



GOVERNMENT OF MEGHALAYA

MEGHALAYA LABOUR SERVICE RULES

FOR THE YEAR 2000

Shillong, the 3rd November 2000
DECLARATION

No. RDA.13/9/36 – Whereas it appears to the Government of Meghalaya that land is required to be taken by the Government at the public expenses for a public purpose viz for setting up Office-cum-Museum building by Anthropological Survey of India for North Eastern Region Centre in the village of Mawblei, Madanrting. Sub-Division Shillong in the District of East Khasi Hills District, it is hereby declared that for the above purpose land measuring more or less 3109.67 Sq metres of standard measuring bounded on the:-

BOUNDARIES OF THE LAND

North – Land of Smti Ithilda Siangshai.

South – Shillong Jowai Road.

East – Land of Shri P. Laloo, Smti Elisabeth Bank.

West – Shillong-Jowai Road.

is required within the aforesaid village Mawblei Madanrting.

This Declaration is made under the provision of Section 6 of Act 1 of 1894 which was amended by Act 60 of 1984 to whom it may concerned.

A map of the plot of land may be inspected in the office of the Deputy Commissioner, East Khasi Hills District Shillong.

Nothing in this declaration will be considered to apply to land which is resumable for the said purposes under the terms of the lease and which Government elect to resume instead of acquiring under the Act.

F. R. HYNNIEWTA,
Under Secretary to the Govt. of Meghalaya.
Revenue Department.

Dated Shillong, the 3rd October, 2000

No. LBL. 25/90 – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following Rules regulating the recruitment and the conditions of service of persons appointed to the posts in the Meghalaya Labour Service of Meghalaya, namely:-

1. **Short title and commencement**:- (1) These Rules may be called “The Meghalaya Labour Service Rules, 2000”
(2) They shall come into force from the date of their publication in the official gazette.
2. **Definitions**:- In these rule, unless there is anything repugnant in the Subject or context:-
 - (a) “Appointing Authority” means the Governor of Meghalaya.
 - (b) “Commission” means the Meghalaya Public Service Commission.

- (c) "Committee" means the Departmental Promotion Committee constituted under Rule 8.
- (d) "Government" means the Government of Meghalaya.
- (e) "Governor" means the Governor of Meghalaya.
- (f) "Member of the Service" means a member of the Meghalaya Labour Service.
- (g) "State" means the State of Meghalaya.
- (h) "Service" means the Meghalaya Labour Service.
- (i) "Schedule" means the Schedule suspended to these Rules.
- (j) "Year" means the calendar year.
3. **Constitution of the Service**:- There shall be constituted a service to be known as the Meghalaya Labour Service consisting of the following persons, namely:-
- (1) Members of the Assam Labour Service who are permanently allocated to the State of Meghalaya in accordance with the provision of Section 64 (1) of the North Eastern Areas (Reorganisation) Act, 1971.
 - (2) Persons appointed to different posts in the service on or after 21st January, 1972 but before commencement of these Rules.
 - (3) Persons appointed to different posts in the Service in accordance with the provision of these Rules.
4. **Composition of the Service**:- (1) The Service shall consist of the following Grade and posts namely:-
- | | | | |
|-------|--------------|---|----------------------------|
| (i) | Senior Grade | - | Joint Labour Commissioner |
| (ii) | Grade I | - | Deputy Labour Commissioner |
| (iii) | Grade II | - | Labour Inspector. |
- (2) Each of the categories of posts in clause (i), (ii) and (iii) above shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to the higher cadre except in accordance with the provisions of these Rules.
5. **Status**:- The status of the members of the Service holding posts in the Senior Grade and Grade I shall be group 'A' Gazetted and those holding posts in Grade II shall group 'B' Gazetted.
6. **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.
- (2) At the commencement of these Rules, the strength of the Service and posts therein shall be as shown in Schedule I.
7. **Method of Recruitment**:- (1) Appointment to the post of Joint Labour Commissioner shall be made by promotion from amongst members of the Service holding post of Deputy Labour Commissioner as specified in Schedule II and possessing the requisite experience and included in the Select List approved under Sub-rule (5) of Rule 9.
- (2) Appointment to the post of Deputy Labour Commissioner shall be made by promotion from amongst members of the Service holding post of Labour Inspector as specified in Schedule II and possessing the requisite experience and included in the Select List approved under Sub-rule (5) of Rule 9.

(3) Appointment to the post of Labour Inspector shall be made by direct recruitment on the result of a competitive examination conducted by the Commission.

8. **Departmental promotion Committee**:- For the purpose of appointment by promotion under sub-rule (1) and (2) of Rule 7, there shall be a Departmental promotion Committee consisting of the following members namely:-

- | | | | |
|-------|---|---|------------------|
| (i) | Chief Secretary | - | Chairman. |
| (ii) | Principal Secretary/Commissioner and Secretary/Secretary Labour Department. | - | Member Secretary |
| (iii) | Principal Secretary/Commissioner and Secretary/Secretary Personnel and A.R. Department. | - | Member |
| (iv) | Principal Secretary/Commissioner and Secretary/Secretary, Finance Deptt. | - | Member |
| (v) | Labour Commissioner | - | Member |

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

9. **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 these grades, the Appointing Authority shall furnish the Committee with the following documents, namely:-

(a) 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 posts where the total number of eligible officers is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible officers.

(b) The character rolls and Service-Records of such members.

(c) 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 other documents in respect of all such persons, shall prepare a list based on seniority with due regard to individual merit and suitability. The number of persons to be included in the list shall be according to the actual number of vacancies available at the particular grade. The list shall be forwarded by the Committee to the appointing Authority.

(3) The name 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.

(4) For the purpose of appointment under sub-rule (1) and sub-rule (2) of Rule 7, the Appointing Authority shall consider the lists prepared by the Committee along with the character Rolls and Service Records and other documents in respect of each person in the list and unless he considers that any change is necessary, approve the list. If the Appointing Authority considers it necessary to make any change in the list received from the Committee he shall inform the Committee of the change proposed and after taking

into account the comments, if any, of the Committee approved the said list finally with or without modification as may in his opinion to be just and proper.

(5) The list approved by the Appointing Authority under sub-rule (4) shall form the select lists for the purpose of appointment by promotion under sub-rule (1) and sub-rule (2) of Rule 7.

10. **Consultation with the Commission**:- (1) The Appointing Authority shall forward the list prepared under Rule 9 of the Commission along with the Character Rolls, Service Records and others 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 Modification as may in its opinion to be just and proper.

(4) The lists as approved by the Commission either under sub-rule (2) of sub-rule (3) shall form the select list for the purpose of appointment under sub-rule (1) of Rule 7.

11. **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, where the Select List has been finalised in consultation with the Commission, the approval of the Commission shall be obtain.

Provided that such as 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 Commission. The reasons for doing so shall be recorded in writing.

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

12. **Direct Recruitment**:- (1) Examination for direct recruitment 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 determine. The date on which and the place at 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 the Appointing Authority may from time to time make in consultation with the Commission.

(3) Of the number of vacancies to be filled up in the result of each examination there shall be reservation in favour of candidate belonging to Scheduled Castes and Scheduled Tribes to the extent and subject to the conditions as the Government may from time to time prescribe.

(4) On the basis of result of 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 candidates and if two or more candidates obtain equal

marks, the Commission shall arrange them 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 according to the actual vacancies likely to occur during the recruitment year plus 10 percent of the actual vacancies or 2 (two) names whichever is more. The list shall be forwarded to the Appointing Authority.

(5) The inclusion of the candidates name in the list confer no right to appointment unless the Government is satisfied, after such enquiry as may be considered necessary that the candidates 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.

13. 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:-

- (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 Castes and Scheduled Tribes, the upper age limit will be subject to relaxation made by the Government from time to time.

- (5) Educational Qualification – As laid down in Scheduled II.

14. Disqualification for appointment to posts in the Service:- (1) No person shall be appointed who, after such medical examination, as the Government may prescribe, is not found 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 posts in the Service who has been convicted for any offence involving moral turpitude.
- (3) No person who has more than one spouse living shall be eligible for appointment to posts in 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 posts in the Service.

15. Appointment to posts in the Service:- (1) Appointment to any posts in the Service under Rule 7 shall be made by the Appointing Authority and shall be published in the Meghalaya Gazette.

- (2) (i) Subject to the provisions of sub-rule (3) and (5) of Rule 12 appointment by direct recruitment shall be made from time to time in the order in which the name of candidates appear in the merit List prepared under sub-rule (4) of Rule 12.
- (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 (i) and sub-rule (2) of Rule 7 shall be made in the order in which the name of candidates appear in the select list approved under sub-rule (5) of Rule 9.

16. **Prohibition:** - Every person appointed to posts in the Service under sub-rule (3) of Rule 7 be on probation for a period of (2) two years.

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

Provided further that where a person appointed to posts in the service could not be placed and 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.

17. **Departmental Examination and Training:**- (i) persons referred to in sub-rules (1) and (2) of Rule 3 who have not passed the Departmental Examination shall, within the period of 2 (two) year from the date of commencement of these Rules, appear at and pass the Departmental Examination conducted by the Commission and shall also be required to successfully undergo, if he has not already done so, such training as the Appointing Authority may prescribe.

(2) Every person appointed to post in 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.

18. **Discharge or Reversion of a Probationer** – A probationer shall be liable to be discharged from the post or, as the case may be, reverted to the permanent post on which he holds a lien or would hold a lien had it not been suspended under the Rules applicable to him prior to his appointment to the post if:-

- (1) He fails to make sufficient use of the opportunity given during the training or otherwise fails to give satisfactory performance during the period of probation, or.
- (2) 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
- (3) 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.

19. **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 cadres 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 appointed 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 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 list prepared by the Commission or the Select List approved by the Appointing Authority or the Commission. Such members shall be junior to all 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 11 or in Select List approved under sub-rule (5) of Rule 9 and sub-rule 4 of Rule 10.

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 falls 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 position in order of seniority in that cadre vis-à-vis such of his juniors as may be confirmed earlier than him. His original position in that particular cadre shall, however be restored on his confirmation subsequently.

20. **Confirmation:-** (1) Confirmation of the member of the Service appointed by promotion to senior Grade and Grade I shall be made in the respective cadre according to his seniority in that cadre subject to the following conditions.

- (a) That he has served not less than one year in the post where he is to be confirmed.
- (b) That his performance is satisfactory (to be judged on the basis of Annual Confidential Report and other relevant records).
- (c) That there is no Departmental proceedings/vigilance enquiry against him.
- (d) That the vacancy is available and that no Officer holds a lien on it.

(2) Confirmation of a probationer shall be made according to his seniority in that cadre subject to the following conditions:-

- (a) That he has successfully completed the period of probation to the satisfaction of the Appointing Authority.
- (b) That he has passed the Departmental examination completely and successfully undergone the training courses as may be prescribed by the Appointing Authority from time to time.
- (c) That he is considered otherwise fit for confirmation by the Appointing Authority.
- (d) Subject to availability of vacancy.

Provided that where a probationer is not given opportunity to undergo the prescribed training during the period of probation his confirmation shall not be held up for reasons of not successfully undergone 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 be removed from service unless the Appointing Authority allow him other chances.

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.

21. **Gradation List**:- There shall be prepared and published annually and upto date Gradation List as on 1st January consisting of the names of all members of the Service, cadrewise 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 also be indicated against each name.
22. **Increment**:- The first increment admissible to a probationer 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 successful completion the period of probation.
- (2) Such persons referred to in sub-rule (2) of Rule 3 shall be allowed to draw increments becoming due within the period of two years from the date of commencement of these Rules but further increment shall be allowed only on their passing the Departmental Examination completely and successful completion of training courses prescribed.
- (3) The pay of member of the Service on completion of the period of probation and on passing the Departmental Examination and on the prescribed Training Course shall be fixed at such stage as if he has 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 prior to the date of his completion of the period of probation of passing the Departmental Examination and/or the prescribed training course.
- (4) The increment admissible to a member of the Service promoted from one post to another shall accrue on the expiry of such year as admissible under the rules.
23. **Power of the Governor to dispense with or relax any Rules**:- The Governor, if satisfied that the operation of any of the provision of these rules causes undue hardship in any particular case or cases or result in any particular post or posts being left unfilled for want in any particular post or posts being left unfilled for want of person(s) possessing the minimum experience as specified by these Rules for promotion to such post (s), may dispense with or relax the requirement of any of these Rules to such extent and subject to such condition, as it may consider necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies of public interest.
24. **Interpretation**:- If any question arises relating to the interpretation of these rules, the decision of the Government in the Labour Department with the approval of the personal and A.R. (A) Department shall be final.
25. **Repeal and Saving**:- All rules, orders or notification 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 validly made or taken the corresponding provisions of these rules.

SCHEDULE – I
(Rule 6 and Rule 21)

Name of Post	Time Scale of Pay	Number of Post		
		Permanent	Temporary	Total
Joint Labour Commissioner	Rs. 3500-125-4000-EB-135-4540-140-5100/-	-	1	1
Deputy Labour Commissioner	Rs. 3000-120-3720-EB-130-4240-140-4800/-	1	-	1
Labour Inspector	Rs. 1750-55-2,025-EB-65-2,480-75-3,230/-	4	2	6

SCHEDULE-II
(Rule 7 and Rule 12 (3))

Sl. No.	Name of post	Method of recruitment with percentage of Vacancies to be filled up in any recruitment year by direct recruitment or promotion	Direct recruitment			Promotion		Remarks
			Educational Qualification etc, required for direct recruitment	Lower age limit	Upper age limit	Persons eligible for consideration for promotion to posts mentioned in column 2.	Qualification experience etc.	
1	2	3	4	5	6	7	8	9
1	Joint Labour Commissioner	Promotion				Deputy Labour Commissioner	Must have rendered not less than 3 (three) years of continuous service in the post mentioned in column 7 on the first	

							day of the year in which the selection is made.	
2	Deputy Labour Commissioner	Promotion				Labour Inspector	Must have rendered not less than 5 (five) years of continuous service in the post mentioned in column 7 of the first day of the year in which the selection is made.	
3	Labour Inspector	Direct recruitment	Bachelor degree holder in Arts, Science, and Commerce from any recognised University	18 Yrs.	27 Yrs relaxable by 5 years in case of SC/ST			

(M.E. UMDOR)
Under Secretary to the government of Meghalaya
Labour Department

.....