

GOVERNMENT OF MEGHALAYA
PERSONNEL & ADMINISTRATIVE REFORMS DEPARTMENT

CHAPTER - XI

**SERVICE RULES/EXECUTIVE INSTRUCTIONS AND
PROCEDURES**

*No.PER.253/
76/9, dt. 15th
Dec, 1976.*

1.1. The Meghalaya Public Service Commission informed the Government that a number of Departmental promotion cases made under Reg.4 (d) of the Meghalaya Public Service Commission (Limitation of Functions) Regulations, 1972 are being received from various Departments of Government for Commission's approval. The Commission is of the opinion that unless the Service Rules providing for such promotions are framed immediately by the Departments concerned, certain complications may arise at any time and the Commission may not be in a position to arrive at any reasonable conclusion.

1.2. In view of the above and as already indicated under Para 2.1 and 2.2. of Chapter-III (vide Government Circular No.PER.389/71/98, dated 29th July, 1972) at page 21 to 25, it is necessary that Service Rules for every service in Meghalaya should be framed immediately. The concerned Departments should take steps in this regard in respect of all services under their control in consultation with the Personnel and Finance Departments and also the Meghalaya Public Service Commission.

*No.PER (AR)
132/78/86.
dt. 19th Aug,
1980 &No.
PER(SRC)
2/83/3,dt.29th
June, 1983.*

2. It has been observed that very few Departments have so far finalised Service Rules in spite of the instructions issued in this connection to take immediate steps for framing of Service Rules in respect of the Services under the control of the respective Departments. This presents a sad state of affairs and the Meghalaya Public Service Commission has repeatedly observed in their Annual Reports, the need to have Service Rules for all established Services in the State. Besides, the Pay Commission in its recommendation at Page 66 read with the decision of Government of Meghalaya vide Resolution No. 22 of Finance Department No. F(PR)16/80/1, dtd. 12th March, 1980, have stated that the Service Rules should be finalised. For expeditious framing of the Service

<p><i>No.PER (SRC) 2/83/25, dt 17th Sept, 1983.</i></p> <p><i>No.PER(SRC) 2/83/26, dt. 21st, Sept, 1983.</i></p>	<p>Rules, the Service Rules Cell under Personnel & A.R. (A) Department has also been set up.</p> <p>3. The practice as hitherto being followed is that the Draft Service rules of any Department is approved first by the Personnel & AR (A) Department, then the Finance and Law Department and if necessary by the Meghalaya Public Service Commission before it is sent to the Cabinet for final approval. Government have decided that to avoid delay, the Draft Service Rules should be sent simultaneously to the Personnel (SRC) Department, Law and Finance Departments for their views/comments.</p> <p>4. One of the items on which most of the associations complained during their meeting with the Chief Secretary on the 17th September, 1983 was the non-finalisation of the Service Rules. Having regard to the above, all the concerned Departments/Heads of Departments are to furnish the information as per the Proforma below to the personnel & A.R. (SRC) Departments.</p>
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P R O F O R M A

Sl No	Name of service	If service rules have been framed		If not, reason for the same	If drafted, please indicate progress				Remarks
		Yes	No		Personnel	Law	Finance	M.P.S.C	
1	2	3	4	5	6	7	8	9	10

NOTE :- If the Draft Service Rules has been sent to Personnel/ Law/ Finance /M.P.S.C. for approval, please indicate the letter No. and date or File No. and date under which it is referred.

<p><i>No.PER(SRC) 83/153, dt.7th Jan, 1984</i></p> <p><i>No. U/O No. PER (SRC) .9/84/Part, dt. 7th April, 1984</i></p>	<p>5. The need and urgency of the framing of Service Rules have time and again been stressed by the Government. In order to expedite the matter and to avoid cross references, an Officer of the Department/Directorate well conversant with the establishment setup of the Department/Office be instructed to consult personally the Departments concerned namely, Personnel & A.R. (A) Department (Service Rules Cell), Law Department and Finance Department whenever the Draft Service Rules are submitted for their view/ comments.</p> <p style="text-align: center;">Consultation with the Staff Association in respect of the provisions of the Draft Service Rules.</p> <p>6. The matter regarding consultation with the staff Association was examined by the Personnel Department and is of a view that the Secretaries of the Administrative Department may consult the State Association regarding the Service Rules at the draft stage in such a manner as they deem appropriate However , a firm date may be indicated to the Association to communicate their views which should be given due consideration but they will not be binding on the Government.</p>
<p><i>No.PER(AR) 214/76/115 dt.19th Aug, 1979.</i></p> <p><i>No.PER (SRC) 9/84/4,dt. 30th May, 1985.</i></p>	<p style="text-align: center;">Ministerial District Establishment Service Rules</p> <p>7. Pending framing of the Meghalaya District Establishment Service Rules, the Assam Ministerial District Establishment Service Rules,1967 may be followed for the non-gazetted Ministerial Staff borne on the establishments of the Deputy Commissioner/Sub-Divisional Officers until further orders.</p> <p style="text-align: center;">MODEL SERVICE RULES.</p> <p>8.1. Except the Service Rules which have been finalized and published already, all Drafted Service Rules with suitable modifications as may be deemed necessary, e.g., the method of recruitment, probation, etc, to suit</p>

	<p>the Services under the control of the Administrative Department. There may be posts that are outside the purview of the Meghalaya Public Service Commission and in whose cases the examination/interview is/are conducted by the Departmental Selection Committee/District Selection Committee. In such cases the relevant recruiting authority is to be shown in place of the Commission mentioned in the Model Service rules.</p> <p>8.2. In some cases the Draft Service Rules which are framed by the offices of the Heads of Departments have been endorsed to Personnel & A.R. (A) Department (Service Rules Cell) by the concerned Administrative Departments without the same being examined at their end. It is necessary that the Draft Service Rules are thoroughly examined in detail and approved by the Administrative Department before these are sent (in duplicate) to the Personnel & A. R. Department (Service Rules Cell), Finance Department and the Law Department for their views and comments. It is also to be noted that posts which are in existence and the pay scales prescribed against such posts and the method of recruitment and other conditions, such as age, qualifications, experience, etc. duly approved by the competent authority are to be incorporated in the Service Rules.</p> <p>8.3. The Draft Service Rules may be framed according to the MODEL FORM of SERVICE RULES given below :-</p>
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GOVERNMENT OF MEGHALAYA
.....DEPARTMENT

the following Rules regulating the recruitment and the conditions of services of persons appointed to the _____ Service of Meghalaya.

1. Short Title and Commencement :- (1) These rules may be called “The Meghalaya ___ Rules, 198 _____”(2) they shall come into force from the date of this notification.

2. Definitions :- In these Rules unless there is anything repugnant in the subject or context –

(a) “Appointing Authority means (1) The Governor of Meghalaya in respect of the Gazetted posts . (2) The _____ in respect of the Non-Gazetted posts.

(b) “Commission” means the Meghalaya Public Service Commission.

(c) “Committee” means the Committee constituted under Rule _____

(d) “Government” means the Government of Meghalaya.

(e) “Governor” means the Governor of Meghalaya

(f) “Member of the Service” means a member of the _____ Service.

(g) “Service” means the _____ Service.

(h) “State” means the State of Meghalaya

(i) “Year” means the calendar year.

3. Constitution of the Service :- There shall be constituted a Service to be known as the Meghalaya _____ Service consisting of the following persons, namely :-

(1) Members of the Assam _____ Service who are allocated to the State of Meghalaya in accordance with the provisions of Section 64(1) of the North Eastern Area (Reorganisation) Act,1971.

(2) Persons appointed to different posts in the Service before the commencement of these Rules.

(3) Persons appointed to different posts in the Service in accordance

with the provisions of these Rules.

4. Composition of the Service : (1) The Service shall consist of the following grades and posts:-

- (i) Senior Grade
- (ii) Grade I
- (iii) Grade II
- (iv) Grade III

(2) Each of the categories of posts in clauses (i) , (ii), (iii) and (iv) of sub-rule (1) shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provisions made in these Rules.

5. Status :- The status of members of the service holding posts in _____ shall be Class I/II Gazetted and those holding posts in _____ shall be Class III Non-Gazetted (as the case may be)

1. Strength of the Service :- (1) The strength and composition of the Service shall be such as may be determined by the Governor from time to time.

(1) At the commencement of those Rules, the strength of these Service and posts therein shall be as shown in Schedule.

7. Method of Recruitment :- (1) Appointment to any post by promotion in the Senior Grade, Grade I and Grade II shall be made from the Select List approved under sub-rule (4) of Rule 11 from amongst the members of the Service holding the next lower post:

Provided that no member of the Service shall be eligible for consideration for promotion unless he has rendered not less than 3 (three) years of continuous in the lower post on the first day of the year in which the selection is made :

Provided further that if suitable candidates are not available in the next lower post, the vacancies shall be filled up by promotion from amongst the members of the Service belonging to further lower post who have rendered not less than 7 (seven) years of continuous Service in that post on the first day of the year in which the selection is made and included in the Select List approved under sub-rule (4) of Rule 11.

- (2) (i) The appointment to any post by direct recruitment shall be made on the result of the examination conducted by the Commission.
 - (ii) The proportion of vacancies to be filled up in any year in accordance with sub-rule (2) and (3) below shall be 50 percent by promotion and 50 percent by direct recruitment.
- (3) Appointment to the posts in Grade III shall be made by direct recruitment on the result of the competitive examination conducted by the Commission.

8. Departmental Promotion Committee :- (1) For the purpose of appointment by promotion under Rule 7 to posts carrying scales of pay the maximum of which is Rs.1650.00 and above there shall be a Departmental Promotion Committee consisting of the following members :-

I. Chief Secretary	Chairman
II. Spl. Secretary/Secretary (of the Department Concerned)	Member Secretary
III. Spl. Secretary/Secretary/Addl.Secretary Personnel & a.R. Department.	Member
IV. Spl.Secretary/Secretary Finance Department	Member
V. Head of Department concerned (If not a candidate himself)	Member

(2) The Committee may invite any other person to attend its meetings if and when considered necessary.

9. (1) For the purpose of the appointment by promotion under Rule 7 to posts carrying scales of pay the maximum of which is less than Rs.1650.00 there shall be a Departmental Promotion consisting of the following members :-

I. Spl.Secretary/Secretary (of the Department concerned)	Chairman
II. Director/Registrar/Commissioner (Head of Department concerned)	Member Secretary
III. Spl. Secretary/Secretary/Addl.Secretary Personnel & A.R. Department or his Representative	Member
IV. Spl. Secretary/Secretary Finance Department or his representative	Member

(2) The Committee may invite any other person to attend its meeting if and when considered necessary

10. Procedure for preparing the Select List :- (1) At the beginning of each year, the Appointing Authority shall refer to the Committee, the approximate number of vacancies likely to occur in each grade of the Service during the year. To enable the Committee to prepare the Lists for promotion to those grades, the Appointing Authority shall furnish the Committee with the following documents, namely :-

(i) A list of the members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule (1) :

Provided that such restriction shall not apply in respect of post where the total number of eligible persons is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible Officers.

(ii) The Character Rolls and Service Records of such members.

(iii) Any other documents and information as may be considered necessary by the Appointing Authority or required by the Committee.

(2) The Committee after examining the Character Rolls, Service Records and their documents in respect of all such persons, shall prepare a List based on individual merit and suitability with due regard to seniority. The number of persons to be included in the List shall be as laid down in Part III of the instruction appended to the Meghalaya Public Service Commission (Limitation of Functions) Regulations, 1972. The List shall be forwarded by the Committee to the Appointing Authority.

- (3) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his seniors the Committee shall record in writing the reasons for doing so.

11. Consultation with the Commission :- (1) The Appointing Authority shall forward the list prepared under Rule 10 to Commission along with the Character Rolls, Service Records and other relevant documents in respect of each person in the list together with his comments, if any.

- (2) The commission shall consider the lists and documents referred to in Sub-Rule (1) and such other documents as it may have called for and unless it considers that any change is necessary, approve the list.
- (3) If the Commission considers it necessary to make any change in the list received from the Appointing Authority, it shall inform him of the change (s) proposed and after taking into account the comments, if any, of the Appointing Authority, approve the said list finally with or without modifications as may in its opinion to be just and proper.
- (4) The lists as approved by the Commission either under sub-rule (2) or Sub Rule(3) shall form the Select List for the purpose of appointment under Sub Rule (1) of Rule 7.

12. Validity of the Select List :- The Select List shall remain in force for a period of one year unless its validity is extended with the approval of the Commission :

Provided that such an extension shall not be for a total period exceeding six months :

Provided further that in the event of any great lapse in the conduct or performance of duties on the part of any person in the Select List, the Appointing Authority may, if he thinks fit, remove the name of such person from the Select List in consultation with the Committee and the Commission. The reason (s) for doing so shall be recorded in writing.

(2) The Committee shall meet once a year to review the Select List.

12. Direct Recruitment :- (1) Competitive Examination for direct recruitment under clause (1) of sub-rule (2) and under sub-rule (3) of Rule 7 shall be held at such intervals as the Appointing Authority may, in consultation with the Commission from time to time determined. The date on which and the place in which the examination shall be held, shall be fixed by the Commission.

(2) The examination shall be conducted by the Commission in accordance with such Syllabus as the Appointing Authority may from time to time make in consultation with the Commission.

(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 Schedule Castes and Scheduled Tribes to the extent and subject to the conditions as the Government may from time prescribe.

(4) On the basis of the results the Competitive Examination, the Commission shall prepare a list of all successful candidates in order of merit, which shall be determined in accordance with the aggregate marks obtained by each candidate and if two or more candidates obtain equal marks, the Commission shall arrange in order of their relative merit which shall be determined in accordance with the general suitability of the candidates for appointment to the post. The number of persons to be included in the list shall be as laid down in Part IV of Instruction appended to the Meghalaya Public Service Commission (Limitation of Function) Regulations, 1972. The list shall

be forwarded to the Appointing Authority and published in the Meghalaya Gazette.

(5) The inclusion of a candidate's name in the list confer no right to appointment unless the Government is satisfied after such inquiry as may be considered necessary that the candidate is suitable in all respect for appointment to the post and that appointment to any post in the Service is subject to availability of vacancy.

14. Conditions of eligibility for appearing at the Competitive Examination :- In order to be eligible to compete at the examination for direct recruitment, a candidate must satisfy the following conditions, namely :-

(1) Nationality :- He must be a citizen of India

(2) Age :- He must have attained the age of 18 years and must not have exceeded the age of 27 years on the first day of the year in which the advertisement for the post is made :

Provided that in the case of candidate belonging to Scheduled Caste and Scheduled Tribes, the upper age limit will be subject to relaxation made by the Government from time to time.

(3) Educational Qualification - As laid down in the Schedule.

15. Disqualification for appointment to the Service:-

(1) No person shall be appointed who, after such medical examination as the Government may prescribed, is not found to be in good mental or bodily health and free from any physical defect or infirmity which may render him unfit in the discharge of his duties.

(2) No person shall be appointed to the service who had been convicted for any offence involving moral turpitude.

(3). No person who has more than one spouse living shall be eligible for appointment to the Service:

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

(4) No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by any other means, shall be appointed to the Service.

16. Appointment to the Service :

(1) Appointment to any post in the Service under Rule 7 shall be made by the Appointing Authority and in respect of Gazetted post shall also be published in the Meghalaya Gazette.

(2)(i) Subject to the provisions of sub-rule (3) and (5) of Rule 13, appointment shall be made from time to time in the order in which the names of candidates appear in the Merit List prepared under sub-rule (4) of Rule 13.

(ii) A person appointed by direct recruitment shall join within 15 days from the date of receipt of the order of appointment, failing which, and unless the Appointing Authority extend the period of joining, which shall not in any case exceed three months, the appointment shall be cancelled.

(3) Appointment under sub-rule (1) of Rule 7 shall be made in the order in which the names of candidates appear in the Select List approved by the Commission under sub-rule (4) of Rule 11.

17. Probation :- Every person appointed to the Service under clause (i) of sub-rule (2) and sub-rule (3) of Rule 7 shall be on probation for a period of 2(tw0) years:

Provided that the period of probation may for good and sufficient reason be extended by the Appointing Authority in any individual case by a period not exceeding 2(two) years:

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent vacancy, any period which he has rendered in a temporary capacity, may having regard to his performance be counted towards the period of probation.

18. Departmental Examination and Training:-

- (1) All officers who joined the Service prior to the commencement of these Rules and who have not passed all the papers of the Departmental Examination conducted by the Commission and/or have not undergone the training prescribed from time to time shall, appear at and pass all the papers of Departmental Examination and undergo successfully such prescribed training(s).
- (2) Such persons referred to in sub-rule (1) of Rule 3 who have not passed all the papers of the Departmental Examinations prescribed for the Service, shall appear at and pass the prescribed Departmental Examination conducted by the Commission the subject in which he has not passed and shall also be required to successfully undergo, if he has not already done so, such training of the Appointing Authority may prescribed.
- (3) Every person appointed to the Service after the commencement of these rules shall, during the period of probation, pass the Departmental Examination conducted by the Commission and complete successfully such training as may be prescribed by the Appointing Authority.

19. Discharge or Reversion :-

(1) Where the Appointing Authority finds that the performance of duty by any member of the Service, appointed by promotion, is unsatisfactory or where he is found unfit to hold the post at any time during the period of probation, such member shall be liable to be reverted to his next lower post or grade.

(2) A member of the Service appointed by direct recruitment shall be liable to be discharged if :

(a) he fails to make sufficient use of the opportunities given during the training or otherwise fails to give satisfactory performance during the period of probation: or

(b) he fails to pass the Departmental Examination unless the Appointing Authority permits him to sit for re-examination in the subject or subjects in which he failed : or

(c) on any information received relating to his nationality, age, health, character and antecedents the Appointing Authority is satisfied that the probationer is ineligible or otherwise unfit for being a member of the Service.

20. Seniority :

(1).The interse seniority of the members of the service who originally belonged to and appointed by the Government of Assam before 21st January, 1972 and who are allocated to the State of Meghalaya in accordance with the provisions of Section 64(1) of the North Eastern Areas (Reorganisation) Act,. 1971 in the respective cadre shall be as it was in the corresponding cadre under the Government of Assam prior to their allocation to the State of Meghalaya.

(2).Notwithstanding anything contained in sub-rule (1), the interse seniority of the members of the service appointed by the Government of Meghalaya on the recommendation of the Assam Public Service Commission during the period between 2nd April, 1970 and 20th January, 1972 (both days inclusive) vis-à-vis those appointment by the Government of Assam under the same recommendation and allocated to the State of Meghalaya in the respective cadre shall be determined in the order in which their names appeared in the list prepared by the Assam Public Service Commission. Such members shall be junior to all the members mentioned in sub-rule (1) above in the respective cadre.

(3).The interse seniority of the members of the Service in any cadre appointed on or after 21st January 1972, but before the commencement of these rules, shall be in the order in which their names appeared in the respective lists prepared by the Commission or the Select Lists approved by the Commission. Such members shall be junior to all the members mentioned in sub-rule (1) and (2) above in the respective cadres.

(4).The interse seniority of the members of the Service appointed to different cadres after the commencement of these rules shall be in the order in which their names appear in the Merit List prepared under sub-rule (4) of Rule 13 or in the Select List approved under sub-rule (4) of Rule 11.

Provided that in any cadre, a member of the Service appointed by promotion/selection shall be senior to a member appointed by direct recruitment, where such selection fall in the same year.

(5).If confirmation of any member of the Service is delayed on account of his failure to qualify for such confirmation, he shall lose his seniority vis-à-vis such of his juniors in his cadre as may be confirmed earlier than him. His original position shall however, be restored on his confirmation subsequently.

21. Confirmation :-

Confirmation of a member of the Service in a cadre shall be made according to his seniority in that cadre subject to the following conditions :-

- (1) that he has completed the period of probation to the satisfaction of the Appointing Authority,
- (2) that he has passed the Departmental Examination completely and has successfully undergone the training course as may be prescribed by the Appointing Authority from time to time,
- (3) that he is considered otherwise fit for confirmation by the Appointing Authority, and
- (4) subject to availability of vacancy; his confirmation shall not be held up for reasons of not successful undergoing the said training but such person shall when called upon by the Appointing Authority and opportunity given, successfully undergo the said training, failing which he shall be liable to removal from service unless the Appointing Authority allow him other chances:

Provided that where a person is not given opportunity to undergo the prescribed training during the period of probation,

Provided further that the Appointing Authority may for good and sufficient reasons exempt a member of the service from passing any one or more of the prescribed Departmental Examination and training and confirm him in the respective cadre of the Service

22. Gradation List:- There shall be prepared and published annually an upto date Gradation List as on 1st January consisting of the names of all members of the Service, cadre-wise and drawn up in order of seniority and other

particulars relating to the date of birth and appointment to the service and such other details relevant to the Service Career shall be also indicated against each name.

23. Time scale Pay :-The Time Scale Pay admissible to the members of the service shall be as shown in Schedule subject to revision by Government from time to time.

24. Fixation of Initial Pay in the Time Scale:-

(1) Except as otherwise admissible under the Fundamental Rules and Subsidiary Rules or under special orders of the Government, on first appointment to the Service, the pay of any member of the service shall be fixed at the minimum of the time scale.

(2) On promotion from one cadre to another in the service, the pay shall be fixed in accordance with the principles governing such fixation in the Fundamental Rules and Subsidiary Rules or any other rules for the time being in force.

25. Increment :-

(1) The first increment admissible to a member of the Service shall accrue on the expiry of one year from the date of his joining the post but subsequent increment shall be allowed only on his passing the Departmental Examination completely and on his successful completion of the Training courses as may be prescribed.

(2) The pay of the member of the service on his passing the Departmental Examination and/or the prescribed Training Course shall be fixed at such a stage as if he had been allowed his usual annual increments due but he shall not be entitled to any arrear in pay on account of withholding of due increments for the period to the date of his passing the Departmental Examination and/or the prescribed Training Course.

26. Leave, Pension, etc. and other conditions of service:- Except as provided under these rules, all matters generally relating to pay and allowances, leave, pension, discipline and other conditions of service shall be regulated by the general rules and/or orders made by Government from time to time and applicable to the State Government servants of corresponding status having similar functions.

27. Power of the Governor to dispense with or relax any Rule :- Where the Governor is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case, he may dispense with or relax the requirement of any of these rules to such extent and subject to such conditions as it may be considered 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 favorable to him than that provided under these rules.

28. Interpretation :- If any question arises relating to the interpretation of these rules, the decision of the Government in the -----Department with the approval of the Personnel & A.R. Department shall be final.

29. Repeal and Saving :- All Rules, Orders or Notifications corresponding to and in force immediately before the commencement of these Rules are hereby repealed:

Provided that all orders made or action taken under the Rules, order or Notification so repealed or any action taken in pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these Rules.

Schedule – I
(Rule 6 and Rule 23)

Sl. No	Name of post	Time scale pay	Number of post		Total
			Permanent	Temporary	
1	2	3	4	5	6

Special Secretary/Secretary to the
Government of Meghalaya.
-----Department

Draft Service Rules/Executive Instructions	
<p><i>No.PER (AR) 9/84/37, dtd. 16th Aug, 1985</i></p>	<p>9. Apart from obtaining the views of the Departments of Personnel & A.R., Finance and Law, the views of the Meghalaya Public Service Commission, if necessary, shall also be obtained by the respective Department on the draft Service Rules. In the matter of consultation with the Staff Association, the provisions contained under Para 6 above may be referred to. After getting the views of the referral Departments cited above and the Commission, the draft Service Rules shall be placed in the meeting of the Cabinet for approval.</p>
<p><i>O.M.No.PER (SRC) 8/86/44 dtd. 8th Sept, 1994</i></p>	<p>10.1. Some of the Departments of the Government have finalised their service Rules while a large number of Service Rules have also been returned to concerned Departments for taking up with the Law and Finance Departments before these could be placed before the Cabinet for approval. In addition, a number of Draft Service Rules are being examined by the concerned Departments keeping in view of the views of the Personnel Department.</p> <p>10.2. While these Draft Service Rules do not have the legal sanction of the statutory rules, yet they are being taken by the Departmental Promotion Committee as the basis on which promotion, etc., are considered from time to time. This is because the Draft Service Rules have been duly examined and do specify the principles and basis on which promotions to various posts should be considered. As such, use of the Draft Service Rules ensures that promotions made on this basis are not haphazard or of an ad hoc nature, but are based on principles which have been duly examined and approved by the Personnel Department.</p> <p>10.3. In the recent past, some Departments of the Government have with the concurrence of Personnel Department, also issued Executive Instructions to regulate appointment/promotion of Officers to different posts under their administrative control, pending the finalisation of the Service Rules. A question has now arisen as to whether the provisions of</p>

	<p>the Draft Rules or the Executive Instructions should be followed/considered by the Departmental Promotion Committee when considering the promotion of officers to higher grades/posts and when both the Draft Service Rules and the Executive Instructions exist for the same posts/services. In this connection, it is hereby clarified that in such a case, the provisions of the Executive Instructions as issued with the formal approval of the Personnel Department and which have also been formally notified and published would prevail over the provisions of the Draft Service Rules which are normally not published till they are finally approved.</p> <p style="text-align: center;">Framing/Review/Amendment of Rules for the conduct of Departmental Examination</p>
<p><i>O.M. No. PER. 249/75/Pt.F/5, dtd, 28th April, 1986.</i></p>	<p>11.1. Government have decided, as a general measure, that the concerned Departments should incorporate the following points in the Rules for the Conduct of Departmental Examinations for the Officers under their administrative control who are required to pass prescribed Departmental Examinations for earning increments, confirmation and promotion :-</p> <p>11.1.1. For the Conduct of the Departmental Examinations other than the examination in languages, by the local Committees, the association of non-officials (other than the Chairman or Member of the Meghalaya Public Service Commission) in such local Committees shall be dispensed with.</p> <p>11.1.2. In the syllabus to be prescribed in the Departmental Examination Rules, in addition to other subjects, greater importance should be given to general circulars and Departmental instructions, Government Servants Conduct Rules and Rules regarding disciplinary proceedings against Government servants and such other Rules which the Administrative Departments concerned consider that their Officers should pass for the efficient discharge of their duties and responsibilities.</p> <p>11.1.3. Whenever it is laid down that passing the Departmental Examinations is essential for earning increments, and where the Officer has successfully passed the Departmental Examinations such increments</p>

<p><i>No.PER.58/7 7/167, dt.9th May, 1979.</i></p>	<p>will be earned from the first day of the month following that when the examinations were held, subject to fulfilment of other conditions, if any, as laid down in the relevant Service Rules.</p> <p>11.2. If the relevant rules have already been framed and finalised, the concerned Administrative Departments are to examine the provisions of the relevant rules pertaining to their departments and should, if and where necessary, take immediate steps to incorporate the provision by amendment of the existing provisions in their Rules so as to implement the Government decision as specified above.</p> <p>Half-yearly Departmental Examination (Meghalaya Civil Service Officers)</p> <p>12. The Meghalaya Civil Service Officers (originally belonging to ACS-II) who have been permanently allocated to the Government of Meghalaya are no longer required to appear at the Departmental Examination conducted by the Assam Public Service Commission. Such Officers who have not earlier passed all the Departmental Examinations prescribed for the service or who are still liable to pass in one or more of the subjects or papers thereof shall, however, have to appear and pass the Departmental Examination as may be prescribed by the Government and conducted by the Meghalaya Public Service Commission in the Subject(s)/Paper(s) in which they have not passed or are still liable to pass.</p>
<p><i>No.PER.(SRC) 8/86/50, dtd. 24th July, 1996</i></p>	<p>Matters relating to qualification, experiences, etc., in regard to recruitment to posts in Engineering/Technical Department</p> <p>13.1. The question of specifying standardised eligibility criteria for the purpose of promotion of Officers to various levels in the Technical Departments/Engineering Wings of different Departments coupled with the need of creating job opportunities for qualified Engineering Degree holders, etc., have been examined by Government. Government have also noted that any disparity existing between the conditions prescribed in the Service Rules/instructions of different Engineering cadres would not be desirable and have accordingly decided that parity of educational qualification, experience, etc., prescribed for the purpose of promotion to</p>

to different levels in the above Departments should be standardised on the basis of the Public Works Department Service Rules. Accordingly, it has been decided that the following provisions which exist in the aforesaid Service Rules should henceforth be followed and provided in all draft Service Rules/Executive Instructions of Engineering Wings/Cadres having the technical posts of Superintending Engineer, Executive Engineer, Assistant Engineer/Sub-Divisional Officer :-

- (a) The per centage for promotion and direct recruitment to post of Assistant Engineer/Sub-Divisional Officer should be in the ratio of 30:70. However, in small establishments where the number of posts are very few, the quota may be modified to 25:75 so as to facilitate calculation of the quota. An Officer would be eligible for promotion to the post of Sub-Divisional Officer/Assistant Engineer if he possess a 3(three) year Diploma and has completed 10(ten) years service as Sub-Engineer.
- (b) Promotion to Executive Engineer should be restricted to Assistant Engineers/Sub-Divisional Officers who possess Degree or Diploma from recognised Institutions and who have completed 5(five) years continuous service as such. However, there will be no separate quotas between Degree and Diploma Assistant Engineers/Sub-Divisional Officers for promotion to the level of Executive Engineer.
- (c) Promotion to the level of Superintending Engineer could be restricted to Executive Engineers possessing Degree only and who have completed at least 5(five) years continuous service.

12.2. In case the provisions of the existing Service Rules (draft)/ Executive Instructions differ from those as indicated above, the same are to be amended forthwith, and in any case before any Departmental Promotion Committee is convened for recommending persons for promotion in those cadres.