

ASSAM LABOUR SERVICE RULES, 1970

1. Short title and commencement.

- (i) These rules may be called the Assam Labour Service Rules, 1970.
- (ii) They shall come into force at once.

COMMENTS

Section 1. Article 309 of the Constitution of India deals with the recruitment and prescribes the conditions of service of persons serving the Union or a State. Under the proviso thereunder it is competent for the Governor of a State to make rules regulating the recruitment, and the conditions of service of persons appointed to such services and posts until provision in that behalf is made by or under an Act and the rules so made shall have effect to the provisions of any such Act.

These rules were made *vide* notification No. G. L. R. 192/68/18, dated the 5th February, 1971, under Assam Rules VII of 1971.

2. Definitions.

In these rules, unless there is anything repugnant to the subject or context-

- (a) **'Commission'** means the Assam Public Service Commission;
- (b) **'Committee'** means a committee constituted in accordance with R.7 (1);
- (c) **'Government'** means the State Government of Assam.
- (d) **'Governor'** means the Governor of Assam;
- (e) **'Member of Service'** means a member of the Assam Labour Service recruited to the service either before or after the commencement of these rules;
- (f) **'Service'** means the Assam Labour Service; and
- (g) **'Year'** means calendar year.

3. Service.

- (1) The service shall consist of the following categories of posts:

Category I- Labour Commissioner (if held by a member of the Service);

Category II- Additional Labour Commissioner;

- Category III-** Chief Inspector of Plantations-cum-Deputy Labour Commissioner, Chief Inspector of Motor Transport Under-takings-cum-Deputy Labour Commissioner and such other posts as may be included by the Governor from time to time;
- Category IV-** Senior Assistant Labour Commissioner, Deputy Chief Inspector of Plantations-cum-Assistant Labour Commissioner and such other posts as may be included by the Governor from time to time;
- Category V-** Labour Officers, Labour Welfare Officers, Special Officer of Committee and Conferences and such other posts as may be included by the Governor from time to time;
- Category VI-** Labour Inspector, Inspector of Motor Transport Undertaking and such other posts as the Governor may from time to time include.

- (2) Each of the categories in sub-R (1) shall constitute an independent cadre. Members of any category shall have no claim for appointment to a higher category

except in accordance with the provisions of these rules.

4. Status and designation.

The status of the member belonging to categories I to IV shall be that of Class I Government servants, members belonging to category V shall be of Class II Government servants and members belonging to category IV shall be of Class III Government servants. The member of the service shall be designated according to the post held by them.

5. Strength of the service.

- (1) The strength of the service and the number and nature of posts permanent and temporary under each of the categories mentioned in Sub-R (1) of R.3 shall be as determined by the Governor from time to time.
- (2) On the commencement of these rules the strength of the service and the nature of posts therein permanent as well as temporary are shown in Schedule I.

6. Recruitment.

- (1) Recruitment of the post of Labour Commissioner shall be made by promotion under R.7 on the basis of seniority cum-merit from amongst the Additional Labour Commissioner, Chief Inspector of Plantation-

cum-Deputy Labour Commissioner, Chief Inspector of Motor Transport Undertaking-cum-Deputy Labour Commissioner who have rendered at least 5 years service in any one or more of the aforesaid posts taken together either as Deputy Labour Commissioner or as Additional Labour Commissioner or both and passes the Departmental examination, unless it is decided by the Governor to appoint a member of the Indian Administrative Service.

(2) Recruitment to the post of Additional Labour Commissioner shall be made by promotion under R. 7 on the basis of seniority-cum-merit from amongst the Chief Inspector of Plantations-cum-Deputy Labour Commissioner and Chief Inspector of Motor Transport undertakings-cum-Deputy Labour Commissioner who have rendered at least 3 years service in at least any of the posts of these categories taken together and have passed the Departmental examination.

(3) Recruitment to the posts of Chief Inspector of Plantation-cum-Deputy Labour Commissioner and Chief Inspector of Motor Transport Undertaking-cum-Deputy Labour Commissioner and such other posts of this category as may be created, shall be made by promotion under R.7, on the basis of seniority-cum-merit from amongst the Senior Assistant Labour Commissioner and Deputy Chief Inspectors of Plantations-cum-Assistant Labour Commissioners who

have rendered at least 3 years service in any of the posts in question taken together and have passed Departmental examination.

- (4) Recruitment to the posts of Senior Assistant Labour Commissioner and Deputy Chief Inspector of Plantations-cum-Assistant Labour Commissioner and such other posts of this category as may be created, shall be made by promotion under R.7 on the basis on seniority-cum-merit from amongst the Labour Officers, Labour Welfare Officers, Special Officer of Committees and Conferences, who have rendered at least 3 years' service in any of these posts in question taken together and have passed the Departmental Examination.
- (5) Recruitment to the posts of Labour Officers, Labour Welfare Officers and Special Officers of Committee and Conferences and such other posts of this category as may be made by the following methods, viz:
- (a) by promotion under R.7, on the basis of seniority-cum-merit from amongst the Labour Inspectors and Inspectors of Motor Transport Undertakings who have rendered at least 5 years service as Labour Inspector or Inspector of Motor Transport Undertakings as the case may be and have passed the Departmental examination;

(b) by direct recruitment, under R.8:

Provided that fifty per cent of the posts shall be filled up under sub-R.(a) and the balance fifty percent of the posts under sub-R.(b) of the total number of vacancies to be filled up in a year.

(6) Recruitment to the post of Labour Inspector and such other posts of this category, as may be created, shall be made by following methods viz.,

(a) Twenty-five percent of the posts to be filled up at a time in the cadre shall be by promotion under R.7 from amongst the Ministerial Government servants of the office of Labour Commissioner or any subordinate office of the Department who have rendered at least ten years of service and who have not crossed 40 years on the first day of January of the year in which promotion is considered;

(b) Seventy-five percent of the posts to be filled up by direct recruitment under R.8.

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(7) Of the number of vacancies to be filled up in a year under sub.R. (5) (b) and (6) there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes (Plains), Scheduled Tribes(Hills) to the extent not exceeding 7 percent, 10 percent and 12

percent respectively or to such extent as the Governor may from time to time determine.

- (8) If a suitable number of candidates with minimum qualification belonging to Scheduled Castes, Scheduled Tribes (Plains), Scheduled Tribes (Hills), referred to in sub-R (7), is not available for filling up all the vacancies reserved for them the remaining vacancies shall be filled up from amongst other candidates and an equivalent number of vacancies shall be reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes (Plains), Scheduled Tribes (Hills) for the next recruitment year.

Provided that if sufficient number of suitable candidates is not available to fill up all the reserved vacancies including the additional vacancies on account of the deficiency shall be carried forward up to two subsequent years or for such period as the State Government may, by general or special order, from time to time, prescribe before the reservation is finally treated as lapsed.



COMMENTS

Sub-rule (6) of 6 has been substituted vide Assam Rules IV of 1977, dated 12-7-1977.

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7. Procedure for promotion.

(1) For the purpose of promotion of a member of the service from one cadre to the next higher cadre in the service there shall be a Selection Committee consisting of the following members:

(i) Chairman, Assam Public Service Commissioner or, where the Chairman is unable to attend, a member, Assam Public Service Commission nominated by him.	Chairman
(ii) Secretary to the Government of Assam, Labour Department	Member
(iii) Labour Commissioner, Assam	Member
(iv) Joint Secretary or Deputy Secretary to the Government of Assam, Apptt, Department	Member
(v) Joint Secretary or Deputy Secretary or under Secretary to the Government of Labour Department	Member Secretary

Note: The Labour Commissioner shall not be present in the Committee for selection of candidates for the Labour Commissioner.

(2) The Governor shall from time to time, for the purpose of promotion in the service under R.6 refer to the Committee the approximate number of vacancies mentioned in sub-R. (1) of R.8 and furnish the Committee with the character rolls, personal files and other relevant records of all the eligible candidate. The Committee shall examine the character rolls and other relevant records of the candidates, taking into consideration the seniority and merit of candidates and prepare the lists of names in order of preference as far as practicable equal to double the number of vacancies to be filled up by promotion. In every case, where a junior member in a cadre is selected in preference to his senior in that cadre the Committee shall record in writing the reasons for such supersession. The list so prepared shall be forwarded by the Committee to the Governor.

 (3) On receipt of the lists as aforesaid, the Governor shall forward the same together with his observations and the character rolls and relevant papers to the Commission. The Commission shall consider the lists prepared by the Committee along with other documents received from the Governor, and unless it

considers any change necessary approve the lists. If the Commissioner considers necessary to make any changes in the lists received from the Governor, the Commissioner shall inform the Governor of the changes proposed and after taking into account the comments, if any, of the Governor, may approve the lists finally with such modification, if any, as may in its opinion, be just and proper. The lists as finally approved by the Commissioner shall be forwarded to the Governor along with all the relevant papers.

The lists so finally approved by the Commission and thereafter accepted by

The Governor shall form the Select Lists for the purpose of recruitment under the provisions of these rules.

- (4) The Select Lists shall remain valid for one year from the date of recommendation of the Commission; provided that in the event of any great lapse in the conduct of performances of duties on the part of any candidate in the Select Lists the Governor may, if he so thinks fit, remove any such candidates from the Select Lists. In removing a name of a candidate from the Select Lists the Commissioner shall be consulted.

8. Procedure for direct recruitment.

- (1) For the purpose of direct recruitment to the service, a competitive examination shall be held by the

Commissioner at such intervals and in accordance with such rules and syllabus as the Governor may, in consultation with the Commissioner from time to time determine.

- (2) The Commissioner shall prepare a list of all candidates who have qualified in the examination in order of merit, which shall be determined in accordance with the aggregate marks obtained by each candidate and if two or more candidates obtained equal marks, the Commissioner shall arrange them in order of their relative merit which shall be determined in accordance with the general suitability of the candidates to the service. The list shall be forwarded to the Governor and be published in the Assam Gazette.
- (3) Of the number of vacancies to be filled up on the result of each examination there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) to the extent not exceeding 7 percent, 10 percent and 12 percent respectively or to such extent as the Governor may, from time to time, determine.
- (4) If a sufficient number of suitable candidate with minimum qualifications belonging to the Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes (Hills) referred to in Cl (3) above is not available for filling up all the vacancies reserved for them the

remaining vacancies shall be filled up from amongst other candidates and an equivalent number of the additional vacancies shall be reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes (Plains) and Scheduled Tribes(Hills) for the next recruitment year.

Provided that if sufficient number of suitable candidates is not available to fill up all the reserved vacancies including the additional vacancies the reservation including the additional vacancies on account of deficiency shall be carried forward up to two subsequent years or for such period as the State Government may, by a general or special order, from time to time, prescribe before the reservation is finally treated as lapsed.

- (5) The inclusion of a candidate's name in the list shall confer no right to appointment unless the Governor is satisfied after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment to the service.

9. Qualifications for direct recruitment.

(1) *Nationality.*

A candidate shall be a citizen of India as defined in the Constitution of India.

(2) **Age.**

A candidate for direct recruitment to the service shall not be less than 21 years and more than 25 years of age on the last day of the year of advertisements; Provided that in the case of candidates belonging to special categories, the upper age limit shall be subject to such relaxation as may be made by the Governor from time to time.

Explanation “**Special categories**” means persons belonging to Scheduled Castes /Scheduled Tribes, War Service Personal and Personnel and such other persons or class of persons as may be notified by Governor from time to time.

(3) **Academic qualifications.**

A candidate for the post of Labour Inspector/ Inspector of Motor Transport Undertaking and Labour Officer shall at least be a graduate in Arts, Science or Commerce of a recognised University.

Preferences would be given to those candidates particularly for the post of Labour Officer, having experience in the line either in Government offices, Semi-Government Offices or Private Companies with Diploma in Social Science from any recognised institution.

(4) ***Physical fitness.***

- (a) A candidate shall be of sound health, both mentally and physically, and shall be free from organic defects or bodily infirmities likely to interfere with the efficient performance of his duties.
- (b) A candidate shall be required to undergo medical examination before final approval for appointment to the service.

(5) ***Character.***

A candidate shall produce to the Commissioner certificates and testimonials in the manner prescribed under the rules made under sub-R (1) of R.8 from-

- (a) the principal Academic Officer of the University or College in which he last studied; and
- (b) two respectable persons (not related to the candidate) who are well acquainted with him.

10. Disqualification for appointment.

- (1) No person who has more than one wife living shall be eligible for appointment to the service.

Provided that the Governor may, if he satisfied that there are special grounds for doing so, exempt any person from the operation of this condition.

- (2) No married woman shall be entitled as of right to be appointed to the service; where a woman appointed to the service subsequently marries, the Government may call upon her to resign.
- (3) No person who attempts to enlist support for his candidature directly or indirectly by any recommendation letter written or oral or by any other means, shall be appointed to the service.

11. Appointment.

- (1) All appointments to the service shall be –
 - (a) made by the Governor; and
 - (c) notified in the official Gazette.
- (2) A person shall join within 15 days of the date of receipt of the order of appointment, failing which and unless the Governor on valid grounds extends the period, which shall not exceed three months from the date of appointment, his appointment shall be liable to cancellation.

- (3) Subject to the previous of sub-R(4)of R.7 all appointments by promotion under R.6 shall be made in the order , the names appears in the Selected Lists approved under sub-R.(3) of R.7
- (4) Subject to the provisions of sub–Rr. (3) and (5) of R.8 all appointments by direct recruitment under R.6 shall be made in the order of the names appears in the list prepared and forwarded by the Commission.

12. Probation.

- (1) Persons appointed to the service against permanent vacancies shall be on probation of two years.

Provided that the period of such probation may, good and sufficient reasons, be extended by the appointing authority in individual cases by a period not exceeding two years;

Provided further that the governor may reduce the period of probation to one year for those who have already successfully undergo prescribe training and passed all Departmental Examination as prescribed for the service.

- (2) Every probationer shall, during the period of probation, successfully undergo such training as the Governor may, from time to time, prescribe and shall

appear at and pass Departmental Examinations prescribed for the service conducted by the Commission.

- (3) Where a cadre consists of both permanent and temporary posts, appointment on probation against permanent vacancies in the respective cadres shall be according to the order of seniority as determined under R.15.
- (4) All persons appointed against temporary post in a cadre shall also be allowed to undergo the training and appear at and pass the Departmental Examinations prescribed for the service.

13. Discharge of a probationer.

A probationer shall be liable to be discharge from the service.

- (a) if he fails to make sufficient use of the opportunities given during the training or otherwise fails to give satisfaction during or at the end of the period of probation; or
- (b) if he fails to pass the Departmental Examination unless the Governor permits him to sit for re-examination of the subject or subjects in which he failed.

- (c) If on any information received relating to his nationality, age, health, character and antecedents the Governor is satisfied that the probationer is ineligible or otherwise unfit for being a member of the service; or
- (d) If he fails to comply with any of the provisions of these rules.

14. Confirmation.

Where a probationer has completed his period of probation to the satisfaction of the Governor, he shall be confirmed in the cadre to which he is appointed, if-

1. he has passed the Departmental Examinations completely and has successfully undergone the training, if any;
2. he is considered otherwise fit for the confirmation by the Governor.

Provided that where a probationer is not given opportunity for the undergoing the prescribed training during the period of probation, his confirmation shall be held up for reason of not undergoing the said training and passing the Departmental Examinations but such a probationer shall, when called upon by the Governor and opportunity given, successfully undergo the prescribed

training, failing which he shall be liable to removal from service unless the Governor allows him other chances.

15. Seniority.

(1) The seniority of a member of the service in a cadre shall be determined according to the order of the preference in the list referred to in sub.R. (3) of R.7 and sub.-R (2) of R. 8, as the case may be , if the member joins his appointment within fifteen days from the date of receipt of the order of appointment;

Provided that if a member is prevented from joining within the said period of fifteen days by circumstances of a public nature, or for reasons beyond his control, upon an application made to him specifically to that effect, the Government may extend the period of joining. If the said period extended but the members of the service join within the period extended under sub-(2) of R.11 his seniority shall be determined in accordance with the date of joining.

(2) If the confirmation of a member of the service in the cadre is delayed on account of his failure to qualify to such confirmation, he shall lose his position in order of seniority in the cadre *vis-à-vis* such of his juniors as may be confirmed earlier than he. His original position in that particular cadre shall, however, be restored on his confirmation subsequently.

16. Gradation List.

There shall be prepared every year a Gradation List consisting the names of all members of the service arranged in the order of seniority and shall be notified in the official Gazette.

17. Pay.

The scales of pay admissible to the members of the different cadres are shown in Schedule II subject to revision as may be made by the Governor from time to time:

Provided that when an I.A.S. Officer is appointed as Labour Commissioner, he will be entitled to the terms and conditions of his service.

18. Crossing of efficiency bar.

A member of the service shall not be allowed to cross the efficiency bar in the time scale of pay unless the Governor is satisfied about his ability and integrity.

19. Miscellaneous.

Except as provided in these rules, all matters relating to pay, allowances, leave, pension, discipline and other conditions of service shall be regulated by general rules framed by Governor from time to time.

20. Relaxation.

Where the Governor is satisfied that the operations of any of these rules causes hardship in any particular case, he may order of dispense with or relax the requirement of that rules to such extent and subjects to such conditions as may consider necessary for dealing with the case in a just and equitable manner:

Provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided in any of these rules.

21. Interpretation.

If any question arises relating to the interpretation of these rules, it shall be referred to the Government in the Labour Department whose decision therein shall be final.

22. Validation of Past orders.

All orders made of action taken prior to the commencement of these rules in respect of matters for which there was no specific provision in any rules previously prevailing, shall be deemed to have been validity made taken under the corresponding provision of these rules.

SCHEDULE
Strength of the Services
[Vide Rules 5 (2)]

Cadre	Name of post	Number of posts		
		Permanent	Temporary	Total
(1)	(2)	(3)	(4)	(5)
1. Labour Commissioner		1	(If appointed by promotion or Additional Labour Commissioner	1
2. Additional Labour Commissioner		1	..	1
3. (a) Chief Inspector of Plantations (b) Chief Inspector of Motor Transport Undertaking – cum-Deputy Labour Commissioner.		1	..	1
4. Senior Assistant Labour Commissioners		1	..	1
5. Deputy Chief Inspector of Plantations-cum-Assistant Labour Commissioner		4	1	5

6. Labour Officer, Labour Welfare Officer, Special Officer of Committees and Conference		10	2	12
7. Labour Inspector/Inspect ors of Motor Transport Undertakings		19	4	23

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