

GOVERNMENT OF MEGHALAYA

PERSONNEL & ADMINISTRATIVE REFORMS DEPARTMENT

CHAPTER - III

**Absorption of the Assam Government employees in Meghalaya
on shifting of Assam Government Office from Shillong**

*No.PER.167/
72/3 dt.13th
June,1972*

1.1. When the Government of Assam shifts its capital from Shillong, it will become necessary for the Assam Government employees serving in the Secretariat and the Directorates of Assam to move down to the Plains. At present there are a number of tribal employees of different categories belonging to Meghalaya serving under the Government of Assam at Shillong and obviously, Government of Meghalaya will not be able to accommodate many of these employees.

1.2. The number of tribal employees now serving under the Assam Government at Shillong will be greatly in excess of the additional requirements of Meghalaya. In view of this, it is necessary for the Departments to select carefully persons whom they would like to man the additional posts in Meghalaya. While doing so, the following guidelines are suggested :-

1.2.1. Out of the additional requirements of posts created with the concurrence of Finance, a certain proportion should be kept reserved for direct recruitment to posts of Lower Division Assistants, Typist and 4th Grade in the Secretariat and Directorates as per percentages laid down in this Department Office Memorandum No.PER.16/70/5, dtd. 27th August, 1970. Besides, it is also necessary that some proportion of the posts at the levels of Upper Division Assistants and Lower Division Assistants should be kept reserved as promotion quota for L.D. Assistants and Typists, respectively and similarly in the case of Superintendents and Assistants Superintendents. It is also necessary to keep some avenues open for the educated young men/women of Meghalaya for direct recruitment and as such, it has been decided not to increase the percentage of recruitment from Assam Secretariat and Directorates beyond the existing figures so that new development opportunities are not blocked.

1.2.2. While selecting people from Assam, preference should be given by the concerned Departments to lady tribal employees belonging to Meghalaya. As far as practicable, the various Departments should take only ladies. If, however, both husband and wife are serving under the Government of Assam in the Departments and Directorates which are under orders of transfer to go to the Plains, they should be encouraged to go, as in such a case, there will be no disruption of family life.

North-Eastern Areas (Reorganisation) Act, 1971 Allocation of the persons and executions of agreement between the Governments of Assam and Meghalaya

*No.PER.389
/71/98,dtd.,
29th July 1972*

2.1. Government have decided that the agreement between the Government of Assam and the Government of Meghalaya for the purpose of allocation of the persons taken from the Government of Assam to serve in connection with the affairs of Meghalaya as envisaged under Section 64(1) of the North-Eastern Areas (Reorganisation) Act, 1971, should be finalized as quickly as possible and, in any case, before the Government of Assam shifts its Capital and offices from Shillong. In order to avoid delay and omissions in the matter, it has also been decided that each Secretary to the Government of Meghalaya should enter into an agreement on behalf of the Government of Meghalaya with his counterpart in Assam for the allocation of the persons in services under his administrative control to the State of Meghalaya instead of a consolidated agreement for all Departments and without centralising it with the Personnel Department.

2.2. The following actions, however, will have to be taken by the Administrative Departments before such an agreement can be executed with the Government of Assam;

- i) The concerned Departments should first determine the cadre strength in respect of the services controlled by them in consultation with Finance and Personnel Departments. This, however, will be subject to modifications in the light of the policy decision of Government regarding amalgamation of some services like the Meghalaya Civil

Service Class II and the Integrated Services for the Ministerial staff of the offices of the Heads of Departments which are to be gone into by a Sub-Committee of the Secretaries' Committee. The concerned Departments may also consider the possibility of having a common service for allied fields like Public Works Departments and Public Health Engineering, Agriculture and Veterinary, etc. In working out the cadre strength of the service, it should be ensured that the number of permanent posts to be created in the cadre should not be less than the number of permanent incumbents taken from Assam so that there may not be any difficulty for the permanent absorption of such incumbents under the Government of Meghalaya on their allocation to this State.

- ii) The concerned Departments will have to keep in view the policy of Government regarding direct recruitment. So far instructions have been issued by Government laying down the percentage for direct recruitment only in respect of Lower Division Assistants, Typists and Grade IV staff in the Secretariat and offices of the Heads of Departments. The concerned Departments should take a firm policy decision regarding the percentage for direct recruitment in respect of other categories of posts under their control. This will now, however, be applicable to those categories of posts which are normally filled up by promotion from the lower grade and where direct recruitment to such posts may not be feasible. It is likely that in the matter of filling up the technical posts earmarked for direct recruitment, the concerned Departments may find some difficulties in filling up such posts immediately for want of qualified persons. In such cases, it may also be examined whether some of the technical personnel from Assam can be taken on temporary deputation to this Government for such period as may be necessary till the vacancies earmarked for direct recruitment are filled up. Such persons taken on temporary deputation may be sent back to the Government of Assam as soon as qualified persons are recruited.
- iii) After action as suggested at paras 2.2(i) and 2.2(ii) above has been taken, the concerned Departments may then select the individual staff with the approval of their Minister, keeping in view the guide-lines

laid down in this Government letter No. PER.167/72/3, dated the 13th June, 1972, (Refer Para 1 above), the cadre strength of the service and the percentage fixed for direct recruitment.

- iv) In certain cases, there are some Ministerial staff in the offices of the Heads of Departments under the Government of Meghalaya who were taken from different offices of the Heads of Departments of the Government of Assam. i.e., other than from the corresponding offices of Heads of Departments in Assam. This happens in those cases where suitable persons from the corresponding offices of Heads of Departments in Assam were not available and also include those employees who were taken in the different offices of the Heads of Departments of Meghalaya consequent on the shifting of their offices to Gauhati. In such cases, the Secretary of the Departments concerned may have to enter into separate agreement with the Secretary of that particular Department in Assam to which such persons originally belonged.
- v) The persons taken from the Government of Assam on their allocation to the State of Meghalaya shall retain their respective seniority as it is under the Government of Assam. In the case of those persons mentioned in para 2.2(iv) above, i.e., persons taken from different offices under the Government of Assam in the offices of Heads of Departments under the Government of Meghalaya, and of any other offices under the Government of Meghalaya vis-à-vis those persons taken from the corresponding offices of the Government of Assam will be determined later on in consultation with Personnel Department.
- vi) It is also necessary to specify the corresponding appointing authority under the Government of Meghalaya in respect of all categories of persons taken from the Government of Assam so that there may not be any difficulty in future in the matter of grant of leave, increment, disciplinary control, etc., over such persons on their allocation to the State of Meghalaya. This question is being examined in consultation with Law Department and more detailed instructions in this regard will follow.

- vii) The concerned Departments should also collect and maintain all relevant particulars of the persons taken from the Government of Assam, such as, their date of entry into Government service, the substantive posts held by them under the Government of Assam, the officiating appointment, if any, held in Assam prior to their joining under the Government of Meghalaya, their interse seniority in the services/cadres under the Government of Assam and any other information as may be considered necessary so that the finalisation of the agreement may not be held up for want of such information.
- viii) It is also desirable that there should be service rules for every service in Meghalaya and the Departments concerned should take immediate steps for framing the Service Rules in respect of the services under their control in consultation with Personnel and Finance Departments. In the case of those services where there are service rules in Assam, such service rules may, as an immediate measure, be adopted for the corresponding services in Meghalaya with such modification as may be necessary. In such cases also, consultation with Personnel and Finance Departments is necessary. The Departments can go into the revision of the service rules, so adopted, later on after the Public Service Commission for Meghalaya is constituted. The finalisation of the agreement under section 64(1) of the Act, should not, however, be held up till finalisation of the service rules.
- ix) The form of agreement to be executed with the Government of Assam under Section 64(1) of the North Eastern Areas (Reorganisation) Act, 1971 for the allocation of persons to the State of Meghalaya is being drafted and a copy of the model form of agreement will be sent to you as soon as possible.
- x) As regards the district staff, this Government have suggested to the Government of Assam that persons specifically appointed against any posts in any office or establishment exclusively meant for the erstwhile district of United Khasi-Jaintia Hills and the district of Garo Hills who are not liable to be transferred outside the aforesaid districts and who are

not borne on any cadre of the State of Assam shall be deemed to have automatically come over to the State of Meghalaya on and from 21st January, 1972 and a reply from the Government of Assam is being awaited. Separate instructions will be issued in respect of these categories of staff on receipt of a reply from the Government of Assam.

*No.PER.389
/71/Pt.II/137
dt. 31st Aug,
1974*

3. The matter of execution of the agreement with the Government of Assam for allocation of Officers and staff to the State of Meghalaya as envisaged under Section 64(1) of the North Eastern Areas(Reorganisation)Act, 1971 has been further reviewed in the light of the discussions held with the Officials of the Government of Assam and in the context of the instructions issued from time to time in this regard. It is necessary now to expedite execution of the agreement in respect of the Officers and staff selected for absorption under the Government of Meghalaya from the Government of Assam. In this regard the following comprehensive instructions are issued covering all the previous instructions, with certain modifications, for the guidance of all concerned :-

(I) **“State Level Staff”**

- (1) Means and includes all Officers and staff, whose appointing authority is either the Governor or the State Government or the Head of Department and excludes staff whose appointing authorities are the District Level Officers of various departments, irrespective of the fact whether such staff are transferable within the State by the Head of Department or not.
- (2) A complete list of State Level staff already serving under the Government of Meghalaya on deputation from the Government of Assam, who are selected for absorption under the Government of Meghalaya in terms of Section 64 (1) of the Act should be got ready (Vide No. Per.218/73/140., dtd. 16.7.1974).
- (3) The list mentioned at (2) above should be got approved by the Minister-in-Charge of the Department.

- (4) In getting ready the list mentioned at (2) above, names of Officers and staff who are not proposed to be absorbed by the Government or about whose absorption a decision could not be taken at this stage, should be excluded. Such Officers and staff will continue to be on deputation to the Government of Meghalaya without any deputation allowance until further orders. There is, however, no objection to any Department returning the services of any of these officers and staff to the Government of Assam, if considered necessary, without any further consultation with the Personnel Department but after approval of the Minister-in-Charge of the Department and prior consultation with the Government of Assam.
- (5) The form of agreement to be entered into with the Government of Assam has since been revised. A copy of the revised form is attached herewith along with detailed instructions regarding filling up of the form.
- (6) It has been noticed that in some offices of Heads of Departments, personnel from offices other than the counterparts of those Heads of Departments in Assam, have been taken over. It is necessary that a separate agreement is signed in respect of all the officers and staff taken from any particular department of Assam between the Secretary of the Department absorbing the staff in Meghalaya and the Secretary of the Department of Assam from whom such staff is taken vide Para 2.1 above.
- (7) the agreement may be drawn up in triplicate and one draft copy sent to the respective Secretary to the Government of Assam for his concurrence.
- (8) On receipt of such concurrence from the concerned Secretary to the Government of Assam, the respective Secretaries of the Government of Assam and Meghalaya will meet at a convenient place either at Shillong or Dispur and sign the agreement. One copy of the signed agreement will be left with the Government of Assam, one copy retained with the respective department in Meghalaya and one copy sent to the Personnel Department for record.

- (9) The Government of Assam should be requested to issue necessary orders in the form already approved. This order should be published in the Gazette of Meghalaya. Copies of these orders should also be given to concerned officers and staff.
- (10) The execution of the agreement in respect of any member of any service need not be held up on any of the following grounds :-
- a) Absence of permanent posts in the Government of Meghalaya to absorb Officers and staff already confirmed in the Government of Assam. It is presumed that sufficient number of posts have by now been made permanent for the purpose of absorption of those officers and staff already confirmed under the Government of Assam as instructed, vide Para 2.2 (i) above. If, however, such permanent posts have not yet been created, Finance Department should simultaneously be moved for permanent retention of the posts. According to the proviso to Section 66(1) of the North Eastern Areas (Re-organisation) Act, 1971, the conditions of service admissible to such persons cannot be varied to their disadvantage and thus the conditions of service of the employee are fully protected under the Act. The Finance Department have therefore already agreed in principle to the permanent retention of the required number of posts retrospectively from the date of their allocation to the State of Meghalaya in order to maintain their lien.
 - b) Absence of service rules or non-determination of cadre strength (PER.389/71/98, dt. 29.7.72): Until such time Meghalaya Service Rules are separately prepared and brought into force, the Service Rules made by the Government of Assam under the proviso to Article 309 of the Constitution of India may be applied in respect of the officers and staff so absorbed in Meghalaya as far as may be. However, in preparing new Service Rules, the earlier service conditions of the absorbed staff should be fully borne in mind and should not be altered to their disadvantage, compared to the service conditions applicable to them under the Government of Assam on the date of their absorption.

(II). **District Level Staff :**

- (1) "District level staff " as mentioned in I(1) above are those whose appointing authorities are district level officers irrespective of the fact whether such staff are transferable from one district to another by the Head of Department or not.
 - (2) The form of agreement in respect of district level staff will be the same as attached herewith.
 - (3) All the district level staff as were borne on any district establishment of any areas that became part of Meghalaya on 21.1.1972 at the time of creation of Meghalaya as a full fledged State, will automatically be absorbed by the Government of Meghalaya under Section 64(1) (No. PER.389/71/49, dtd. 3.5.1974). There will be no question of choice of persons to be absorbed or returned to the Government of Assam.
 - (4) The agreements in respect of district level staff will be signed by the Secretary of the respective departments with his counterpart in Assam. In the case of the staff of the Deputy Commissioners and Subordinate Offices under them such agreement will be signed by the Commissioner of Divisions with the Commissioner of Hills Division, Assam (No.PER. 389/71/49, dt. 3.5.1974).
 - (5) All other instructions pertaining to State Level Staff as given under item (1) above, will apply fully to the district level staff also.
- (III)(1) As and when agreement is forwarded to the Government of Assam by any department for concurrence under item I (7) above, a copy of the letter forwarding such agreement will be furnished to the Personnel Department for follow-up action. A copy of the draft agreement itself need not, however, be sent. Along with the forwarding letter, a copy of the list of officers and staff of deputation from Assam but not included in the agreement should also be furnished to the Personnel Department.

- (2) Every step should be taken to ensure that all agreements are executed positively by 30th September, 1974. The Secretaries to the Government will take personal interest in this matter and bring to the notice of the Secretary, Personnel Department any difficulty they may face in this regard either within our Government or in obtaining concurrence from the Government of Assam.

All other instructions earlier issued on the subject shall stand modified to the extent indicated above.

INSTRUCTIONS TO FILL UP THE FORM OF AGREEMENT

- 1.Col. (1)(a) Full name including Mr/Mrs/Miss must be entered.
- b) The designation of the Officer / Staff in the post which he /she would have held had he / she continued in Assam should be shown. If his/her present designation in Meghalaya is different, that may be shown in bracket below the designation mentioned above.
- 2.Col.(2): Here the appointing authority in Assam in respect of the particular person should be shown, and the appointing authority in Meghalaya need not be shown. For example, if a person was appointed by a Head of Department or a district level officer of Assam, his designation must be shown.
- 3.Col.(3) Here the particular of service under the Government of Assam to which the Officer or member of the staff belonged should be indicated. If there is no such service, the Department or Office under the Government of Assam in which appointed or in which the person was serving under the Government of Assam may be indicated.

4.Col(4)(a) In the case of all the State level officers and staff who are still in service, the date of allotment to the State of Meghalaya should be the date on which the agreement is signed.

b) In the case of district level staff, the date to be shown in this Column will be 21.1.1972, provided all such staff were borne on the establishment on that date.

In the case of State level officers and staff who had already retired on or after 21.1.1972 (for whom a separate agreement is required to be executed), the date of allocation should be 21.1.1972 or the date of actual absorption in Meghalaya, whichever is later (vide Circular No. FEN.1/70/102, dt. 10.6.1974 from the Finance Department).

5. Col (5) **Remarks:-** Any other relevant information which is considered necessary to be shown in the agreement and which is not covered by Column 1 to 4 may be indicated in brief in this Column.

GENERAL: One separate agreement necessary in respect of staff taken over from each Department of Assam by any Department of Government of Meghalaya and for district level staff and for those who have already retired (vide Sl. 4 above read with Item (I) (4) under caption “ (II) District Level Staff ” above).

ORDERS BY THE GOVERNOR OF ASSAM

WHEREAS the Government of the State of Assam and the Government of the State of Meghalaya have agreed in determining the persons to serve in connection with the affairs of the State of Meghalaya in pursuance of the provision of Section 64 of the North Eastern Areas (Re-organisation) Act., 1971.

AND, WHEREAS, in pursuance of the above agreement it has been decided that the persons named below shall be required to serve in connection with the affairs of the State of Meghalaya;

NOW, THEREFORE, the Government of Assam in pursuance of the provision of Sub-Section (1) of Section 64 of the North Eastern Areas (Re-Organisation) Act, 1971 are pleased to order that the persons named below shall be required to serve in connection with the affairs of the State of Meghalaya and every such person shall be deemed to have been allocated to the State of Meghalaya with effect from the date shown against their names.

AGREEMENT

In pursuance of the provisions of Sub-section (1) of Section 64 of the North Eastern Areas (Re-Organisation) Act, 1971, the Government of the State of Assam and the Government of the State of Meghalaya have agreed that the following persons shall be required to serve in connection with the affairs of the State of Meghalaya and every such person shall be deemed to have been allocated to that State with effect from the date shown against their names.

All the services rendered by a person after the appointed day to the date he is allocated to the State of Meghalaya, shall be deemed to have been rendered in connection with the affairs of the State of Meghalaya for all purposes as mentioned in Section 66 (2) of the North Eastern Areas (Re-Organisation) Act, 1971, including pensionary liabilities.

Name & designation	Authority under the state of Assam by which appointed	Service/Department while serving in Assam	Date of Allotment to the State of Meghalaya	Remarks
1	2	3	4	5

For and on behalf of the
Government of Assam

For and on behalf of the
Government of Meghalaya

*No.PER(AR)
150/80/250
dtd.23rd Aug,
1982 & PER
(AR)150/80/
254, dated.
8th Sept.,
1982*

4.1. In regard to the repatriation of the Assistants brought over from the Government of Assam, under Section 64(1) of the North-Eastern Areas (Reorganisation) Act, 1971, to the different Directorates of the Government of Meghalaya corresponding to those of the erstwhile composite State of Assam, Government have taken necessary decision as follows :-

- (i) That the matter be left to the Directorates/Departments concerned to retain the incumbents, with their consent, provided that there is no complication in the matter of interse seniority and without, in any way, affecting adversely the conditions of service of others;
- (ii) That the Directorates/Departments should be able to allow the incumbents concerned to go back to their Offices/Directorates/Departments, corresponding to those of the erstwhile composite State of Assam, should the incumbents concerned express their desire to go back and to release them immediately. On being released, the incumbents should join in the corresponding Offices/Directorates/Departments immediately and those corresponding Offices/Directorates/Departments should also, on the other hand, be able to accommodate the incumbent concerned.

4.2. In pursuance of the above decisions, the following action are therefore necessary to be taken : -

On one hand

(i) That Shri S.K. Majaw and Shri M.Marbaniang, Lower Division Assistants of the Directorate of Health Services, Meghalaya be immediately released so as to enable them to join the Directorate of Public Instruction, Meghalaya. The resultant vacancies should be filled up by the M.P.S.C. passed candidates to be provided by Secretariat Administration Department (Estt)

(ii) That Shri C.S. Cajee, Lower Division Assistant of the Directorate of Sericulture & Weaving be immediately released so as to enable him to join in the Directorate of Public Instruction, Meghalaya. The resultant vacancy should be filled up by an MPSC-passed candidate to be provided by Secretariat Admn. Department (Estt)

(iii) That Shri H.I. Mawrie, Lower Division Assistant of the Office of the Chief Engineer, Public Health Engineering, Meghalaya be immediately released so as to enable him to join in the Directorate of Public Instruction, Meghalaya. The resultant vacancy should be filled up by MPSC-passed candidate to be provided by Secretariat Administration Department (Estt).

On the other hand

The Directorate of Public Instruction, Meghalaya to accommodate Shri S.K. Majaw, Shri M.Marbaniang, Shri C.S. Cajee and Shri H.I. Mawrie as Lower Division Assistants as these incumbents originally belonged to the Directorate of Public Instruction of the erstwhile composite State of Assam.

The incumbents are to be accommodated in the vacancies duly reported by the Directorate of Public Instruction, Meghalaya to the Secretariat Administration Department (Estt).

(iv) That Shri Alfaios Diengdoh, Lower Division Assistant of the Directorate of Sericulture & Weaving be immediately released so as to enable him to join in the Directorate of Supply, Meghalaya. The resultant vacancy should be filled up by an MPSC-passed candidate to be provided by Secretariat Administration Department (Estt).

(v) That Smti.B.Lyngwa, Lower Divn.Assistant of the Directorate of Land Records & Surveys,Meghalaya be immediately released so as to enable her to join in the Office of the Inspector General of Prisons, Meghalaya. The resultant vacancy should be filled up by an MPSC-passed candidate to be provided by Secretariat Admn. Department (Estt.).

(vi) That Shri J.O.F. Blah, U.D.A., of the Office of the Inspector General of Police, Meghalaya be immediately released so as to enable him to join in the Directorate of Land Records and Surveys, Meghalaya

(vii) That Shri G.Khongwir, L.D.A., of the Office of the Commissioner of Transport, Meghalaya be immediately released so as

Directorate of Supply to accommodate Shri Alfaios Diengdoh as Lower Division Asstt.as he originally belonged to the Directorate of Supply of the erstwhile composite State of Assam. The incumbent concerned is to be accommodated in one of the vacancies duly reported by the Directorate of Supply to the Secretariat Admn.Department (Estt.).

The Office of the Inspector General of Prisons, Meghalaya to accommodate Smti. B.Lyngwa as Lower Division Assistant as she originally belonged to the Office of the Inspector General of Prison of the erstwhile composite State of Assam.

The incumbent concerned is to be accommodated in a vacancy duly reported by the Office of the Inspector General of Prisons, Meghalaya to Secretariat Administration Department (Estt).

The Directorate of Land Records & Surveys, Meghalaya to accommodate Shri J.O.F. Blah as he belonged originally to the Directorate of Lands Records & Surveys of the erstwhile composite State of Assam.

The Office of the Inspector General of Police, Meghalaya to accommodate Shri

to enable him to join in the Office of the Inspector General of Police, Meghalaya as Shri G.Khongwir belonged to the Office of the Inspector General of Police of the erstwhile composite State of Assam. The resultant vacancy should be filled up by an MPSC passed candidate to be provided by Secretariat Admn. Department (Estt).

G. Khongwir in the resultant vacancy caused by the release of Shri J.O.F. Blah from the Office of the Inspector General of Police, Meghalaya.,
