

ASSAM DRUGS CONTROL ORGANISATION

SERVICE RULES, 1994*

**Notification No. HLA 812/92/43, dated 26th
December, 1994.**

In exercise of the powers conferred by the proviso to Art. 309 of the Constitution of India, the Governor of Assam is pleased to make the following Rules regulating the recruitment and the conditions of service of the persons appointed to the Assam Drugs Control Organisation Service, namely:

1. Short title and commencement.

- (1) These rules may be called the Assam Drugs Control Organisation Service Rules, 1994.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

In these rules, unless there is anything repugnant in the subject or context –

- (a) 'Appointing Authority' means by Governor of Assam;

- (b) 'Board' means the Selection Board constituted under R. 13;
- (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 Drugs Control Organisation Service;
- (h) 'List' means the Select list as referred to in Cl. (d) of sub-R. (1) of R. 6 and the list finally approved under Cl. (a) of sub-R. (6) of R. 12 and Cl. (b) (ii) of sub-R. (6) of R. 12.
- (i) 'Service' means the Assam Drugs Control Organisation Service; and
- (j) 'Year' means calendar year.

3. Class and cadre. The Service shall consist of the following classes and cadres:

- (a) Class I: It shall include the cadre of –

- (i) Drugs Controller.
 - (ii) Assistant Drugs Controller.
 - (iii) Senior Inspector of Drugs.
- (b) Class II: It shall include the cadre of Inspector of Drugs.

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.

*Publication in the Assam Gazette, Extraordinary No. 151, dated 31-12-1994.

5. Method of recruitment.

Recruitment to the service shall be made in the manner prescribed hereinafter:

- (1) Recruitment to the cadre of Drugs Controller, Assistant Drugs Controller and Senior Inspector of Drugs shall be made by promotion only.
- (2) Recruitment to the cadre of the Inspector of Drugs shall be made by direct recruitment only.

6. Direct recruitment.

- (1) Direct recruitment in the cadre of Inspector of Drugs shall be made on the basis of the recommendations made by the Commission in accordance with the procedure hereinafter provided, namely:
 - (a) Before the end of each year the Appointing Authority shall make an assessment of the likely number of vacancies to be filled in by direct recruitment during the next year and shall intimate the same to the Commission together with the details in respect of reservation for candidates belonging to Scheduled Castes, Scheduled Tribes or any other category as laid down by the Government from time to time and

as provided under R. 15 of these rules and in respect of carry forward of such reservation.

- (b) The Appointing Authority shall simultaneously request the Commission to recommend a list of candidates for direct recruitment, in order of preference.
- (c) The Commission shall make a selection in accordance with the scheme or selection prescribed by the Government from time to time (in consultation with the Commission). The Commission may hold such test or interview and make scrutiny of thesis or articles, if any, published by the candidate and other certificates and documents as may be considered necessary.
- (d) The Commission shall furnish to the Appointing Authority a list of candidates recommended by it in order of preference, found suitable for direct recruitment. The number of candidates in such a list may be approximately double the number of vacancies.
- (e) The Commission shall simultaneously published the list in the Assam Gazette and/or at such other places 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 a period of 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 all 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 list until all the candidates of the earlier list of the same year, eligible for appointment, have been offered the appointment.

7. Qualification for direct recruitment.

A candidate for direct recruitment to the service shall not be less than 20 years of age and not more than 36 years of age on the first January of the year of advertisement with relaxation in case of candidates belonging to special categories like Scheduled Castes, Scheduled Tribes and any other category as laid down by the Government from time to time.

8. Academic qualification

The academic qualification 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 commencement of these rules, 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 appointed to the service .

10. Character.

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.

- (i) ***Drugs Controller.***

Vacancy in the cadre of Drugs Controller shall be filled up by promotion from the cadre of Assistant Drug Controller who have rendered continuous service as Assistant Drugs Controller for a minimum period of five years on the first January of the year of promotion :

Provided that if no suitable officer is available for promotion in the cadre of Assistant Drugs Controller, promotion may be restored to for filling up the post from amongst the officers having total experience of at least 10 (ten) years continuous service in the capacities of Assistant Drugs Controller and Senior Inspector of Drugs taken together.

- (ii) ***Assistant Drugs Controller.***

Vacancies in the cadre of Assistant Drugs Controller shall be filled up by promotion from the cadre of Senior Inspector of Drugs who have rendered continuous service as Senior Inspector of Drugs for a minimum period of five years on the first January of the year of promotion:

Provided that if no suitable officer is available for promotion in the cadre of Senior Inspector of Drugs, promotion may be restored to for filling up the post form amongst the officers having total experience of at least 12 (twelve) years continuous service as Inspector of Drugs and Senior Inspector of Drugs taken together.

(iii) ***Senior Inspector of Drugs.***

Vacancies in the cadre of Senior Inspector of Drugs shall be filled up by promotion form the cadre of Inspector of Drugs who have rendered continuous service as Inspector of Drugs for a minimum period of seven years on the first January of the year of promotion.

12. General procedure of promotion.

- (1) Before the end of each year the Appointing Authority shall make an assessment of the likely number of vacancies to be filled up by promotion in the next year in each cadre.
- (2) The Appointing Authority shall then furnish to the Board the following documents and information with regard to as many officers in order of Seniority as 4 (four) times of number of vacancies, as are eligible for promotion.

- (a) Information about the number of vacancies;
 - (b) List of officer in order of seniority eligible for promotion (Separate lists for promotion to different cadres shall be furnished) indicating the cadre to which the case of promotion is to be considered:
 - (c) Character rolls and personal files of the officers listed;
 - (d) Details about reservation in case of promotion to the service and about carry forward of vacancies;
 - (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 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 cadre in which recruitment is to be made by promotion.
- (4) The Selection shall be made on the basis of merit with due regard to sonority.

- (5) The Board, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a list of officers numbering about double the probable number of vacancies, found suitable for promotion, in order of preference.

- (6) The Appointing Authority, on receipt of the lists recommended by the Board shall -
 - (a) consider the list prepared by the Board for promotion to the cadres of Drugs Controller, Assistant Drugs Controller and Senior Inspector of Drugs, along with character rolls and personal files of the officers and approve the list unless it considers any change necessary. If the Appointing Authority considers it necessary to make any change in the list received from the Board, shall inform the Board of the changes proposed and after taking into account the comments, if any, of the Board, may approve the list finally with such modifications, if any, as may in its opinion, be just and proper.

 - (b) (i) forward the lists to the Commission together with the information and documents as referred to in sub-R. (2) of R. 12 with a request to approve the list.

- (ii) the Commission shall consider the list recommended by the Board together with the informations and documents and such other informations and documents as may be required by the Commission and obtained from the Appointing Authority. The Commission shall finally approve the list with such modifications, if any, as it considers 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 lists finally approved by the Commission shall be published by the Appointing Authority in the Assam Gazette within 15 days from the date of final approval.

- (9) The select list shall remain valid for a period of 12 calendar months from the date of approval of the Commission.

- (10) The promotions shall be made in accordance with the lists finally approved by the Commission.

13. Selection Board.

The Board, as referred to in R. 12 shall consist of the following:

(1) Board for considering promotion to the posts of Drugs Controller:

(i) Chief Secretary -- Chairman.

(ii) Commissioner/Secretary,
Health and F.W. Department -- Member-Secretary.

(iii) Secretary, Personnel
Department or its nominee not
below the rank of Deputy
Secretary -- Member.

(iv) Director of Health Services -- Member.

(2) Board for considering promotion to the posts of Assistant Drugs Controller and Senior Inspector of Drugs:

(i) Commissioner and
Secretary/Secretary Health -- Chairman.
and F.W.

- (ii) Joint Secretary/Deputy Secretary, Health and F.W. -- Member-Secretary.
- (iii) Secretary, Personnel Department or his nominee not below the rank of Deputy Secretary, Personnel Department -- Member.
- (iv) Director of Health Services -- Member.

14. Disqualification.

- (1) No person shall be eligible for appointment by direct recruit as well as by promotion to the service:
 - (a) unless he is a citizen of India;
 - (b) if 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 grounds for doing so, exempt, any person from the operation of this sub-rule.

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

15. Reservation.

In all cases of appointment by direct recruit as well as by promotion, there shall be reservation in case of candidates belonging to the member of the Scheduled Castes, Scheduled Tribes as per the provision of the Assam Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1978 and rules framed thereunder. There shall also be reservation for candidates belonging to other Backward Classes as per Government Instructions contained in O.M. No. ABP. 338/83/14, dated 4th January, 1984, for direct recruitment only or any other instructions in this respect issued by the Government from time to time.

16. Appointment.

- (1) Subject to the provisions of Rr. 6, 11 and 12 of these rules, all appointments in the service by direct recruitment and promotion shall be made by the Appointing Authority in accordance with the order of preference determined in the select list as referred to in sub-R. (h) of R. 2 of these rules.

(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 be appointed unless the Appointing Authority is satisfied after such enquiry as prescribe by the Government from time to time and also, as may be considered necessary, that a candidate is suitable in all respects for appointment to the service.

17. 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.

18. Training.

A member of the service shall be required to undergo such training and pass such departmental examination as the Government may prescribed from time to time.

19. Discharged 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 services, if –

- (1) he fails to take 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 the tenure of service in the cadre; and/or
- (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.

20. Seniority.

- (1) The seniority of a member in a cadre appointed by direct recruitment or by promotion shall be determined according to the order of preference in the list recommended by the Commission under R. 6 and also in the respective list finally approved by the Commission under Cl. (b) (ii) of sub-R. (6) of R. 12, 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. 17.
- (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. 17, joins later his seniority shall be determined in accordance with the date of joining.

- (3) A member appointed by promotion in a year shall be senior to a member appointed by direct recruitment in the year.

21. Probation 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 period not exceeding 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 vacancy subject to the following conditions:
 - (a) He has completed the period of probation to the satisfaction of the 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. 19.

- (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-à-vis such of his juniors as might be confirmed earlier than him. This seniority shall, however, be restored on his confirmation subsequently.

22. Gradation list.

There shall be prepared and published every year a gradation list containing the name of all members of the service cadrewise in order of seniority and such other particulars as date of birth, date of appointment etc.

23. 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 service, on the date of commencement of these rules, are as shown in Schedule I.

24. 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 of which the Government maybe substantially interested, or an Autonomous District Council, if so required in the interest of public services.

25. Other conditions of service.

- (1) Except as provided in these rule all matters relating to pay and allowances, 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.
- (2) The conditions of service of the members, in respect of matters, for which no provision has been made in these Rules, shall be the same, as are for the time being applicable to other officers of the Government of the corresponding status and having similar functions.

26. Relaxation.

Where the Governor 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 these rules.

27. Interpretation.

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

28. 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

(Rule 4)

Strength of each cadre of the Service and the Time Scale Pay

	Categories	Time Scale of Pay	Number of Posts		Total
			Perma- nent	Tempo- rary	
1.	Drugs Controller	Rs. 3825-125- 4450-150-5200- 175-5900.	--	1	1
2.		Rs. 2975-100- 3575-125-3825- EB-125-4450- 150-4750.	1	1	2
3.	Senior Inspector of Drugs	Rs. 2275-60- 2395-80-2875- EB-100-3575- 125-4450.	--	8	8
4.	Inspector of Drugs	Rs. 1785-50- 2035-60-2395-80- 2475-EB-80- 2875-100-3575- 125-4200.	6	12	18

SCHEDULE II

(Rule 8)

Qualification and experience prescribed for direct recruit in the Cadre of Inspector of Drugs

A candidate must –

- (a) be a graduate in Medicine or Science of a University recognized for the purpose by the Appointing Authority and have had at least one year's post-graduate training in a laboratory under –
 - (i) a Government Analyst appointed under the Drugs Act, 1940; or
 - (ii) a Chemical Examiner; or
 - (iii) a Fellow of the Royal Institute of Chemistry of Great Britain (Branch E); or
 - (iv) the Head of an institute specially approved for the purpose by the Appointing Authority; or
- (b) hold a degree in Pharmacy or Pharmaceutical Chemistry or post-graduate Degree in Chemistry with

Pharmaceutical as a special subject recognized for this purpose by the Appointing Authority or the Associateship Diploma of the Institution of Chemists (India) obtained by passing the examination with “Analysis of Drugs and Pharmaceuticals” as one of the subjects; or

- (c) hold the Pharmaceutical Chemists Diploma granted by the Pharmaceutical Society of Great Britain.

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