



GOVERNMENT OF MEGHALAYA

LAW (A) DEPARTMENT

THE MEGHALAYA (C) SECRETARIAT DRIVERS' RULES, 2005

The 1st December, 2005.

No. SAE.66/2002/1.- 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 method of recruitment and the conditions of service of persons appointed to the Meghalaya (C) Secretariat Drivers Service namely;

THE MEGHALAYA (C) SECRETARIAT DRIVERS' RULES, 2005

1. Short title and commencement:- (1) These Rules shall be called ,the Meghalaya (C) Secretariat Drivers Service Rules, (Non-Gazetted) 2005.

(2) They shall come into force from the date of Notification in Official Gazette..

2. Definition:- (1) In these Rules, unless there is anything repugnant in the subject or context:-

(a) "Appointing Authority" means the Principal Secretary/Commissioner & Secretary/Secretary to the Government in the S.A.D.

(b) "Committee" means a Committee constituted under Rule 7 & 9 of these rule.

(c) "Department" means the Sectt. Admn. Deptt. (Estt) of the Secretariat.

(d) "Government" means the Government of Meghalaya.

(e) "Member of the Service" means a member of the Meghalaya (C) Secretariat Drivers Service.

(f) "Secretariat" means all the Administrative Departments of the Meghalaya (C) Secretariat in which a member of the service is posted.

(g) "State" means the State of Meghalaya.

(h) "Service" means the Meghalaya (C) Secretariat Drivers Service, 2005.

(i) "Schedule" means the schedule appended to these rules and

(j) "Year" means the calendar year.

3. Constitution of the Service.- There shall be constituted a service to be known as the Meghalaya (C) Secretariat Drivers Service consisting of the following persons, namely:-

(a) Persons appointed as Drivers of the Assam Secretariat whose services have been allocated to the State in accordance with the provisions of section 64 (1) of the North Eastern Area (Re-organisation) Act, 1971.

(b) Persons appointed to the post of Drivers in the Meghalaya (C) Secretariat on or after 21st January, 1972, but before the commencement of these rules and

(c) Persons appointed to the post of Drivers in the service in accordance with the provisions of these rules.

4. Composition of the Service.- The Service shall at the commencement of these rules comprise of the following grades:-

(a) Senior Grade

(b) Junior Grade.

5. Strength of Service. - (1) The Strength and composition of the service shall be such as may be determined by the Government from time to time.

(2) At the commencement of these rules, the strength of the service and posts shall be as shown in Schedule.

6. Method of recruitment.- (1) The appointment to post under clause (b) of Rule 4 shall be by direct recruitment. Direct recruitment shall be made on the basis of examination and result declared therein conducted by the Departmental Selection Committee constituted under sub-rule 1 of Rule 9 and according to the approved Merit list of the Committee as provides under sub-rule (3) of Rule 9.

(2) The Placement of Junior Grade to the Senior Grade shall be made in accordance with the approval of the Departmental Selection Promotion Committee in term of Office Memorandum No.GAA.214/84/71,dated 22nd May, 2000:

Provided that no member of the Junior Grade shall be eligible and empanelled in the Select List for the consideration of the Departmental Promotion Committee unless he has rendered not less than 8 (eight) years of continuous and satisfactory service.

7. Departmental Promotion Committee.- For the purpose of appointment by promotion to the posts at clause (a) of Rule 4 there shall be a Departmental Promotion Committee consisting of the following members namely:-

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| (i) Principal Secretary/Commissioner & Secretary/Secretary to the Govt. Meghalaya in the S.A.D. (E) | - | Chairman. |
| (ii) Deputy Secretary/Under Secretary, to the Govt. of Meghalaya in the S.A.D. (E). | - | Member-Secretary |
| (iii) Deputy Secretary/Under Secretary to the Govt. of Meghalaya in the G.A.D. | - | Member. |

(iv) Motor Vehicle Inspector, Shillong - Member.

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

8. Procedure for preparing the Select List for.- (1) The Appointing Authority shall refer to the Committee the approximate number of vacancies likely to occur in each post of the service during the year. To enable the Committee to prepare the List for promotion to those posts, the Department shall furnish after due consultation with the Appointing Authority to the Committee the following documents namely:-

(a) A list of the members of the service who have rendered a maximum of 8 years continuous and satisfactory service and consisting three times the number of vacancies referred to in sub-rule (1).

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

(b) Medical Fitness Certificate to be issued by the Civil Surgeon.

(c) Eligible Certificate to be issued by the Department Promotion Committee constituted by the Government for this "purpose. This shall include aptitude, capability, able to read English Numerical & Figure, thorough knowledge of Traffic rules & regulations, knowledge (practical) of Motor vehicle ability to undertake minor repairs in case of emergency and maintenance of vehicles including promptness, regularly and correct recording and entry of Log Book etc.

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

(2) The Committee shall after examining the documents at clause (a), (b),(c)& (d) under sub-rule 1 of Rule 8, in respect of all such persons shall prepare a list with due regards to 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 list shall be placed in order of preference for promotion.

(4) For the purpose of appointment by promotion under sub-rule 2 of Rule 6. The Appointing Authority shall consider the list prepare by the Committee along with the records and documents at clauses (a), (b), (c) & (d) under sub-rule 1 of the Rule 8 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 receive in the Committee of the changes propose and after taking into account the comments. If any,

of the Committee, approve the said list finally with or without Notification as may in his opinion to be just and proper.

(5) The list approved under sub-rule 4 above shall form the Select List for the purposes of appointed by promotion under sub-rule 2 of Rule 6.

9. Departmental Selection Committee.- (1) For the purpose of appointment through direct recruitment to the post at clause (b) of Rule 4, there shall be a Departmental Selection Committee comprising of the following members of the Committee, namely:-

- (i) Principal Secretary/Commissioner & Secretary/Secretary, to the Government of Meghalaya , S.A.D. - Chairman.
- (ii) Deputy Secretary/Under Secretary, to the Govt. of Meghalaya S.A.D. (E). - Member-Secretary
- (iii) Motor Vehicle Inspector. - Member.

(2) The Committee may invite or appoint any other person (s) to attend and perform any other duties as assign by the Chairman of the Committee as and when required.

(3) Selection of candidate for direct recruitment shall be made through a practical test and personal interview conducted by the Committee as per provision of the Government instruction issued from time to time in accordance with the Recruitment Policy etc. subjects, mode of conducting examination, practical test and personal interview shall be the decision of the Committee.

(4) On the basis of the result of the Practical Test and Personal Interview, the Committee shall prepare a list of all successful candidates in order of merit, which shall be determined in accordance with the aggregate marks obtained by such candidates and if two or more candidates obtain equal mark, the Committee 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 the person to be included in the list shall be as according to the actual vacancies likely to occur during the recruitment year.

(5) Inclusion of candidates name in the list confer no right to appointment unless the Appointing Authority is satisfied after such inquiry as may be considered necessary that the candidates is suitable in all respects for appointment to the post and that appointment to any post in the service is subject to availability of vacancy.

10. Conditions eligibility for appearing at the examination for direct recruitment to the post of Junior Driver as at cause (a) in sub-rule (1) of Rule 4.-

(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 any relaxation made by the Government from time to time.

- (3) Educational qualification - He must have passed Class - IX.
- (4) He must possess a valid light/medium motor vehicle driving license.
- (5) He must have an experience in driving light or medium motor vehicle at least not less than 3 years.
- (6) He must have fair knowledge of repairing defects.
- (7) He must have a thorough knowledge of Traffic Regulations.
- (8) He must be mentally and physically sound and free from any diseases or ailments, which may prevent him from discharging his duties efficiently.

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

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

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

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

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

12. Appointment to the service.- (1) Appointment to any post in the service under Rule 4 and sub-rule (1) and (2) of Rule 6 shall be made by the Appointing Authority.

(2) Subject to the provisions of sub-rule (4) of Rule 9 appointment shall be made from time to time in the order in which the names of Candidates appear in the Merit List prepared under sub-rule (3) of Rule 9.

(b) 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.

13. Discharge of Reversion.- (1) Where the Appointing Authority finds that the performance of duty by any member of the service, appointed by promotion, is unsatisfactory or where he is

found unfit to hold the post at any time during the service, such member shall be liable to be reverted back to his next lower grade

- (a) he fails to make sufficient use of the opportunities given during the training or otherwise fails to give satisfactory performance during the period of service, or,
- (b) on any information received relating to his nationality, age, health, character and antecedents, the Appointing Authority is satisfied that the member is ineligible for otherwise unfit for being a member of the service.

14. Seniority:- (1) The *interse seniority* of the members of the service who originally belonged to an appointed by the Government of Assam before 21st of January, 1972 and who are allocated to the State of Meghalaya in the respective post shall be determined in the order in which their names appeared in the list prepared by the Assam Government. Such members shall be Junior to all members mentioned in sub-rule (1) above in the respective post.

(2) Notwithstanding anything contained in sub-rule (1), the *interse seniority* of the member of the Service appointed by the Government, on the recommendation of the Appointing Authority of the State of Assam, under same recommendation and allocated to the State of Meghalaya in the respective post shall be determine in the order in which their names appeared in the list prepared by the Assam Government. Such members shall be Junior to all members mentioned in sub-rule (1) above in the respective post.

(3) The *interse seniority* of the members of the service in any post of the service appointed on or after 21st January, 1972 but before commencement of these rules, shall be in the order in which their names appeared in the respective select lists prepared by the Appointing Authority or the Committee, as the case may be. Such members shall be junior to all members mentioned in sub-rule (1) and (2) above.

(4) The *interse seniority* of the members of the service appointed to different posts after commencement of these rules shall be in the Merit list prepared under Sub-Rule (3) of Rule 9 or in the select list approved under sub-rule (5) of Rule 8.

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

15. Confirmation.- Confirmation of a member of the service against the post he is holding shall be made according to seniority in that post subject to the following conditions:-

- (a) That he has served not less than 1 year in the post where he is to be confirmed.
- (b) That the performance of the employees is satisfactory (to be judged on the basic of their performance of duties and other relevant records).
- (c) That there is no departmental proceeding vigilance enquiry and such like against him, and

(d) Subject to availability of vacancy and that no person (member) holds a lien on it.

16. Gradation List. - There shall be prepared and published annually an upto date gradation list as on 1st January, consisting of the names of all members of the service, post-wise and drawn up in order of seniority and other particulars relating to date of birth and appointment to the service and other details relevant to the service career shall be also indicated against each name.

17. 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 under hardship in any particular case or cases or results 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 and with transparency or for meeting the exigencies of public interest.

18. Interpretation.- In any question arises relating to the interpretation of these rules, the decision of the Government in the S.A.D. (E) with the approval of the Personnel & A.R. Department shall be final.

19. 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 been validly made or taken under the corresponding provisions of these Rules.

SCHEDULE

Rule 5 (2)

Sl No.	Name of Post	Time Scale Pay	Number of posts		
			Permanent	Temporary	Total
1.	DRIVER SENIOR GRADE	Rs.3100-70-3520-EB-80-4160-90-5060	36	-	36
2.	DRIVER JUNIOR GRADE	Rs. 2900-60-3260-EB-70-3820-80-4620	7	15	22

C.D.KYNJING

Commissioner & Secretary to the Govt. of Meghalaya,
Sectt. Admn. Department (Establishment)

The 31st March 2006.

ORDER

No. S & W.40/93/21.- Pending drawal of Departmental Proceedings, Shri. Sanjeev Kumar Borchung, Zonal Officer, Weaving Tura, Directorate of Sericulture & Weaving, Government of Meghalaya is hereby suspended with immediate effect and unfit further orders, under Rule 6 (2) of the Assam Service (Discipline & Appeal) Rules, 1964 as adopted by the Government of Meghalaya.

P.S.THANGKHIEW,
Commissioner & Secretary
Sericulture & Weaving Department.