance as well as departure in the Govt. offices have not improved at all, resulting in adverse media reports and public criticism. The Govt. has taken serious view on the matter. The continuing lack of observance of office timings in respect of arrival and departure has affected the overall performance of the all departments causing delay in all matters specially in the implementation of various dev. schemes and Projects for the welfare of the public.

It is, therefore, impressed upon all concerned to strictly adhere to the Govt. instructions regarding punctuality in attendance and not to leave the head quarter without prior approval of the superior authority as per existing provision of Govt. instructions failing which departmental action will be taken against the erring officials in terms of the Assam Services (Discipline and Appeal) Rule, 1964, read with O.M. No ABP.58/62/228 dtd.5.12.67.

This may be brought to the notice of all concerned.

Sd/- S. KABILAN
Chief Secretary to the Govt. of Assam

No.ABP.68/92/104-A

Dated: Dispur, the 16th August, 2006

Copy to:

1. All Addl. Chief Secretaries to the Govt. of Assam, Dispur.
2. All Special Commissioner & Special Secretaries to the Govt. of Assam
3. All Commissioner & Secretaries to the Govt.
4. All Secretaries to the Govt. of Assam, Dispur.
5. All Commissioners of Divisions.

6. All Heads of Departments.
7. All Deputy Commissioners and Sub-Divisional Officers.
8. P.S. to Chief Minister, Assam with reference to U/O No CMO 14/06/2089
dtd. 7.8.2006
9. P.S. to Chief Secretary to the Govt. of Assam.
10. P.S. to All Ministers.

By order etc.

**Joint Secretary to the Govt. of Assam
Personnel(B) Department**

MINISTRY OF EXTERNAL AFFAIRS
(Coordination Division)

No. AA/122/43/2006

New Delhi, Dated 15th May, 2006

OFFICE MEMORANDUM

Sub: Provision of protocol courtesies by Indian Missions/ Posts abroad to visiting Indian dignitaries, delegation and officials –Issue of revised guidelines.

Cabinet Secretariat has issued comprehensive instructions/guidelines vide their OM No.21/1/7/94-Cab.dated March 30, 1995 of foreign travel of the Ministers of Central Government, Members of Parliament, Ministers of State Governments, Members of State Legislatures and Union Territories, State Government officials and others and arrangements to be made by the latter for such visits. Ministry of External Affairs has issued an Office Memorandum No. Q/TG/551/1/99 dated June 16, 2000 requesting that official delegations during visits abroad should include the cost of hiring of transport in the sanction issued by their respective Ministries/Departments and inform the same to the Indian Missions / Posts in advance so that suitable transport arrangements are made. It was clarified that for transit visits, the officials may be advised to hire taxis and claim the amount in their TA bills as per rules.

2. Despite these instructions, there is considerable increase in the protocol demands made on the Indian Missions/ posts abroad, particularly due to private and transit visits, which adversely impact on their normal functioning. The Indian Missions/Posts abroad have limited staff, transport and other resources and they cannot meet the demands of all visiting dignitaries, delegations and officials. Ministry of External Affairs have, therefore considered it necessary to clarify the courtesies and protocol assistance which the visiting Ministers, MPs, State Ministers, other dignitaries and officials should expect from our Missions/Posts abroad.

3. Accordingly, following instructions/guidelines are issued for compliance by everyone:

REVISED GUIDELINES ISSUED BY THE G.O.I. MINISTRY OF EXTERNAL AFFAIRS ON FOREIGN TRAVEL FOR EXTENSION OF PROTOCOL COURTESIS AND OTHER ARRANGEMENTS BY INDIAN MISSIONS/POSTS ABROAD TO VISITING INDIAN DIGNITORIES, DELIGATIONS AND OFFICIALS VIDE THEIR OM NO AA/122/43/2006 DTD. 15.5.2006.

Communication of sanction to the Mission:

- i) The Indian Mission/Posts have a clear mandate to cater to the needs of official

delegation who travel on the basis of sanctions issued by the Government of India/State governments and others, which include provision of accommodation, transport, medical facilities, entertainment etc. They are not expected to incur expenditure on items not covered in the sanction as subsequent audit scrutiny puts all such expenses in the category of unauthorized expenditure and advises recovery from the concerned dignitary/official. All Ministries, Departments and Organizations are requested to fax sanction issued for visits to the concerned Missions/Posts in advance of each visit.

ii) The Mission/Posts are not authorized to incur expenditure on non-official delegation and dignitaries/officials on private visits by way of airport reception, transport arrangements, medical, security arrangements, etc.

iii) In case of private visits, where there are no resident Mission/Posts, it may not be possible for the nearest Indian Mission/Posts to arrange any protocol or logistics support.

Reception on arrival/departure:

iv) Several countries in Europe, North America, Gulf, Africa, Southeast Asia and the Pacific are visited by a large number of Indian dignitaries, delegations and officials. The airports in such cities are located at a considerable distance from the city centre and transportation takes considerable time. At such busy stations, the visiting dignitaries, delegations and officials will be received at the airport by a protocol/another officer of the Mission.

v) The Heads of Indian Mission will meet the Union Ministers and Chief Ministers only on official bilateral visits to their country; in case of transit or private visits, the later will be assisted by other officials of the Mission or protocol officers.

Access to VIP/government lounge at airports:

vi) Because of security and other reasons, several countries have reserved access to the VIP/government lounges at the airport to high dignitaries on official visit; other dignitaries and officials are either required to pay a fee to use this facility or use the normal immigration and customs channels to exit through the airport. Some countries have started levying charges for the use of VIP lounge from all visitors. In case a visiting dignitary or delegation requires the use of a VIP lounge in a foreign country, the concerned Ministry/Department should check with the Mission whether this facility would be available against a specific fee and the provision for this cost must be included in the sanction for the delegation's visit; otherwise the dignitary or the official should be prepared to exit the foreign airport through the normal channels.

Meeting of Mission officials at certain stations in baggage area or outside the customs area:

vii) The access of the protocol and other officers of the Missions/Posts abroad in certain countries are restricted for security and other reasons only to the baggage areas; in such

cases, the visitors will have to clear the immigration formality themselves. Some countries do not allow protocol/other officials of the Mission to enter even in the baggage area; in such cases, visitors will have to clear the customs formality by themselves. It will be useful to check in advance from our missions whether they will be able to assist in clearing this formalities.

Provision of security facilities:

viii) While the Indian Missions/posts can communicate the security needs of Indian dignitaries to the host governments, most foreign government provide security to the visiting dignitaries on the basis of their own threat perceptions. In case of transit or private visits, generally they do not provide any security.

ix) Security checks at the airport (including frisking and biometric readings) examination of personal baggage of all passengers, including VIPs, especially during transit and private visits are becoming common at many airports and our Mission cannot interfere with the security requirements. It is extremely expensive to make private security arrangements and our Mission cannot make such arrangements without specific provisions for such expenditure in the sanction issued for the visit. Also, private security guards are generally not allowed to carry arms and there may be other restrictions on their operation. Visiting dignitaries and officials should be apprised of this situation before embarking on foreign tours.

Provision of Transport

x) The official delegations during the visits abroad should include the cost of hiring transport in the sanction issued by their respective Ministries/departments and inform the same to the Indian Missions/Posts in advance so that suitable transport arrangements are made. For transit visits, the officials may be advised to hire taxis and claim the amount in their TA bills. Mission/Posts will not be able to hire transport for private visits.

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL:: PERSONNEL (B)
DISPUR :::::GUWAHATI**

No: ABP 144/95/110

Dated Dispur the 5th November , 2011

OFFICE MEMORANDUM

In partial modification of this Department's OM No AAP 67/91/157 dated 27th July 1995 and ABP 144/95/1 dated 18th August 1995, the Governor of Assam is pleased to issue the following further guidelines in pursuance of Section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. (by the above mentioned OM s of the State Government of Assam had issued instructions to appoint in every establishment such percentage of vacancies not less than 3% for persons or class of persons with disability of which 1% each shall be reserved for persons suffering from blindness , deafness and orthopaedically handicapped in the Grade III and Grade IV posts) :

Henceforth this will be applicable in respect of direct recruitment to all the categories of posts with the exceptions that only identified categories of posts in Grade I and Grade II will be filled up with the following categories of physically handicapped persons through direct recruitment .

- i. blindness or low vision;
- ii. hearing impairment;
- iii. locomotor disability or cerebral palsy,

As regards definitions of above categories of disabilities etc. Government of India has laid down guidelines in its OM No 36035/3/2004/-Esstt (res) dated 29th December 2005 which may be followed . Apart from this , the following vital guiding principles of the Government of India's OM having conformity with the provisions of relevant State legislations are stated below for favour of appropriate action. In case any further clarifications have felt necessary, the concerning Administrative Department may refer to the detailed provisions of the Government of India's aforementioned OM.

(a) For the purpose of effecting the reservation for persons with disabilities in all four classes of posts, separate registers of 100 points for each class will be maintained in each identified posts in each cadre to be filled through Direct Recruitment. Each register shall have cycles of 100 points which shall be divided into three blocks, comprising the following points:

1st Block - point No.1 to point No.33

2nd Block – point No.34 to pointNo.66

3rd Block - point No.67 to point No.100

(b) Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities -one point for each of the three categories of disabilities. The head of the establishment shall decide the categories of disabilities for which the points 1, 34 and 67 will be reserved keeping in view all relevant facts. The purpose of keeping points 1, 34 and 67 as reserved is to fill up the first available suitable vacancy from 1 to 33, first available suitable vacancy from 34 to 66 and first available suitable vacancy from 67 to 100 by persons with disabilities.

(c) All the vacancies in the Class III to Class IV posts and that of the vacancies in the identified categories of Grade I & Grade II posts falling in direct recruitment quota arising in the establishment shall be entered in the relevant roster register. If the post falling at point no.1 is not identified for the disabled or the head of the establishment considers it desirable not to fill it up by a disabled person or it is not possible to fill up that post by the disabled for any other reason, one of the vacancies falling at any of the points from 2 to 33 shall be treated as reserved for the disabled and filled as such. Likewise a vacancy falling at any of the points from 34 to 66 or from 67 to 100 shall be filled by the disabled.

(d) There is a possibility that none of the vacancies from 1 to 33 is suitable for any category of the disabled. In that case two vacancies from 34 to 66 shall be filled as reserved for persons with disabilities. If the vacancies from 34 to 66 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 67 to 100. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

e) If the post identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only. Reservation of 3% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from the disability for which it has been identified. Likewise in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally as far as possible. It shall however be ensured that reservation in different posts in the establishment is distributed in such a way that the persons of three categories of disabilities as far as possible, get equal representation.

- (f) After all the 100 points of the roster are covered; a fresh cycle of 100 points shall start.
- (g) If the number of vacancies in a year is such as to cover only one block or two, discretion as to which category of the disabled should be accommodated first shall vest in the head of the establishment, who shall decide on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.,
- (h) When the nature of vacancies in an establishment is such that a person of a specific category of disability cannot be employed, the vacancies may be interchanged among the three categories with the approval of the Government in the Social Welfare Department and reservation may be determined and vacancies filled accordingly.
- (i) If any vacancy reserved for any category of disability cannot be filled due to non-availability of a suitable person with that disability or, for any other sufficient reason, such vacancy shall not be filled and shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.
- (j) In the subsequent recruitment year, the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that disability is not available, it may be filled by interchange among the three categories of disabilities. In case no suitable person with disability is available for filling up the post in the subsequent year also, the employer may fill up the vacancy by appointment of a person other than a person with disability. If the vacancy is filled by a person with disability of the category for which it was reserved or by a person of other category of disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with disability in the subsequent recruitment year, reservation shall be carried forward for a further period up to two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year
- (k) Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with disabilities and ex servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation and person selected

against the quota for persons with disabilities have to be placed in the appropriate category viz, SC ST OBC, General candidates depending upon the category to which they belong in the roster meant for reservation of SCs/STRs/OBCs.

To illustrate, if in a given year there are two vacancies reserved for the persons with disabilities and out of the two persons with disabilities appointed, one belongs to scheduled caste and the other to general category, then the disabled SC candidate shall be adjusted against the SC point in the reservation roster and general candidate against the unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for SCs, the disabled candidate belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

This Office Memorandum will come into force with immediate effect.
The receipt of this OM may kindly be acknowledged.

Yours faithfully,

(Rajiv Bora)

**Principal Secretary to the Government of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL::: PERSONNEL (B)
DISPUR ::: GUWAHATI**

NO.ABP. 77/98/ 12

Dated, Dispur, the 24th July, 2000.

OFFICE MEMORANDUM

As per provision of proviso to Article 309 of the Constitution of India, it is necessary on the part of all the Departments to prepare and finalize their respective Service Rules, specifying the specific terms and conditions of services of personnel under various categories and services. Since many Departments did not prepare Service Rules, in spite of instructions issued from time to time to prepare Service Rules and to facilitate such work of preparation in the line of a "Model Service Rules" format was prepared and circulated to all concerned. Preparation and finalization of Service Rules requires consultation with personnel (B) Department/ Finance Department/ Legislative Department/ APSC and the Cabinet.

In case of urgency, a practice to prepare a Service order (Which is in the form of an Executive Order) is also permissible for a limited period, subject to finalization of the Service Rules.

It has come to the notice of the Government that many Departments still do not have any Service Rule and in certain Departments Service orders/ Executive orders are allowed to continue for years together leading to various complications in future. Some times proposals are mooted to amend certain provision of such Executive (Service) Orders, which is also irregular.

Accordingly, it is impressed upon all concerned that all Departments may check the existence of such Executive (Service) orders for years together or not having any Service Rules either and to initiate urgent step to finalize Service Rules immediately, so that the irregularities in Service matters may get eliminated. While doing so, the Judgments orders of the Gauhati High Court / Supreme Court if any be taken into consideration.

**Secretary to the Government of Assam,
Personnel Department**

Memo No. ABP. 77/98/12-A

Dated, Dispur, the 24th July, 2000

Copy forwarded for information and necessary section to:-

1. PS to Chief Secretary / Additional Chief Secretary.
2. All Principal Secretaries/ Commissioner & Secretaries/ Secretaries to the Government of Assam.
3. Secretaries, Assam Public Service Commission, Khanapara, Guwahati.
4. Secretary, Assam Legislative Assembly, Dispur.
5. All Administrative Departments.

By order etc.,

**Joint Secretary to the Government of Assam,
Personnel (B) Department.**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR :: : GUWAHATI**

NO. APB . 78/90/150

Dated, Dispur, the 27th March, 1998

OFFICE MEMORANDUM

**Subject : PERMISSION OF UNDERTAKING TOUR OUTSIDE THE STATE
OF ASSAM – INSTRUCTION THEREOF**

In Supersession of all previous instructions issued from time to time on the above mentioned subject, the Government of Assam, after careful consideration have decided that in extreme urgency of unavoidable nature, Officers of the State Government shall be allowed to undertake tour to outside the State in the following manners :-

1. Chief Secretary will undertake any such tour with the prior approval of the Chief Ministers. The Additional Chief Secretaries and Officers of equivalent ranks, shall obtain prior approval of the Chief Minister through the Departmental Ministers. Before such Officers proceed on tour, a copy of the date-wise tour programmes shall be sent to the Chief Secretary.
2. Officers in the rank of Secretary and above (i.e., Principal Secretaries /Commissioners & Secretaries / Secretaries) shall obtain prior approval of the Chief Secretary. Before such Officers proceed on tour, a copy of the date-wise tour programme shall be sent to the Chief Secretary, with full justification. A copy of date wise tour programme shall also be endorsed to the Departmental Minister/Minister of State for their perusal.
3. Officers at the level of Head of Department (i.e., Director or Chief Engineer , etc.) or below shall obtain prior permission in file from the Minister of State in charge of the concerned Administrative Department through the Departmental Secretaries (the term Departmental Secretary means the Principal Secretary/Commissioner and Secretary/Secretary as the case may be) and the Chief Secretary. Before such officers proceed on tour, copy of the date wise tour programme shall be sent to the Secretary of the Administrative Department, P.S to the Departmental Minister/ Minister of State and others concerned including Head of Department.
4. Chief Executive (i.e., Managing Director, etc.) or an officer below him in a public Sector Undertaking or an Autonomous Body under the state Government, shall obtain prior approval in file from the Minister/ Ministers of the State in-charge of the Concerned Administrative Department through the Departmental Secretaries.(The term Departmental Secretary means the Principal Secretary / Commissioner &

Secretary/Secretary as the case may be) and the Chief Secretary. Before such officers proceed on tour, copy of the date-wise tour programme shall be sent to the Secretary of the Administrative Department and PS to Departmental Minister /Minister of State.

5. Chairman of Public Sector Undertaking or Autonomous Body, shall obtain prior permission in file from the Chief Minister through the Minister /Minister of State in-charge of the concerned Administrative Department. Before the Chairman proceeds on tour, copy of the date wise tour programme shall be sent to the Secretary of the Administrative Department, Chief Executive of the concerned public sector undertaking and PS to the Departmental Minister of State.

6. The Principal Secretaries /Commissioner & Secretaries /Secretaries of the Administrative Departments of the Government will examine every proposal of tour of the Government Officials under their Departments outside the State at their level first and satisfy themselves that such tours are really essential. Only after satisfying themselves about the essentiality of a tour outside the State, the Principal Secretary /Commissioner & Secretary / Secretary of the Administrative Department will forward the proposal for obtaining the approval of the concerned authority as per procedure laid down in paras (1), (2), (3), and (4) above, mentioning briefly the essentiality of the tour.

7. After completion of the tours outside the State, the Senior Government Officials of the level of Secretary and above who are allowed to undertake tours to Delhi and other places on Government duties, will report within 7 (seven) days from return from tour to the Minister in-charge of the Department and the Chief Secretary about the work done by them while on tour, issues raised while taking up matters with the Central Ministries/ Department etc. and results achieved in course of their discussion with the Central Ministries /Department etc. Before putting up any proposal for tour of the Officer outside the State, the Officer will mention whether he has submitted such report on his/her earlier official tour outside the State. Other officials including the officials of the Public Sector Undertaking will submit such report to the Principal Secretary /Commissioner & Secretary/ Secretary of their respective Administrative Department within 7 (seven) days from the date of return from such tours.

These orders shall come into force with immediate effect.

There shall be strict compliance of these Government instructions.

(P.K. Bora)

Chief Secretary to the Government of Assam.

Dated, Dispur, the 27th March, 1998

Copy to :-

- 1). All Principal Secretaries to the Government of Assam.
- 2). All Commissioner & Secretaries to the Government of Assam.
- 3). All Secretaries to the Government of Assam.
- 4). All Commissioners of Divisions.
- 5). All Deputy Commissioners /Sub-Divisional Officers.
- 6). All Administrative Departments /Heads of Departments.
- 7). PPS to Chief Minister/Ministers of State.
- 8). PS to all Minister/Ministers of State.
- 9). PS to Chief Secretary, Assam/Additional Chief Secretary, Assam.
- 10). All Treasury Officers.
- 11). The Principal Accountant General (Audit) Assam, Guwahati-28.
- 12). The Accountant General (A&E) Assam, Guwahati - 28.
- 13). Commissioner & Secretary to the Govt. of Assam, Finance Department. The Ex-Post-facto approval of Chief Minister have been obtain on all approval given by Chief Secretary on the tours which were undertaken by the officers in the rank of Secretary and above. This has the reference to his U/O No. FM 61/91/Pt/10 dated 04-02-1998.
- 14). All Chairman /Chief Executive (i.e. Managing Director etc.). They are requested to furnish the details of all the tours which were undertaken by them outside the State of Assam during the year 1997, specifying therein if the approval of Departmental Minister through the Chief Secretary and of Chief Minister, through the Departmental as the case may be, have been obtained or not as per instructions laid down in paras (4) and (5) of this Department's O.M. No. ABP. 78/90/121 dated 20-09-96. They are also requested that henceforth they shall follow the guidelines contained in paras (4) and (5) of this Office Memorandum scrupulously.

By order etc.,

**Deputy Secretary to the Government of Assam
Personnel (B) Department.**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL:: PERSONNEL (B)**

No. ABP 78/90/pt-III/ 3

Dated, Dispur, the 2nd Nov., 2001

OFFICE MEMORANDUM

As per State Government's standing instructions issued Vide O.M No. ABP 78/90/150 dated 27-3-98 all officers of the rank of Secretary and above while undertaking tours outside the state of Assam are required to furnish a copy of the date-wise tour programmes to the Chief Secretary, Assam with full justification for obtaining approval of Chief Secretary, Assam.

As desired by the Chief Minister it has now been decided that for undertaking any tour outside the State of Assam, the officer concerned shall hence-forth submit a copy of his date-wise tour programme to the Chief Minister's Secretariat in addition to Chief Secretary, Assam for appraisal of Chief Minister, Assam.

On completion of the tour outside the state, the officer concerned must submit a copy of report of the tour within 7 (seven) days from the date of return from tour indicating details of the work done by him while on tour and issues raised while taking up the matter with the Central Ministers/ Departments etc. for appraisal of Chief Minister, Assam.

Further, it has also been decided that no tour programme of officer outside the state will be considered unless the officer concern has submitted the report of his/her earlier tour to outside the state of Assam to Chief Secretary and Chief Minister, Assam, in time.

Chief Secretary to the Government of Assam.

Memo No. ABP 78/90/pt-III/3-A

Dated, Dispur, the 2nd Nov, 2001.

Copy to :-

1. Commissioner & Secretary to the Governor of Assam, Dispur.
2. Commissioner & Secretary to the Chief Minister, Assam.
3. PS to Ministers/ Ministers of State, Assam.
4. PS to Chief Secretary, Assam.
5. Chairman, Assam Administrative Tribunal, Guwahati.
6. Chairman, Assam Board of Revenue, Guwahati.
7. PS to Additional Chief Secretary, Assam.
8. All Principal Secretaries/ Commissioner & Secretaries/ Secretaries to the Government of Assam.
9. All Heads of Departments.
10. All Commissioners of Divisions.

11. All Deputy Commissioners.
12. Secretary, Assam Public Service Commission, Jawaharnagar, Guwahati.
13. Principal Secretary, Karbi Anglong Autonomous Council, Diphu/ Rabha Hasong Autonomous council, Dudhnoi, Goalpara District / Mising Autonomous Council, Gogamukh, North Lakhimpur / Lalung(Tiwa) Atonomous Council, Morigaon.
13. All Sub- Divisional Officers.
14. Secretary, Assam Legislative Assembly, Dispur.

By order etc.

**Joint Secretary to the Government of Assam
Personnel (B) Department.**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : PERSONNEL (B)
DISPUR : : : GUWAHATI**

No. ABP. 78/90/Pt-III/7

Dated, Dispur, the 11th Sept., 2002

OFFICE MEMORANDUM

In order to bring about an effective and efficient administration and with a view to eliminating avoidable paperworks, Government of Assam have decided that henceforth the Chief Secretary to the Government of Assam would approve of the tour programmes of all officers of the rank of Commissioner and Secretary, and Inspector General of police, Chief conservator of Forest etc. and above, so far their visit outside the State is concerned.

In case of officers of the rank of Secretary, Additional Secretary, Joint Secretary, Heads of Department, Deputy Inspector General of Police and equivalent rank, tour programmes outside the State of all such officers shall be approved by the Additional Chief Secretary to the Government of Assam, except in the case of the officers of the Departments under his control.

Sd/ J.P. Saikia,
**Commissioner & Secretary to the Government of Assam,
Personnel Department.**

Memo. No. ABP. 78/90/Pt-III/7-A

Dated, Dispur, the 11th Sept., 2002

- Copy to :-
1. The Commissioner & Secretary to the Governor of Assam, Dispur.
 2. The Commissioner & Secretary to the Chief Minister, Assam.
 3. PS to Ministers / Ministers of State, Assam
 4. PS. to Chief Secretary, Assam.
 5. The Chairman, Assam Administrative Tribunal, Guwahati.
 6. The Chairman, Assam Board of Revenue, Guwahati.
 7. PS to Additional Chief Secretary, Assam.
 8. All Principal Secretaries/Commissioner & Secretaries/ Secretaries to the Government of Assam
 9. All Heads of Departments.
 10. All Commissioners of Divisions.
 11. All Deputy Commissioners.
 12. Secretary, Assam Public Service Commission, Jawaharnagar, Guwahati
 13. Principal Secretary, Karbi Anglong Autonomous Council, Diphu / Rabha Hasong Autonomous Council, Dudhnoi /Missing Autonomous Council,

Gogamukh , North Lakhimpur/Lalung (Tiwa) Autonomous Council,
Morigaon, North Cachar Hills Autonomous Council, Haflong /Bodoland
Autonomous Council, Kokrajhar.

14. All Sub-Divisional officers.

15. The Secretary, Assam Legislative Assembly, Dispur .

By order etc.,

**Deputy Secretary to the Government of Assam
Personnel (B) Department.**

**GOVERNMENT OF ASSAM
PERSONNEL (B) DEPARTMENT : : DISPUR**

No. ABP. 78/90/Pt-III/27.

Dated, Dispur, 11th February/2004.

OFFICE MEMORANDUM

In order to bring about an effective and efficient administration and with a view to eliminate avoidable paper works, Govt. of Assam have decided that henceforth the Chief Secy. to the Govt. of Assam would approve of tour programme of all officers of the rank of Commissioner and Secy., and Insp. General of police, Chief Conservator of Forest etc. and above or so for their visits outside the State is concerned.

In case of officers of the rank of Secretary, Addl. Secy., Joint Secy., Heads of Deptts, Deputy Inspector o General of Police and equivalent rank, tour programme outside the state of all such officers shall be approved by the Addl. Chief Secretary to the Govt. of Assam.

An official undertaking any tour outside the state shall submit a copy of the date wise tour programme with full justification to Chief Minister's Secretariat, in addition to Chief Secretary, Assam for appraisal of Chief Minister, Assam.

On completion of the tour outside the State, the officer concerned must submit a copy of the report of the tour within 7 (seven) days from the date of return from tour indicating details of the work done by him while on tour and issues raised while taking up the matter with the central Ministers/ Department etc. for appraisal of Chief Minister, Assam.

This may be brought to the notice of all concerned and receipt of this O.M. be acknowledged.

Sd / (J.P.Rajkhwa, IAS)
Chief Secretary to the Govt. of Assam,
Dispur, Guwahati - 6.

Memo No. ABP.78/ 90/ Pt.III/ 27-A,
Copy to:-

Dated, Dispur, the 11th February 2004.

- 1) Commissioner & Secretary to the Governor of Assam, Dispur.
- 2) Commissioner & Secretary to the Chief Minister, Assam.
- 3) P. S. to Minister state of Assam.
- 4) P.S. to Chief Secretary, Assam.
- 5) Chairman, Assam Administrative Tribunal, Guwahati.

By order etc.,

Chief Secretary to the Govt. of Assam,
Dispur, Guwahati - 6.

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : PERSONNEL (B)
DISPUR : : : GUWAHATI-6**

No. ABP. 78/ 90/ Pt-III/ 28

Dated, Dispur, the 1st July/ 2004.

OFFICE MEMORANDUM

Sub : INSTRUCTIONS REGARDING PERMISSION FOR UNDERTAKING TOURS.

Instructions have already been issued regarding permission for undertaking tour by State Govt. official vide this Deptt.'s O.M. No. ABP.78/90/150 dt. 27.3.1998. ABP. 78/90/151 dated 12.1.2000, ABP.78/90/166 dtd. 12.7.2001, ABP.78/90/Pt-III/3, dtd. 02.11.2001, ABP.78/90/ Pt- III/7 dtd.11/9/ 2002 and ABP.78/90/Pt - III/27 dtd. 11. 02. 2004.

In order to further streamline the process of giving permission for tour to attend meeting, seminar, workshop etc. out-side the State, where the expenditure on account of course Fees, TA/DA etc. of the Govt. Officials under taking tour is born by the sponsoring organizations, the following further instructions are issued which should be strictly adhered to.

1) Principal Secretary/Commissioner & Secretary/Secretary of the concerned Department will accord permission to Heads of Departments for under taking tour out-side the State for attending seminar/workshop/meeting etc.

2) Heads of Departments will accord permission for tour out-side the state by Officers/Officials under their administrative control.

3) The maximum period of such tour out-side the state for the above purpose is limited to 21 days only.

4) The sanctions for tour should specifically state that no TA/ DA will be paid by the Govt. of Assam or any autonomous bodies under their control.

5) In case where TA/DA etc. is born by the Govt. the existing instructions for tour out side State will continue.

sd/- J.P. Saikia, IAS,
**Commissioner & Secretary to the Govt. of Assam.
Personnel (B) Department.**

Copy:-

1. Commissioner & Secretary to the Governor of Assam, Rajbhaban, Guwahati.
2. Commissioner & Secretary to the Chief Minister, Assam.
3. P.S. to Ministers/Ministers of State, Assam.
4. P.S. to Chief Secretary, Assam.
5. Chairman, Assam Administrative Tribunal, Guwahati.
6. Chairmen, Assam Board of Revenue, Guwahati.
7. P.S. to Additional Chief Secretary, Assam.
8. All Principle Secretary/Commissioner & Secretaries/Secretaries to the Government of Assam.
9. All Heads of Departments.
10. All Commissioners of Divisions.
11. All Deputy Commissioners.
12. Secretary, Assam Public Service Commission, Jawaharnagar, Khanapara, Guwahati-22.
13. Principle Secretary, Karbi Anglong Autonomous Council, Dipu/Rabha Hasong Autonomous council, Dudhnoi, Goalprqa District/Mising Autonomous Council, Gagamukh, North Lakhimpur/Lalung (Tiwa) Autonomous Council, Morigaon.
14. All Sub-Divisional Officers.
15. Secretary, Assam Legislative Assembly, Dispur.

By order etc.

**Joint Secretary to the Govt. of Assam,
Personnel: (B): Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : : PERSONNEL (B)
DISPUR : : : GUWAHATI-6**

No. ABP.78/ 90/ 29

Dated, Dispur, the 21st December/ 2004

OFFICE MEMORANDUM

Sub:- Permission for undertaking tour outside the state of Assam instruction therefore.

Instructions regarding permission for side the State have been issued vide O.M. No.ABP.78/90/pt-III/27 dated 11.9.2002 and O.M.ABP.78/90/Pt. III / 27 dated 11.02.2004.

After careful consideration it has been decided that the Tours of Police Officers outside the State of the rank of superintendent of Police and above shall be approved by Chief Secretary and Police Officers below the rank of superintendent of Police Shall be approved by Director General of Police, Assam.

This partially modifies our O.M. No. ABP. 78/90/Pt-III/7 dt. 11.9.2002 and O.M. No.ABP.78/90/Pt-III/27 dt. 11.02.2004.

Sd/ J.P. Saikia, IAS,
**Commissioner & Secretary to the Govt. of Assam.
Personnel (B) Department.**

Memo No. ABP. 78/90/Pt-III/29-A

Dtd., Dispur, the 21st December /2004.

Copy to:-

- 1) Commissioner & Secretary to the Governor of Assam, Dispur.
- 2) Commissioner & Secretary to the Chief Minister, Assam,
- 3) P.S. to Minister/Ministers of State, Assam, Dispur.
- 4) P.S. to Chief Secretary, Assam.
- 5) Chairman, Assam Administrative Tribunal, Guwahati.
- 6) Chairman, Assam Board of Revenue, Guwahati.
- 7) P.S. to Additional Chief Secretary, Assam.
- 8) All Principal Secretaries/Commissioner & Secretaries/ Secretaries to the Government of Assam.
- 9) All Heads of Departments.
- 10) All Commissioners of Divisions.
- 11) All Deputy Commissioners.

- 12) Secretary Assam Public Service Commission, Jawaharnagar, Guwahati-22.
- 13) Principle Secretary, Karbi Anglong Autonomous Council, Diphu/Rabha Hasong Autonomous Council, Dudhnoi, Goalpara Lalung (Tiwa) Autonomous Council Morigaon.
- 14) All Sub-Divisional Officers.
- 15) Secretary, Assam Legislative Assembly, Dispur.

By order etc.

**Joint Secretary to the Govt. of Assam,
Personnel: (B): Department.**

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL : PERSONNEL (B) :
DISPUR GUWAHATI- 6

No. ABP. 78/90/Pt-III/31

Dated Dispur, the 20th October/2005.

OFFICE MEMORANDUM

Subject : Official travel outside the State.

In supersession of all previous instructions, official travel out side the State of Assam, Heads of Departments, Secretariat Officers of the rank of Joint Secretary and above, Police Officers of the rank of Superintendent of Police and above and Forest Officers of the rank of Conservator and above will require the approval to the Chief Secretary.

(1) Travel of other Officers will continue to be approved by Additional Chief Secretary (I).

(2) The procedure laid down in ABP. 78/90/Pt-III/28 dated 1-7-2004 for travel to attend seminar /workshops funded by source other than the Government of would continue.

(3) The procedure for foreign travel remains unaltered.

Sd/- S. Kabilan, IAS.

Chief Secretary to the Government of Assam.

Memo. No. ABP. 78/90/Pt-III/ 31-A

Dated, Dispur the 20th October , 2005.

Copy to :

1. All Additional Chief Secretaries to the Government of Assam.
2. All Principal Secretaries to the Government of Assam.
3. All Special Secretaries to the Government of Assam.
4. All Commissioner & Secretaries to the Government of Assam.
5. P.P.S. to Chief Minister, Assam.
6. P.P.S. to Chief Secretary , Assam.
7. All Administrative Departments.
8. All Heads of Departments.
9. The Secretary, Assam Legislative Assembly, Dispur .
- 10 The Secretary, Assam public Service Commission, Jawaharnagar, Khanapara, Guwahati-22

By order etc.,
Joint Secretary to the Govt. of Assam
Personnel(B)Department

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.116/2001/4

Dated: Dispur, the 4th February, 2002.

OFFICE MEMORANDUM

Subject: Policies of Transfer and posting of Government Officials.

As per State Government's standing O.M. NO. ABP.40/91/117 dated 9-9-92 the transferable officers and staff should normally be transferred only upon completion of 3 years of service at one place. But an officer need not necessarily be transferred when he completes 3 years in one station if the interest of public does not demand so.

In the said O.M. it has also been stipulated that whenever public interest demands that an officer should be transferred from his place of posting even before completion of 3 years in the place, proper justification and ground may be recorded in writing for the transfer and orders issued only after getting approval of the Chief Minister for such a transfer.

However, in practice it has been observed that such stipulation of taking prior approval of Chief Minister is not always obtained while making transfer and posting of Government officials and for which litigation often taken place. The Hon'ble Gauhati High Court in its recent order dated 16-8-2001 in Writ Petition W.P. (C) No 5216/2001 (Shri Dayal Das-vs-State of Assam and others) has directed the respondents to comply with this provision as measure to check arbitrary transfer of Government officials before completion of normal tenure of 3 years.

It is, therefore, reiterated that all concerned should strictly adhere to the instructions/guidelines issued vide State Government O.M. quoted above and not to violate the provisions of the said Office Memorandum.

**Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.**

No.ABP.116/2001/4-A

Dated: Dispur, the 4th February, 2002.

Copy to:

1. The Commissioner & Secy. to the Governor of Assam, Guwahati.
2. The Commissioner & Secy. to the Chief Minister, Assam, Dispur
3. The P.S. to Ministers/Ministers of State, Assam, Dispur.
4. The P.S. to Chief Secretary, Assam, Dispur.
5. The Chairman, Assam Administrative Tribunal, Guwahati.
6. The Chairman, Assam Board of Revenue, Guwahati.
7. The P.S. to Additional Chief Secretaries, Assam, Dispur.
8. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt.

of Assam.

9. All Heads of Departments
10. All Commissioners of Divisions
11. All Deputy Commissioners.
12. The Secretary, Assam Public Service Commission, Jawaharnagar, Guwahati-22.
13. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu, Diphu/Rabha Hâsong Autonomous Council, Dudhnoi, Goalpara District/Mising Autonomous Council, Gogamukh, North Lakhimpur/Lalung(Tiwa) Autonomous Council, Morigaon.
14. All Sub-Divisional Officers.
15. Secretary, Assam Legislative Assembly, Dispur.

By order etc,

**Deputy Secretary to the Govt. of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No. ABP.116/2001/7

Dated: Dispur, the 22nd May, 2002.

OFFICE MEMORANDUM

Subject: Transfer and posting of Government Officials.

Government office Memorandum Nos. ABP.40/91/117 dated 19-4-1992 and ABP.116/01/4 dtd.04-02-2002 clearly lay down the policy for transfer and posting of Government officials. Frequent transfer and posting not only leads to avoidable expenditure on T.A./D.A. etc. but also demoralizes Government officials. In order to streamline the system, the following further instructions are issued:

1. Provisions contained in Government office Memorandum No ABP.116/01/4 dated 4-2-2002 are to be strictly complied with by all Departments/ Offices. No exception is to be made under any circumstances. The aforesaid office Memorandum is equally applicable for all officers/staff under various Directorates of Government Departments.
2. It is further noticed that some Departments frequently change the transfer orders without any justification. The practice is to be stopped forthwith. Henceforth modification of any transfer order, once issued, would require the approval of Hon'ble Chief Minister, Assam and the modification must be made only on justifiable ground.
3. Henceforth, the concept of transfer season is introduced in consideration of some inevitabilities. The months of December and January would constitute the transfer season. The Departments/Directorates would be competent to effect transfers and postings of Government officials having completed three years only during the transfer season. Any transfer outside the transfer season would require the approval of Hon'ble Chief Minister, Assam on promotion against vacant post as well as an official having completed three years being moved to fill up a vacancy caused due to death, retirement etc. or an officer being moved out on disciplinary grounds.
4. All Administrative Departments are to formulate and promulgate a comprehensive transfer and posting policy within three months. Personnel (B) Department will act as nodal Department for the purpose.

Sd/- J.P. Saikia, IAS
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.

Copy to:

1. The Commissioner & Secy. to the Governor of Assam, Guwahati.
2. The Commissioner & Secy. to the Chief Minister, Assam, Dispur
3. The P.S. to Ministers/Ministers of State, Assam, Dispur.
4. The P.S. to Chief Secretary, Assam, Dispur.
5. The Chairman, Assam Administrative Tribunal, Guwahati.
6. The Chairman, Assam Board of Revenue, Guwahati.
7. The P.S. to Additional Chief Secretaries, Assam, Dispur.
8. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam.
They are requested to arrange formulation and promulgation of a comprehensive transfer and posting policy within the time stipulated in the light of this Office Memorandum.
9. The Secretary, Assam Public Service Commission, Jawaharnagar, Guwahati-22.
10. Secretary, Assam Legislative Assembly, Dispur
11. All Commissioners of Divisions
12. All Heads of Departments
13. All Deputy Commissioners
14. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu, Diphu/Rabha Hasong Autonomous Council, Dudhnoi, Goalpara District/Mising Autonomous Council, Gogamukh, North Lakhimpur/Lalung(Tiwa) Autonomous Council, Morigaon.
15. All Sub-Divisional Officers.

By order etc,

Deputy Secretary to the Govt. of Assam
Personnel (B) Department

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.116/2001/17

Dated: Dispur, the 4th October, 2006

OFFICE MEMORANDUM

Subject: Transfer and posting of Government Officials.

State Government issued Office Memorandum from time to time setting the guidelines to be followed in the matter of transfer and posting of Government officials. Office Memorandum No. ABP.116/2001/7 dated 22.5.2002 read with Office Memorandums no ABP.40/91/117 dated 19.4.92 and No ABP.116/2001/4 dated 4.2.2002(copy enclosed) were very much clear and categorical about the Government policy for transfer and posting. In spite of those clear instructions from Government, yet some incidents of arbitrary transfer and postings of Government Officials have come to the notice of the Government. The Government is to the view that frequent transfer and posting not only leads to avoidable expenditure on TA/DA etc. but also demoralizes the officials and jeopardizes the implementation of various welfare scheme/work undertaken by the Government.

It is, therefore, impressed upon all Administrative departments and all Appointing Authorities that while making any transfer and posting of Govt. officials they shall ensure strict compliance of the instructions contained in the above mentioned Office Memorandums of State Government. Any deviation will be viewed seriously and the erring officer will be held personally responsible for the lapses.

This may be brought to the notice of all concerned.

Sd/- D.N. Saikia
**Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.**

No.ABP.116/2001/17-A

Dated: Dispur, the 4th October, 2006

Copy to:

1. The Commissioner & Secy. to the Governor of Assam, Guwahati.
2. The Commissioner & Secy. to the Chief Minister, Assam, Dispur
3. The P.S. to All Ministers, Assam, Dispur.
4. The P.S. to Chief Secretary, Assam, Dispur.
5. The Chairman, Assam Administrative Tribunal, Guwahati.
6. The Chairman, Assam Board of Revenue, Guwahati.
7. The P.S. to All Additional Chief Secretaries, Assam, Dispur.

8. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam of necessary action.

1. The Secretary, Assam Public Service Commission, Guwahati.

2. All Commissioners of Divisions

11. All Heads of Departments

12. All Deputy Commissioners

13. All Sub-Divisional Officers.

14. The Principal Secretary, Karbi Anglong Autonomous Council, Diphu, Diphu/Rabha Hasong Autonomous Council, Dudhnoi, Goalpara District/Mising Autonomous Council, Gogamukh, North Lakhimpur/Lalung(Tiwa) Autonomous Council, Morigaon.

By order etc,

**Joint Secretary to the Govt. of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL ::: PERSONNEL (B)
DISPUR::: GUWAHATI**

No.ABP.116/2001/25

Dated: Dispur, the 14th February, 2007

OFFICE MEMORANDUM

Subject: Transfer and posting of Government Officials.

Comprehensive instructions have been issued by State Govt. regarding transfer and posting of govt. officials vide O.M. No ABP.40/91/117 dated 19-09-92, No ABP.16/2001/4 dtd. 4-2-2002, No ABP.116/2001/7 dtd.22.5.2002 and No. ABP.116/2001/17 dated 4.8.2006.

In spite of State Govt's clear policy on transfer and posting of Government officials, instances have come to the notice of Government where Govt. officials approach Hon'ble High Court directly seeking remedy against transfer orders without approaching the authority concerned. This unwanted tendency of approaching Hon'ble Court against transfer order that has grown amongst some Govt. officials is viewed seriously by the State Government. The Government desires that such practices should be totally avoided and all such State Govt. officials should first exhaust the avenues available for the same within the State Govt. and if necessary, the Assam Administrative Tribunal should be approached before going to the High Court for redressal of their grievances.

The above instruction should be scrupulously followed by all State Govt. Officials. Any deviation will be viewed seriously and Departmental action will be initiated against the erring officials.

This may be brought to the notice of all concerned.

**Sd/- J. BARUAH
Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.**

No.ABP.116/2001/25-A

Dated: Dispur, the 14th February, 2007

Copy to:

1. The P.S. to Chief Minister, Assam for kind information of Hon'ble Chief Minister, Assam.
2. The P.S. to Ministers/Ministers of State, Assam for information and necessary action.
3. The P.S. to Chief Secretary to the Govt. of Assam.
4. The P.S. to Additional Chief Secretaries, to the Govt. of Assam.
5. The P.S. to Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam of necessary action.
6. All Administrative Departments for necessary action.

By order etc,

**Under Secretary to the Govt. of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL::: PERSONNEL (B)
DISPUR::: GUWAHATI-6**

No. ABP.116/2001/29

Dated: Dispur, the 12th November, 2009

OFFICE MEMORANDUM

Subject: Policies of transfer of Government Officials.

The undersigned is directed to refer to the Govt. Office Memorandums No ABP.116/2001/4, dated 4-2-2002 and No ABP.116/2001/7, dated 22-05-2002 wherein it was laid down categorically that whenever public interest demands an officer be transferred from his place of posting before completion of the normal tenure of three years in a particular post/place, proper justification with credible ground be adduced in writing for such transfer and order effecting such transfer shall be issued only after securing the approval of Hon'ble Chief Minister.

However, of late, the stipulation of taking the prior approval of the Chief Minister is not always observed while effecting the transfer and posting of Govt. officers before completion of their normal tenure of three years in one place.

All Administrative Departments are therefore advised to ensure that no officer is transferred without completing three years in a particular place of posting unless it is on promotion. In case circumstances require the transfer of any officer before three years in the exigency of public service or for other reasons, the approval of Hon'ble Chief Minister should invariably be obtained before such transfer.

This may be brought to the notice of all concerned.

Sd/- Rajiv Bora
**Commissioner & Secy. to the Govt. of Assam
Personnel (B) Department.**

No. ABP.116/2001/29-A

Dated: Dispur, the 12th November, 2009

Copy to:

1. The P.S. to Chief Minister, Assam for kind information of Hon'ble Chief Minister, Assam.
2. The P.S. to Ministers/Ministers of State, Assam for information and necessary action.
3. The P.S. to Chief Secretary to the Govt. of Assam.
4. The P.S. to Additional Chief Secretaries, to the Govt. of Assam.
5. The P.S. to Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam of necessary action.
6. All Administrative Departments for necessary action.

By order etc,

**Under Secretary to the Govt. of Assam
Personnel (B) Department**

**GOVERNMENT OF ASSAM
POLITICAL DEPARTMENT**

No. PLA(V).80/2001/5

Dated Dispur, the 3rd August, 2001.

**ORDERS BY THE GOVERNOR OF ASSAM
NOTIFICATION**

Sub : Vigilance in public administration in Assam

1. The Government of Assam reiterate their firm and priority commitment to all-out efforts for achieving a clean and transparent administration, accountable to the rule of law responsive to public grievances and free from misdeed and corruption and in this connection, the State Government desire that the vigilance system should function properly and efficiently.

2. Vigilance literally means watchfulness or alertness. Vigilance in the public administration means watchfulness or alertness against likely misdeed or corruption. Thus, the major emphasis in the sphere of vigilance in the public administration is on the preventive and precautionary measures to check and minimize likely misdeed and corruption in the sensitive activities in various areas/organizations under different Departments of the Government. Despite the best preventive measures, there may, still, be some instances of misdeed or corruption. Each of these needs to be investigated properly and thoroughly and firm and expeditious action needs to be taken as per law against the wrongdoers within the Government and others. The investigation or inquiry could be Departmental, magisterial, or by the police or by vigilance organization, depending on the situation. While the action against the wrong-doers within the Government could be Departmental action or criminal prosecution or civil action or all or any of them, that against the other could be by way of criminal prosecution or civil action or both. If the investigation/inquiry in specific instances reveals any system deficiency or inadequacy, it would also have to be rectified. Thorough and timely action would have to be ensured in all matters of investigation/inquiry, departmental action, criminal prosecution, system rectification, etc.

3. Vigilance is an innate, intrinsic and inherent duty of every line authority in any organization and it equally applies to the public administration. It is in this context that the Government of Assam reiterate that the Chief Secretary, Assam to be the Vigilance Commissioner of the State's administration, the Secretary of a Department to be the Vigilance Officer of the Department and a Head of the Department to be the Vigilance Officer of the concerned Directorate and every Head of Office to be the Vigilance Officer of that office. In order to energize and make the vigilance system effective and efficient, the Government of Assam have now the Chief Vigilance Commissioner, Assam at the top of the integrated vigilance system in the State's administration and it is desired that the integrated vigilance system should function promptly, efficiently and vigorously towards the goal of clean and transparent administration, accountable to the rule of law, responsive

to public grievances and free from misdeed and corruption.

4. There is to be a streamlined and efficient system of attending to the various public grievances. There should be transparency in the public administration in the State.

5. Whenever the Chief Vigilance Commissioner, Assam asks to see any paper on any matter relating to any Department, it shall be made available to him by the Secretary or the concerned authority of the Department. The Chief Vigilance Commissioner, Assam shall be consulted by the Departmental authorities through the Secretary of the Department in all matters relating to vigilance. The role of the Chief Vigilance Commissioner Assam is advisory and in all matters relating to vigilance in the public administration in the State his advice shall be given the utmost serious consideration.

6. The Chief Vigilance Commissioner, Assam shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code.

7. These instructions shall come into force with immediate effect.

(P.K. Bora, I.A.S.)
**Chief Secretary to the Govt. of Assam,
Dispur Guwahati-6.**

Memo No. PLA(V)80/2001/5-A

Dated Dispur , the 3rd August, 2001.

Copy to :

1. The Commissioner & Secretary to the Governor of Assam, Rajbhavan, Guwahati.
2. The Commissioner & Secretary to the Chief Minister, Assam, Dispur.
3. The Principal Private Secretary to the Chief Minister, Assam, Dispur.
4. PSs to all Ministers/Ministers of State, Assam, Dispur.
5. P.S. to Adviser (Education) to Chief Minister, Assam, Dispur.
6. The Registrar General, Gauhati High Court, Guwahati.
7. The Secretary to the Assam Human Rights Commission, Guwahati.
8. The Registrar, Office of the Lokayukta, Assam, Guwahati.
9. The Secretary, Assam Public service Commission, Guwahati.
10. P.S. to the Chief Secretary to the Govt. of Assam, Dispur.
11. P.S. to the Addl. Chief Secretary to the Govt. of Assam, Dispur.
12. P.S. to the Chief Vigilance Commissioner, Assam, Dispur.
13. P.S. to the Director General of Training, Assam administrative staff College, Guwahati.
14. The Chairman , Assam administrative Tribunal, Panbazar, Guwahati-1.
15. The Chairman, Board of Revenue, Panbazar, Guwahati-1.
16. All Principal Secretaries to the Govt. of Assam, Dispur.
17. The Accountant General(A&E), Assam Maidamgaon, Guwahati-29.
18. The Accountant General (Audit), assam, Maidamgaon, Guwahati-29.
19. All Commissioners & Secretaries to the Government of Assam.
20. All Commissioners of Divisions.

21. The Resident Commissioner, Government of Assam, Assam Bhavan, Sardar Petal Marg, New Delhi-21
22. The Secretary, Assam Legislative Assembly, Dispur.
23. All Secretaries to the Government of Assam.
24. All Heads of departments under the Government of Assam.
25. The Trade Adviser, Government of Assam, Assam House, 8-Russel Street, Kolkata-700071.
26. The Director of Assam Government Press, Bamunimaidam, Guwahati-21 for publication of this Government notification in the official gazette(extraordinary) of the Government of Assam and supplying 500 copies of it to the Relations, Assam, Dispur.
27. The Director of Information and public Relations, Assam, Dispur.
28. All Administrative Departments under Government of Assam. The copies of this notification are to be sent to all offices under them.
29. Principal Secretary, Karbi Anglong Autonomous Council, Diphu.
30. Principal Secretary, North Cachar Hills Autonomous Council, Haflong.
31. Principal Secretary, Bodoland Autonomous Council, Kokrajhar.
32. Principal Secretary, Mishing Autonomous Council, Gogamukh, Dhemaji District.
33. Principal Secretary, Rabha Autonomous Council, Dudhnoi, Goalpara District.
34. Principal Secretary, Lalung Autonomous Council, Morigaon.
35. All Deputy Commissioners.
36. All Sub-Divisional Officers.

By order etc.

H. S. DAS, IAS.
**Commissioner & Secretary to the Govt. of Assam,
Political Department, Dispur, Guwahati-6.**

**GOVERNMENT OF ASSAM
POLITICAL ::: (A) ::: DEPARTMENT
(VIGILANCE CELL)**

NO.PLA (V) 55/2003/12

Dated Dispur, the 16th June, 2004.

OFFICE MEMORANDUM

After careful consideration and for speedy implementation of the Vigilance & Anti-Corruption measures and in partial modification of the letter No. G 121/54/20, dated 04.11.1954, the Governor of Assam is pleased to order for adopting following guidelines in all vigilance enquiries initiated by Political (Vigilance cell) Department against the State Govt. officer (s) employee (s) into the allegations and vigilance report :-

[A] ALLEGATION PETITION

(1) As soon as an allegation-petition is received by Political (Vigilance cell) Department, it shall examine as to whether the allegation-petition contains the identity and addresses of the complainants and whether the specific details of the alleged irregularities have been clearly spelt out in the allegation-petition.

(a) If the allegation-petition is anonymous/pseudonymous and does not contain specific details of alleged irregularities, no action shall be taken on the allegation-petition.

(b) If the petition is anonymous/pseudonymous but contains specific details of the alleged irregularities, in that case the matter shall be referred to the Chief Minister for according approval to initiate Preliminary Enquiry.

(c) In all other cases, the matter shall be referred to the Chief Minister for according approval to initiate Preliminary Enquiry.

[B] PRELIMINARY ENQUIRY

(1) As soon as a decision has been taken to have an enquiry made into allegation contained in an allegation-petition, a preliminary enquiry shall be initiated by the Political (vigilance cell) Department. The Preliminary Enquiry shall be a discreet enquiry so as to verify the facts alleged in the allegation-petition. Completion of the preliminary enquiry shall not take more than three months time. In case, the enquiry officer fails to submit his preliminary enquiry report within the stipulated three months time then necessary departmental action shall be initiated the said Enquiry Officer

(2) On receipt of the preliminary enquiry report the Political (Vigilance cell) Department shall forward the same to the administrative department of the suspected officer/employee. The administrative department shall call for explanation from the concerned suspected officer/employee. On receipt of the explanation, if any, the administrative Department shall examine and thereafter forward the explanation, if any, along with their specific views and material evidence to substantiate the explanation of the concerned suspected officer/employee to the Political (vigilance cell) Department. Administrative Department shall not take more than three months time in the process. In case, the Administrative Department fails to offer its specific views within the stipulated three months time, then the political (Vigilance cell) Department shall move the matter to the Chief Minister for according approval to initiate Regular Enquiry.

(3) On receipt of the explanation of the suspected officer/employee and the views of the Administrative Department, if it is found by the Political (vigilance cell) Department that a regular enquiry should be held, it shall submit the matter to the Chief Minister for his approval to initiate Regular enquiry.

[C] REGULAR ENQUIRY

(1) During the course of Regular Enquiry, the suspected officer/employee concerned shall be given an opportunity to say that he may have to say about the allegations against him and to find out if he is in a position to give any satisfactory information or explanation. In the absence of such an explanation, the suspected officer/employee are likely to be proceeded against unjustifiably. Such an opportunity however may not be given in cases in which a decision to initiate departmental proceeding is to be taken without any loss of time. For example in a case in which the suspected officer/employee concerned is due to retire or to superannuate soon and it is necessary to issue the charge sheet to him before retirement, the Regular Enquiry shall be completed within six months. In case, the enquiry officer fails to submit his regular enquiry report within the stipulated six months time then necessary departmental action shall be initiated against the said enquiry officer.

(2) After the Regular Enquiry is completed, the Political (Vigilance Cell) Department shall prepare a self-contained report including the material available to controvert the defence. The report shall contain the explanation of the suspected officer/employee. The fact that an opportunity as referred to above was given to the officer concerned should be mentioned in the report, even if the suspected officer/employee did not avail of it.

[D] DISCIPLINARY PROCEEDINGS

Political (Vigilance Cell) Department shall submit the report of the regular enquiry to the disciplinary authority for further action. As soon it is decided by the disciplinary authority to institute disciplinary proceeding against the suspected officer/employee, the allegation-petition shall be regarded as having taken the shape of a vigilance case.

[E] CRIMINAL PROCEEDINGS

If after examination of the report of the Regular Enquiry, it is found by the Political (Vigilance Cell) Department that sufficient evidence is forthcoming for drawing up criminal proceedings against the suspected officer/employee then the matter shall be referred to the Chief Minister for his approval to initiate the criminal proceedings. As soon as it is decided to institute criminal proceedings against the suspected officer/employee, the allegation-petition shall be regarded as having taken the shape of a vigilance case.

[F] PROSECUTION SANCTION

After establishment of the evidence of criminal charges against the suspected officer/employee, Political (Vigilance cell) Department shall move the proposal to concerned appointing Authority for issue of prosecution sanction against the suspected officer/employee. The concerned Appointing authority after consultation with Legal Remembrancer shall take necessary action to obtain necessary approval for prosecution sanction from the competent authority.

These instructions shall come into force with immediate effect.

Sd/- Dr. B. K. Gohain,
**Commissioner & Secretary to the Govt. of Assam,
Political Department**

Memo No. PLA(V) 55/2003/12-A

Dated Dispur, the 16th June, 2004.

Copy to :

- [1] PPS to Chief Minister, Assam Dispur.
- [2] PS to Chief Secretary, Assam, Dispur.
- [3] All Addl. Chief Secretaries, Govt. of Assam.
- [4] All Principal secretaries Govt. of Assam.
- [5] All Commissioners & Secretaries, Govt. of Assam.
- [6] All Secretaries, Govt. of Assam.
- [7] The Director General of Police, Assam.
- [8] The Director General of Police, Vigilance & Anti-Corruption, Assam, Guwahati.
He is requested to follow the guidelines in respect of anonymous complaints.
- [9] The Director General of Police, Home Guards and Civil Defence.
- [10] The Addl. Director General Police, CID.
- [11] The Inspector General of Police, Bureau of Investigation (E.O.), Assam.
- [12] The Superintendent of Police, C.M's Special Vigilance Cell, Assam, Guwahati.
- [13] PS to all Ministers, Assam.
- [14] The Inspector General of Police, Special Branch, Assam, Guwahati : 19.

By order etc.

**Secretary to the Govt. of Assam,
Political Department.**

**GOVERNMENT OF ASSAM
POLITICAL (VIGILANCE) DEPARTMENT**

No. PLA (V) 36/2002/327

Dated Dispur the 19th March, 2008

OFFICE MEMORANDUM

It has been observed that Political Department's clearance is required for promotion, Central Deputation, Inter-state Deputation, Foreign visits, issue of no objection certificate for obtaining Indian Passport, retirement benefits, awarding various medals and other special purposes. Political Department obtains reports in respect of the officer(s) concerned from the Directorate of Vigilance and Anti-Corruption and Chief Minister's Special Vigilance Cell. However, in case of issue of no objection certificate for obtaining Indian Passport report from the Special Branch is also obtained in addition to the report of the other two organizations.

As per the present practice the Political Department refers to the concerned organizations for report on the vigilance status of the officer (s) and the Directorate of Vigilance & Anti-corruption and Chief Minister's Special Vigilance cell report that a vigilance case is pending or contemplated only if a regular enquiry or criminal case or Court trial is pending.

After careful consideration of the matter above, and in supersession of the Office Memorandum No. PLA (V) 130/2001/1 dated 5th December 2001, the State Government has decided to issue the following guidelines for compliance by all concerned:-

A) With regard to promotion of the officers, the Directorate of Vigilance & Anti-Corruption and the Chief Minister's Special Vigilance Cell may report about the vigilance status of the Government officer only when Prosecution for Criminal Charge is pending against the officers. In this connection the O.M. No. 22012/1/99-Estt (D) dated 25-10-2004 issued by Department of Personnel & Training, Government of India and O.M. No. ABP.29/2006/38 dated 09-05-2006 issued by the Department of Personnel (B) Government of Assam are referred to.

B) When vigilance status is sought for in connection with Central Deputation or Inter-state Deputation of officers, the Directorate of Vigilance & Anti-Corruption and the Chief Minister's Special Vigilance Cell may report if a Regular Enquiry or criminal proceeding or Criminal Prosecution is pending against the officer.

C) In case, vigilance status is sought in connection with retirement benefits of officers, the Directorate of Vigilance & Anti-Corruption and the Chief Minister's Special Vigilance Cell may report if a regular enquiry of Criminal Proceeding or criminal prosecution is pending against the officer.

D) In case, vigilance status is sought in connection with awarding medals to officers, the Directorate of Vigilance & Anti-Corruption and the Chief Minister's Special Vigilance Cell may report if a Regular Enquiry or Criminal Proceeding or criminal prosecution is pending against the officer.

E) In case vigilance status is sought in connection with foreign visit or issue of Indian Passport to officers, the directorate of vigilance & anti-corruption and the Chief Minister's special Vigilance cell may report if a criminal prosecution is pending against the officer.

This shall come into force with immediate effect.

Sd/ - S. C. Das
Principal Secretary to the Government of Assam
Home & Political Department

No. PLA (V) 36/2002/327-A

Dated the 19th March , 2008

Copy to :-

1. The Director General of Police, Assam for information.
2. The Commissioner and Secretary to the Government of Assam, Personnel Department, Dispur , Guwahati for information and necessary action.
3. All Administrative department, Government of Assam for information and necessary action.
4. The Additional Director General of Police, Vigilance and Anti-Corruption, R.G.Barua Road, Guwahati-6 for information and necessary action .
5. The Superintendent of Police, Chief Minister's Special Vigilance cell, Christianbasti, Guwahati.
6. P.P.S. to Chief Minister, Assam.
7. Guard file.
8. File No. PLA (V) 130/2001.

By order etc.

Joint Secretary to the Government of Assam
Political (Vigilance Cell) Department

**GOVERNMENT OF ASSAM
POLITICAL (VIGILANCE CELL) DEPARTMENT**

No. PLA (V) 55/2003/47

Dated Dispur the 19th April 2008

OFFICE MEMORANDUM

After careful examination of the existing provisions and with a view to expedite the implementation of vigilance and anti corruption measures and also for achieving better effectiveness of the vigilance administration of the State, the Governor of Assam is pleased to order for adopting the following guidelines in all vigilance enquiries initiated by Political (Vigilance Cell) Department into the allegations against the employees of State Government State Government/State Government Undertakings and vigilance reports thereof.

This is in partial modification of the Office Memorandum issued vide this Department's Memo No. PLA (V) 55/2003/12-A dated Dispur, the 16th June 2004.

- a) The Directorate of Vigilance & Anti Corruption is delegated to take up Preliminary Enquiry on its own against public servants up to the rank of Under Secretary to the Government of Assam or its equivalent rank. The Head of the Department of Vigilance and Anti Corruption Directorate shall accord approval for initiation of the Preliminary Enquiry against the public servants. With regard to the officers from the rank of Deputy Secretary to the Government of Assam or its equivalent rank and above, prior approval from Government shall be necessary to initiate Preliminary Enquiry.
- b) The Directorate of Vigilance & Anti Corruption shall submit weekly statement of such cases of Preliminary Enquiries taken on its own giving the current status to the Government in Political Department. The report for the week should be submitted to the Political (Vigilance Cell) Department by forenoon of Tuesday of the following week.
- c) All such Preliminary Enquiries so taken up would be discreet enquiries without the knowledge of the employee concerned against whom preliminary enquiry is carried out and should be completed and report submitted to the Government for further action within a period of ninety days.
- d) On receipt of the reports of the Preliminary Enquiries from the Directorate of Vigilance & Anti Corruption, the Government in Political (Vigilance Cell) Department would examine the same and take a decision regarding taking up Regular Enquiry with the order of the Competent Authority. **No reference to the Administrative Department would be made.**

e) All other provisions of the O.M. No PLA (V) 55/2003/55 dated 16-6-2004 shall remain unchanged.

These guidelines will come into force with immediate effect.

Sd/- (S.C. Das)

**Principal Secretary to the Government of Assam
Home & Political Department**

Memo No. PLA (V) 55/2003/47-A

Dated: Dispur the 19th April 2008

Copy to:

- |1| PPS to Chief Minister, Assam, Dispur.
- |2| P.S. to all Ministers, Dispur
- |3| PS to Chief Secretary to the Govt. of Assam, Assam, Dispur.
- |4| All Addl. Chief Secretaries to the Govt. of Assam, Dispur.
- |5| All Principal Secretaries to the Govt. of Assam, Dispur.
- |6| All Commissioners & Secretaries to the Govt. of Assam, Dispur
- |7| All Secretaries to the Govt. of Assam, Dispur.
- |8| The Director General of Police, Assam.
- |9| The Additional Director General of political, Vigilance & Anti-Corruption, Assam, Guwahati.
- |10| The Director General of Civil Defence and Commandant General of Home Guards, Assam.
- |11| The Addl. Director general of Police, CID.
- |12| The Inspector General of Police, Bureau of Investigation of Economic Offences, Assam.
- |13| The Inspector General of Police, Special Branch, Assam
- |14| The Superintendent of Police, Chief Minister's Special Vigilance Cell, Assam.

By order etc.

**Joint Secretary to the Government of Assam
Political (Vigilance Cell) Department**

**GOVERNMENT OF ASSAM
POLITICAL (VIGILANCE) DEPARTMENT
DISPUR : GUWAHATI**

No PLA(V) 139/2009/5

Dated Dispur the 13th November, 2009

OFFICE MEMORANDUM

In continuation of the office Memorandum No. PLA(V) 55/2003/12 dated 16/6/2004 and office Memorandum No. PLA (V) 55/2003/47 dated 19/4/2008 and after careful examination of the existing provision and with a view to extending the implementation of vigilance & anti Corruption measures, the Governor of Assam is pleased to order the following provision after sub para (3) of para [C] of office Memorandum No. PLA(V) 55/2003/12 dated 16/6/2004 for disposal of Regular Enquiry and initiation of Criminal Investigation :-

(1) Notwithstanding anything contained in any provision of earlier Office Memorandum in this regard, the Enquiry Officer through the Directorate of Vigilance & Anti Corruption shall collect the details of income and expenditure as well as other requirements such as assets and liabilities from the suspect officer/employee. If the suspect officer/employee fails to respond to furnishing the required information/statements etc. within 30(thirty) days from the date of receipt of requisition from the directorate of Vigilance & Anti corruption, the Directorate of Vigilance & Anti Corruption shall move to the Government in the Political Department for approval to register a criminal case against the defaulting suspect officer/employee;

Provided that the Directorate of Vigilance & Anti Corruption while seeking the required information from the suspect officer/employee shall inter alia specify in the requisition letter that failure to furnish the information within stipulated period invite the process for registration of criminal case;

Provided further that the Directorate of Vigilance & Anti Corruption shall ensure the receipt of such requisition by the concerned suspect officer/employee against whom the registration of criminal Investigation is proposed.

This shall come into force with immediate effect.

Sd/-S.C. DAS

**Principal Secretary to the Government of Assam
Home & Political Department.**

Copy to:

1. The Chairman, Assam Administrative Tribunal, Guwahati.
2. The Chairman, Assam Board of Revenue, Guwahati.
3. The Director General of Police, Assam, Ulubari, Guwahati.
4. All Additional Chief Secretaries, Government of Assam.
5. The Principal Secretary to the Chief Minister, Assam, Guwahati.
6. All Principal Secretaries to the Government of Assam, Dispur, Guwahati.
7. The resident commissioner, Government of Assam, New Delhi.
8. The Chairman, Assam State Electricity Board, Guwahati.
9. The Commissioner & Secretary to the Government of Assam, Personnel Department, Dispur, Guwahati.
10. All Commissioner & Secretaries to the Government of Assam, Dispur, Guwahati.
11. The Chief Electoral Officer, Dispur.
12. All Secretaries to the Government of Assam, Dispur, Guwahati.
13. The Secretary, Assam Public Service Commission, Guwahati.
14. The Secretary, Assam Legislative Assembly, Dispur, Guwahati.
15. The Secretary, State election Commission Assam.
16. The Additional Director General of Police and Director of Vigilance and anti Corruption, R.G. Barua Road, Guwahati-6.
17. All Heads of the Department/Departments Government of Assam.
18. The S.O. to Chief Secretary, Assam Dispur, Guwahati.
19. The P.P.S. to Chief Minister, Assam.
20. P.S. to All Ministers.
21. P.S. to All Parliamentary Secretaries, Assam, Dispur.
22. The Superintendent of Police, Chief Minister's Special Vigilance Cell, Janata Bhawan, Dispur, Guwahati-6.
23. Guard file.
24. File No.PLA(V)139/2009/5.

By order etc.,

**Deputy Secretary to the Government of Assam
Political (Vigilance cell) Department**

No.AAP.115/72/Pt.I/140
GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL (PERSONNEL :A)
ASSAM SECRETARIAT(CIVIL) DISPUR
GUWAHATI-6

OFFICE MEMORANDUM

Dated: Dispur, the 25th January, 2005

Sub : Raising of the age of retirement of State Government employees from 58 years to 59 years on superannuation.

Government have been considering for sometime past the question of raising the age of superannuation of State Government employees from 58 years to 59 years. After very careful consideration of all relevant aspects it has now been decided that the age of retirement on superannuation of State Government employees other than those in whose case the age of superannuation will not be entitled to get this benefit.

The age of retirement of Grade IV employees and other state Govt. employees, who are at present entitled to serve up to the age of 60 years including the new entrants, will continue to be 60 years.

Sd/- J.P. Saikia
Commissioner & Secretary to the Govt. of Assam
Personnel (A) Department

Memo No.AAP.115/72/Pt.I/140-A

Dated: Dispur, the 25th January, 2005

Copy to:

1. The Accountant General, Assam, Maidamgaon, Beltola, Guwahati-29
2. The Chairman, Assam Administrative Tribunal, Guwahati
3. The Chairman, Assam Board of Revenue, Guwahati-1
4. The Commissioner & Secretary to the Govt. of Assam, Finance Department.
5. The Commissioners of Divisions, Assam.
6. The Commissioner & Secretary to the Govt. of Assam, A.R. & Training Department.
7. The Agriculture Production Commissioner, Assam, Dispur.
8. The Commissioner & Secretary to the Govt. of Assam, Planning & Development Deptt., Dispur.
9. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. of Assam.
10. The Chief Electoral Officer, Assam, Dispur, Guwahati-6.
11. The Resident Commissioner, Govt. of Assam, Assam House, New Delhi
12. The Commissioner & Secretary to the Chief Minister, Assam, Dispur.

Dated Dispur, the 5 th Jan./2005.

Copy to :-

1. The Secretary to the Governor of Assam, Dispur.
2. The P.P.S. to Chief Minister, Assam, Dispur.
3. The P.S. to Chairman APSC for kind appraisal of Chairman.
4. The P.S. to Chief Secretary, Assam, Dispur.
5. All Principal Secretary / Commissioner & Secretary/ Secretary to the Govt. of Assam, Dispur.
6. P.S to the All Minister / Ministers of State, Assam, Dispur.
7. The Secretary, Assam Public Service Commission , Jawaharnagar, Khanapara, Guwahati-22.
8. The Chairman, Board of Revenue, Assam, Guwahati-1.
9. The Chairman, Assam Administrative Tribunal, Ghy-1.
10. All Commissioners of Divisions.
11. All Deputy Commissioner/Sub-Divisional Officers.
12. All Heads of the Department.
13. The Accountant General, Assam, Maidamgaon, Beltola, Guwahati-29.
14. The Suptd. Assam Govt. Press, Bamunimaidan, Ghy-21 for publication in the Extra Ordinary Gazette and to send 300 copies spare copies to this Department immediately.

By order etc ,

**Joint Secretary to the Govt. of Assam,
Personnel (B) Department.**