

THE ASSAM AGRICULTURAL ENGINEERING SERVICE RULES, 1983

Notification No. ACA 253/80, dated 7th June, 1983.

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following rules regulating the recruitment to and the conditions of service of the persons appointed to the Assam Agricultural Engineering Service.

1. Title and commencement.

- (1) These rules shall be called the Assam Agricultural Engineering Service Rules, 1983.
- (2) They shall take effect 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 the Governor of Assam;
- (b) 'Board' means the Selection Board constituted under R. 15;
- (c) 'Commission' means the Assam Public Service Commission;
- (d) 'Constitution' means the Constitution of India;
- (e) 'Government' means the Government of Assam;
- (f) 'Governor' means the Governor of Assam;
- (g) 'Member' means a member of the Assam Agricultural Engineering Service;
- (h) 'Select list' means the list as referred to in Rr. 6(1)(e), 13 (6) and 14 (3);
- (i) 'Services' means the Assam Agricultural Engineering Service; and
- (j) 'Year' means a calendar year.

3. Class and cadre.

The service shall consist of the following classes and cadres:

- (a) *Class I.* It shall include the cadres-
 - (i) Chief Engineer, Agriculture;
 - (ii) Superintending Engineer, Agriculture;
 - (iii) Executive Engineer, Agriculture.

- (b) *Class II.* It shall include the cadre of Sub-divisional Agricultural Engineers and Assistant Agricultural Engineers.

- (c) *Class II (Junior Grade).* It shall include the cadre of Foremen, Foremen (Mechanics) and Foremen (Instructors).

- (d) The Service may also include-
 - (i) any post equivalent to a post in any of the cadres mentioned in sub-R. (a),
 - (ii) any cadre or post laid down by Government to be included in a cadre of the service.

- (e) The posts equivalent to the posts in the cadres of the service, as on the date of commencement of these rules are mentioned in Schedule I.

4. Strength of service.

The strength of each cadre in a class of the service shall be such as determined by the Governor from time to time. The strength of the cadres of the service on the date of commencement of these rules shall be as shown in Schedule I:

Provided that the Governor may hold in abeyance any post as and when considered necessary.

5. Method of recruitment.

Recruitment of Class II of the Service shall be made —

- (a) by direct recruitment on the basis of selection made in accordance with R. 6 ;
- (b) by promotion in accordance with R. 11;
- (c) Recruitment to Class I shall be made by promotion only in accordance with R. 12.

- 6.** (1) Subject to sub-R. (3) of R. 11 direct recruitment of cadre of Class II and Class II (Junior Grade) shall be made by the Governor on the basis of selection made by the Commission in accordance with the procedure hereinafter provided:

- (a) Before the end of each year the Government shall make an assessment regarding the likely number of vacancies to be filled up by direct recruitment during the next year and shall intimate the same to the Commission together with the details about reservation for candidates belonging to the Scheduled Castes, Scheduled Tribes or any other category as laid down by Government as provided under R. 17 and about carry forward of such reservation;
- (b) The Government shall simultaneously request the Commission to recommend a list of candidates for direct recruitment, in order of preference;
- (c) The Commission shall make the selection in accordance with the scheme of selection prescribed by the government in consultation with the Commission. The Commission may hold such test or interview and undertake scrutiny of publications and other documents, as may be considered necessary.
- (d) The Commission shall furnish government with a list of candidates recommended by it in order of preference, found suitable for direct

recruitment the number of candidates in such number of vacancies;

(e) The commission shall simultaneously publish the list in the Assam Gazette and at such other place as the Commission may consider proper.

(2) The list mentioned in Cls. (d) and (e) of sub-R. (1) of this rule shall remain valid for 12 calendar months from the date of recommendation.

(3) In the event of the Commission being unable to recommend sufficient number of candidates to fill up the vacancies in a year, it shall, in consultation with the Appointing Authority, repeat the procedure as mentioned hereinbefore under sub-R. (1) of this rule, for recommending a subsequent list in the year :

Provided that the Appointing Authority shall not make appointment of any candidate from the subsequent select list until all the candidates of the earlier list of the same year, eligible for appointment, have been offered the appointment.

7. A candidate shall not be less than 21 years and more than 30 years of age on the First January of the year of recruitment, with relaxation in case of candidates belonging to special categories like Scheduled Castes, Scheduled Tribes or any other category as laid down by the Government in

accordance with the general orders of the Government in force:

Provided that the maximum age limit in case of candidates for direct recruitment against the posts in Class II (Junior Grade) shall be 35 years on the first January of the year of recruitment.

COMMENTS

Terms "appointment" and "recruitment" defined. In *Basant Lal v. State* [AIR 1969 Punj 178] the terms "appointment" and "recruitment" were held as not synonymous and connote different meanings. [See also *Gurdeo Singh v. State*, 1968 SLR 533].

In *Manmohan v. State* [AIR 1971 Raj 60] it was observed that the concept of recruitment was quite different from the concept of appointment.

8. Academic qualification.

The academic qualifications of a candidate for direct recruitment shall be as prescribed by the Governor from time to time. The qualifications and experience prescribed, as on the date of these rules coming into force, are given in Schedule II.

9. Physical fitness.

A candidate for direct recruitment shall be—

- (1) of sound health, both mentally and physically and free from organic defect or bodily infirmity likely to interfere with the efficient performance of his duties; and
- (2) required to undergo medical examination before appointment to the service.

10. A candidate for direct recruitment shall produce to the Commission certificates of good character from—

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

11. Recruitment by promotion in class II (Junior Grade).

- (1) The Appointing Authority shall publish in the Assam Gazette annually the number of vacancies in each cadre in class II and class II (Junior Grade) of the service, which have occurred or are likely to occur in the year.

- (2) Subject to suitability as may be decided by the Board and by the Appointing Authority in consultation with the Commission, and also subject to possessing the qualifications, training and experience, as set forth herein below an officer belonging to the cadre of Mechanics and Instructors in agricultural trades in Subordinate Agricultural Engineering Service shall be eligible for promotion to the cadre of Foreman and Assistant Agricultural Engineer in the manner provided in Rr. 13 and 14.

- (3) 25 per cent. of vacancies in class II and class II (Junior Grade) in a year shall be filled up by promotion, subject to availability of suitable candidates, provided that any shortfall of this reservation due to non-availability of adequate number of suitable candidates in a particular year shall be carried forward to the subsequent year(s).

- (4) An officer shall be eligible for promotion as Assistant Agricultural Engineer, if -
 - (a) he has passed at least the matriculation examination or an equivalent examination;

 - (b) he has rendered at least 8 years' service on the first January of the year of promotion; and

- (c) he has undergone the training and passed the departmental examination, as prescribed by the Government for the purpose.
- (5) Notwithstanding anything contained hereinbefore in these rules an officer serving in class II (Junior Grade) of Assam Agricultural Engineering Service, on his acquiring the academic qualification, as prescribed for direct recruitment as Assistant Agricultural Engineer may be promoted as Assistant Agricultural Engineer subject to suitability, in consultation with the Commission as provided in R. 14 against the next available vacancy in the cadre and such promotion shall be treated as direct recruitment to the cadre of Assistant Agricultural Engineer for the purpose of these rules.
- (6) An officer shall be eligible for promotion as Foreman if he has rendered service, undergone training and passed the departmental examination as mentioned hereinabove under sub-Rr. (4) (b) and (4) (c).

12. Recruitment in class I by promotion.

- (1) All vacancies in the cadres of Chief Engineer, Agriculture, Superintending Engineer, Agriculture, and Executive Engineer, Agriculture shall be filled by promotion:

Provided that Government may for good and sufficient reasons fill any of the posts temporarily or on tenure by transfer or deputation from outside the service if they are satisfied that there is no suitable officer in the service available for filling the vacancy.

- (2) Subject to suitability as may be decided by the Selection Board and by the Appointing Authority as set forth in Rr. 13 and also subject to possessing such qualification, training and experience as prescribed herein below, a member shall be eligible for promotion to the corresponding higher cadre as hereinafter provided:
 - (i) From Superintending Engineer, Agriculture to Chief Engineer, Agriculture
 - (ii) From Executive Engineer, Agriculture to Superintending Engineer, Agriculture;
 - (iii) From Sub-divisional Agricultural Engineer and Assistant Agricultural Engineer to Executive Engineer, agriculture.
- (3) For promotion from one cadre to another, as provided hereinbefore, a member shall be eligible if he possesses the qualifications, training and experience, as prescribed below:

- (a) For promotion to the cadre of Chief Engineer, Agriculture, an officer shall have experience in the administration of agriculture engineering in the post of Superintending Engineer for at least 8 years on the 1st January of the year of promotion.

- (b) For promotion to the cadre of Superintending Engineer, Agriculture an officer shall hold-
 - (i) a first or high second class degree in agricultural engineering or in civil or mechanical engineering, or a first or high second class honours or master's degree in the above fields of engineering; and

 - (ii) experience in administration of agriculture in any senior post at least for a period of 5 years on the first January of the year of promotion.

- (c) For promotion to the cadre of Executive Engineer, Agriculture an officer shall have -
 - (i) the minimum educational qualification of a degree in agricultural engineering or civil or mechanical engineering or passed Parts A and B of the Associate Membership

examination of the Institution of Engineers (India); and

(ii) experience as a Sub-divisional Agricultural Engineer/Assistant Agricultural Engineer for a minimum period of 6 years on the first January of the year of promotion.

(d) All officers shall have successfully undergone the training and passed the departmental examination as prescribed for the purposes of promotion.

13. General procedure for promotion.

(1) Before the end of each year the Government shall make an assessment of the likely number of vacancies to be filled up by promotion in the next year in each cadre/class.

(2) The Appointing Authority shall then furnish to the Selection Board the following documents and information with regard to as many officers in order of seniority as 4 times the number of vacancies, as assessed under sub-R. (1):

(a) information about the number of vacancies;

- (b) list of officers in order of seniority, eligible for promotion (separate lists of promotion to different cadres shall be furnished) indicating the cadre/class to which the case of promotion is to be considered;
 - (c) character rolls and personal files of the officers listed; together with all paper showing that any adverse remark recorded in the character roll has been duly communicated to the person concerned and that any representation against such adverse remark has been disposed of after due considerations;
 - (d) details about representation and about carry forward of vacancies as provided under sub-R. (3) of R. 11; and
 - (e) any other documents and information as may be considered necessary by the Appointing Authority or required by the Board.
- (3) The Appointing Authority shall simultaneously request the Selection Board to recommend within one month a list of officers, found suitable for promotion in order of preference, in respect of promotion to each of the cadres in which recruitment is to be made by promotion.

- (4) All selections shall be made on the basis of merit cum seniority except in case of promotion to the cadre of Superintending Engineer, Agriculture, where the selection shall be on the basis of merit only.
- (5) The Selection Board, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a select list of officers about double the probable number of vacancies, in order of preference, found suitable for promotion. In case the Board does not consider an officer suitable for promotion according to seniority, it shall record the reasons, thereof in writing and forward these reasons to the Appointing Authority together with the list.
- (6) The Appointing Authority shall consider the select list prepared by the Board along with approved list unless it considered any change necessary. If the Appointing Authority considers it necessary to make any change in the list received from the board, he shall inform the Board of the changes in the list received from the board, he shall inform the board of the changes proposed after taking into account the comments, if any, as may, in his opinion, be just and proper.
- (7) The inclusion of a candidate's name in a select list shall confer no right to promotion unless the

Appointing Authority is satisfied after such enquiry as may be considered necessary that a candidate is suitable for promotion.

- (8) The select lists shall remain valid for 12 months from the date of approval by the Commission in case of Assistant Engineer and/Foreman and for 12 months from the date of approval by the Selection Board in other cases.
- (9) The promotions shall be in accordance with the lists finally approved by the Appointing Authority.

14. Special procedure for promotion.

- (1) On receipt of the select list for the posts of Assistant Agricultural Engineer and Foreman from the Board, the Appointing Authority shall forward it to the Commission together with the information and documents as referred to in sub-R. (2) of R.13 with a request to approve the list.
- (2) The Commission shall consider the select list recommended by the Selection Board together with the information and documents and such other documents and information as may be required by the Commission and obtained from the Appointing Authority. The commission shall approve the list with such modifications as it considers just and proper.

- (3) The select list as finally approved shall be published by the Appointing Authority in the Assam Gazette within 15 days from the date of approval.

15. Selection Board.

The Selection Boards as referred to in Rr.11, 12 and 13 shall consist of the following:

- (1) For the posts of Chief Engineer, Agriculture, Superintending Engineer, Agriculture and Executive Engineer, Agriculture -
- (i) Commissioner for Agriculture Production ... Chairman
 - (ii) Secretary, Agriculture Department ... Member-Secretary
 - (iii) Secretary, Personnel Department ... Member
 - (iv) Director of Agriculture ... Member
- (2) For the posts of Sub-divisional Agricultural Engineer and Assistant Agricultural Engineer-
- (i) Agricultural Production commissioner .. Chairman

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|-------|---|----------------------|
| (ii) | Secretary, Agricultural Deptt. ... | Member-
Secretary |
| (iii) | Representative of Personnel Department | Member |
| (iv) | Director of Agriculture ... | Member |
- (3) For the posts of Foreman-
- | | | |
|-------|---------------------------------------|----------------------|
| (i) | Agricultural Production Commissioner | Chairman |
| (ii) | Secretary, Agriculture Deptt | Member |
| (iii) | Representative of Personnel Deptt. | Member |
| (iv) | Director of Agriculture | Member-
Secretary |

16. Disqualification.

- (1) No person shall be eligible for appointment to the service-
- (a) unless he is a citizen of India; and
 - (b) he has more than one wife living or in case of a female candidate who has married a person who has one wife living:

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

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

17. Reservation.

In the case of direct recruitment to the service, there shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes or any other category as determined by government from time to time.

18. Appointment.

- (1) Subject to the provision of sub-R. (2) appointment under R.6 shall be made by the Governor in accordance with order of preference determined in the list referred to in Cl. (d) of sub-R. (1) of R.6.
- (2) The inclusion of a candidate's name in the list mentioned in Cl. (d) of sub-R. (1) of R.6 shall confer no right to appointment unless the appointing authority is satisfied after such enquiry as prescribed by the government from time to time and also, as may be considered necessary, that appointment to the service.

19. Joining time.

A person shall join within 15 days from the date of receipt of the order of appointment or of promotion failing which the appointment shall be cancelled unless the Appointing Authority extends the period, which shall not, in all, exceed three months.

20. Training.

A member of the service may be required to undergo such training and pass such departmental examination as, Government may prescribe (under general or special order).

21. Discharge or reversion.

A temporary or officiating member shall be liable to be discharged or reverted to the lower cadre of the service or to his original service, if -

- (1) he fails to make sufficient use of the opportunities given during any training as may be prescribed by the government from time to time or fails to render satisfactory service during his tenure of service in the cadre;
- (2) it is found on a subsequent verification that he was initially not qualified for the appointment or that he

had furnished any incorrect information with regard to his appointment.

- 22.** (1) The seniority of a member in a cadre, appointed by direct recruitment or by promotion shall be determined according to the order of merit in the respective list finally approved by the Appointing Authority under sub-R. (6) of R. 13, sub-R.(4) of R. 14, and sub-R.(1) of R. 18, if he joins the appointment within 15 days from the date of receipt of the order or within the extended period as mentioned in R. 19.
- (2) If a member fails to join the appointment within the initial 15 days of receipt of the order or within the extended period, as mentioned in r. 19, but join later, his seniority shall be determined in accordance with the date of joining.
- (3) A member appointed by promotion against a vacancy occurring in a year shall be senior to a member appointed by recruitment of that year.

COMMENTS

The High Court, under Article 235 of the Constitution, is competent to revert a person who was promoted as officiating District Judge by the Government, to his substantive post of the Additional District and Sessions Judge. [*Mahendra v. High Court, Patna*, (1989) I SLR 8].

Similarly, a Government servant on deputation can also be reverted to his post after being recalled, but the parent Government has no right to pass orders of his reversion and direct the other government to post him on the lower post. [*Sudarshan Sood v. State*, 1969 SLR 715].

23. Promotion and confirmation.

- (1) Subject to availability of a permanent vacancy in the respective cadre, a member shall be placed, according to seniority on probation against the permanent vacancy for a period of two years before he is confirmed against the permanent vacancy:

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority for any specified for any specified period, not exceeding a period of two years;

Provided further that the period of probation may be curtailed or dispensed with in any case for good and sufficient reasons by the Appointing Authority.

- (2) A member of the service placed on probation under sub-R. (1) shall be confirmed against the permanent vacancies subject to the following conditions:

- (a) He has completed the period of probation to the satisfaction of Appointing Authority in accordance with sub-R. (1).
 - (b) He has successfully undergone the training and passed the departmental examination, if any, prescribed by Government under R.20.
- (3) If confirmation of a member is delayed on account of his failure to qualify for such confirmation, he shall lose his position in order of seniority *vis-a-vis* such of his juniors as might be confirmed earlier than he. His seniority shall, however, be restored on his confirmation subsequently.

24. Gradation list.

There shall be prepared and published every year a gradation list consisting of the names of all members of the service cadre-wise in order of seniority and such other particulars as date of birth, date of appointment, etc.

25. Pay.

All appointments in the service shall be made in the time scale of pay as may be prescribed by the government from time to time. The scale of pay of the posts in the cadres of the services, on the date of commencement of these rules, are as shown in Schedule I.

26. Mode of employment.

- (1) Members of the service shall be employed in such manner as the Appointing Authority may decide.
- (2) A member of the service shall be liable to be posted anywhere within the State of Assam or outside Assam or to any other department of the Government, a body corporate in the affairs which the Government may be substantially interested, or an autonomous district council, if so required in the interest of public service and in such case the member shall have any option against such posting or transfer.
- (3) A member of the service, possessing a degree in Civil/Mechanical/Electrical/Telecommunication/Electronic Engineering shall, if so required, be liable to serve in any defence service or posts connected with the defence of India, for a period of not less than 4 years, including the period spent on training, if any :

Provided that such person-

- (a) shall not be required to service as aforesaid after the expiry of 10 years from the date of appointment;
- (b) shall not ordinarily be required to serve as aforesaid after attaining the age of 40 years.

27. Other conditions of service.

Except as provided in these rules all matters relating to pay and allowance, leave, pension, discipline and other conditions of service shall be regulated by the general rules and/or orders of the Government, for the time being in force.

28. Relaxation.

Where the Appointing Authority is satisfied that the operation of any of these rules causes undue hardship in any particular case, it may, dispense with or relax the requirement of that rule to such extent and subject to such conditions as it 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.

29. Interpretation.

If any question arises relating to the interpretation of these rules the decision of the government shall be final.

30. Repeal and savings.

The rules corresponding to these rules and in force immediately before commencement of these rules, are hereby repealed:

Provided that all orders made or action taken under the rules so repealed or under any general orders ancillary thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

SCHEDULE I

[Rules 3, 4 and 5]

Statement showing the posts equivalent to post in a cadre, the strength of each cadre and the scales of pay, as on the date of commencement of Assam Agricultural Engineering Service Rules, 1983

Sl. No.	Categories of post	Scale of pay (Rs.)	Number of posts		
			Permanently	Temporary	Total
(1)	(2)	(3)	(4)	(5)	(6)
	<u>Class I</u> Cadre (I)				
1.	Chief Engineer, Agriculture	Rs. 2000-75-2300- EB-75-2600/ p.m.	—	1	1

2.	Superintending Engineer, Agriculture	Rs.1675-60-1975- EB-65-2300/-p.m	1	1	2
	Cadre (II)				
3.	Executive Engineer, Agriculture	Rs.1500-60- 1800-EB-60-1980- 645-2175/-p.m	4	11	15
	Class II (Senior Grade)				
4.	Sub-divisional Agricultural Engineer	Rs.875-40-1075- EB-40-1275-EB- 45- 1500-50- 1850/- p.m.	11	18	29
5.	Assistant Agricultural Engineer	Do	5	26	31
	Class III (Junior Grade)				
6.	Foreman	Rs.620-25-745-EB- 30-895-EB-35- 1315/- 1	1	3	4

7.	Foreman (mechanical)	Do.	15	-	15
8.	Foreman (instructor)	Do.	4	1	5
9.	Workshop Foreman	Do.	4	-	4
