



GOVERNMENT OF MEGHALAYA

LAW (A) DEPARTMENT

THE MEGHALAYA ELECTION (TECHNICAL) SERVICES RULES, 2011

The 22nd September, 2011

No. EL-54/2007/15 – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Government of Meghalaya is pleased to make the following Rules regulating the recruitment and the conditions of Services of persons appointed to the Technical Cell of Election Department of Meghalaya.

1. Short Title and Commencement:- These Rules may be called the “The Meghalaya Election (Technical) Services Rules, 2011.

(2) They shall come into force 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

(1) The Governor of Meghalaya in respect of the Gazetted posts.

(2) The Chief Electoral Officer in respect of the Non-Gazetted posts.

(b) “Commission” means the Meghalaya Public Service Commission.

(c) “Committee” means the Committee constituted under Rule 8 of the Meghalaya Election (Technical) Service Rules, 2011 or a Selection Committee under Rule 9 as the case may be.

(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 Election (Technical) Service.

(g) “Service” means the Meghalaya Election (Technical) Service.

(h) “State” means the State of Meghalaya.

(i) “Year” means the Calendar Year.

(j) “Schedule” means the Schedule appended to these Rules.

3. Constitution of Service: There shall be constituted a Service to be known as “The Meghalaya Election (Technical) Service consisting of the following persons, namely:-

(1) Persons appointed to different posts in the Service before the commencement of these Rules.

(2) Persons appointed to different posts in the Service in accordance with the provisions of these Rules.

4. Composition of the Service :- (1) The Service shall consist of the following grades and posts, namely:-

(i) Senior Grade - Senior System Engineer and above.

(ii) Grade I - System Engineer.

(iii) Grade II - Senior Assistant System Engineer.

(iv) Grade III - Assistant System Engineer.

(2) Each of the categories of posts in clauses (i), (ii), (iii) and (iv) of sub-rule (1) shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provisions made in these Rules.

5. Status :- The status of members of the Service holding posts in Senior Grade and those holding posts in Grade I shall be class-II as gazetted officers, and the status of the members of the service holding posts in Grade II and Grade III shall be class III gazetted officers.

6. Strength of the Service:- The Strength and composition of the Service shall be such as may determined by the Governor from time to time.

(2) At the commencement of those Rules, the strength of these Service and posts therein shall be as shown in Schedule I.

7. Method of Recruitment:-

(1) **Senior Grade**:- Appointment to the Senior Grade-I post shall be made by promotion from the select list of the Grade-I officers prepared under sub-rule (1) (ii) of Rule 4, who have completed at least 3 (three) years of continuous service on the first day of the year in which the selection is made.

(2) **Grade-I** :- Appointment to the Grade-II post shall be made by promotion from the select list of the Grade-II officers under sub-rule (1) (iii) of Rule 4, who have completed at least 3 (three) years of continuous service on the first day of the year in which the selection is made.

(3) **Grade-II** :- Appointment to the Grade-II post shall be made by promotion from the select list of the Grade-III officers prepared under sub-rule (1) (iv) of Rule 4, who have completed at least 3 (three) years of continuous service on the first day of the year in which the selection is made.

Provided further that if suitable candidates are not available in the next lower post, the vacancies shall be filled up by promotion from amongst the members of the Service belonging to further lower post who have rendered not less than 7 (seven) years of continuous Service in that post on the first day of the year in which the selection is made and included in the Select List approved under sub-rule (4) of Rule 11.

(4) **Grade-III** :- Appointment to the posts in Grade III shall be made by direct recruitment on the result of the competitive examination conducted by the Commission.

8. Departmental Promotion Committee:- (1) For the purpose of appointment by promotion under sub-rule (1),(2) and (3) of Rule 7 to Posts carrying scales of pay the maximum of which is Rs.33,690.00 and above there shall be a Departmental Promotion Committee consisting of the following members:-

1.	Chief Secretary		Chairman
2.	Principal Secretary/ Commissioner and Secretary/Secretary Elections Department.		Member
3.	Additional/Joint Chief Electoral Officer, Elections Department		Member Secretary
4.	Commissioner and Secretary/Secretary/ Additional Secretary Personnel & A.R. Department or his Representative.		Member
5.	Commissioner and Secretary/Secretary Finance Department or his Representative.		Member

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

(2) For the purpose of the appointment by promotion under Rule 7 to posts carrying scales of pay the maximum of which less than Rs. 33,690.00 there shall be a Departmental Promotion consisting of the following members:-

1.	Principal Secretary/ Commissioner and Secretary/Secretary Elections Department.		Chairman
2.	Additional/Joint Chief Electoral Officer, Elections Department		Member Secretary
3.	Commissioner and Secretary/Secretary/ Additional Secretary Personnel & A.R. Department or his Representative.		Member
4.	Commissioner and Secretary/Secretary Finance Department or his Representative.		Member

The Committee may invite any other person to attend its meeting if 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 those grades, the Appointing Authority shall furnish the Committee with the following documents, namely:-

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

(ii) The Character Rolls and Service Records of such members.

(iii) 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 their documents in respect of all such persons, shall prepare a List based on seniority with due regard 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 names 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 by promotion under sub-rules (1),(2) & (3) of Rules 7, the Appointment Authority shall consider the list prepared by the Committee along with the Character Rolls and Service Record 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 and after taking into account the comments if any, of the committee, approve the said list finally with or without modification as may, in his opinion to be just and proper.

(5) The list as approved under sub-rule (4) above shall form the select list for the purpose of appointment by promotion under Sub-Rule (1), (2) & (3) of Rule 7.

10. Validity of the Select List :- The Select List shall remain in force for a period of one year unless its validity is extended by the Appointing Authority:-

Provided that such an 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 Committee where the name of such persons appears in the select list which has been finalized in consultation with the Committee, the committee shall be consulted and the reason (s) for removal of the name from the select list shall be recorded in writing.

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

11. Direct Recruitment: - (1) Competitive Examination for direct recruitment under sub-rule (4) of Rule 7 shall be held at such intervals as the Appointing Authority may, in consultation with the Commission from time to time determined. The date on which and the place in 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 as the Appointing Authority may from time to time make in consultation with the commission.

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

(4) On the basis of the results 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 candidate and if two or more candidates obtain equal marks, the Commission shall arrange 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 as according to the actual vacancies likely to occur during the recruitment year plus 10 percent of such actual vacancies or 2 (two) names whichever is more. The list shall be forwarded by the Commission to the Appointing Authority.

(5) The inclusion of a candidate's name in the list confer no right to appointment unless the Government is satisfied after such inquiry as may be considered necessary that the candidate 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.

12. Conditions of eligibility for appearing at the Competitive Examination :- In order to be eligible to complete at the examination for direct recruitment, a candidate must satisfy the following conditions, namely:-

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

3) Education Qualification:- As laid down in the Schedule-II

13. Disqualification for appointment to the Service :- (1) No person shall be appointed who, after such medical examination as the Government may prescribed, is not found to be 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 persons 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 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 the Service.

14. Appointment to the Service:- Appointment to any in the Service under Rule 7 shall be made by the Appointing Authority and shall also be published in the Meghalaya Gazette.

(2) (i) Subject to the provisions of sub-rule (3) and (5) of Rule 11, 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 (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 (1), (2) & (3) of Rule 7 shall be made in the order in which the names of candidates appear in the Select List approved by the Committee on under sub-rule (4) of Rule 9.

15. Probation :- Every person appointed to the Service under sub-rule (4) or Rule 7 shall be on probation for a period of 2 (two) years:

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

Provided further that where a person appointed to the post in the Service could not be placed under 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:

16. Departmental Examination and Training:- (1) All officers who joined the Service prior to the Commencement of these Rules undergo training prescribed from time to time and shall, successfully pass such prescribed training (s).

(2) Every person appointed to the Service after 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 from time to time.

17. Discharge or Reversion :- 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 period of probation, such member shall be liable to the reverted to his next lower post or grade.

(2) A member of the Service appointed by direct recruitment shall be liable to be discharged if

(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 probation; or

(b) 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

(c) 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.

18. Seniority :- (1). The *inter se* seniority of the members of the Service in any cadre appointed on or after 21 January 1972, but before the commencement of these rules, shall be in the order in which their names appeared in the respective lists prepared by the Commission or the Select Lists approved by the Commission.

(2) The *inter se* seniority of the members of the Service appointed to different cadres after he 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 the Select List approved under sub Rule (4) of Rule 9.

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.

(3) If confirmation of any member 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 cadre as may be confirmed earlier than him. His original position within the cadre shall however, be restored on his confirmation subsequently.

19. Confirmation :- (1) Confirmation of a member of the Service in a cadre shall be made 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 performance of the employees is satisfactory (to be judge on the basis of Annual Confidential Reports and other relevant records).
- (c) That there is no departmental proceeding/vigilance enquiry against him, and,
- (d) Subject to availability of vacancy 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 completed the period of probation to the satisfaction of the Appointing Authority.
- (b) That he has passed the Departmental Examination completely and has successfully undergone the training course as may be prescribed by the Appointing Authority, and
- (c) That he is considered otherwise fit for confirmation by the Appointing Authority, and
- (d) Subject to availability of vacancy;

Provided that where a person is not given opportunity to undergo the prescribed

20. Gradation List :- There shall be prepared and published annually an up to date Gradation List as on 1st January consisting of the names of all members of the Service, cadre-wise 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 be also indicated against each name.

21. Increment:- The first increment admissible to a member of the Service 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 passing the Departmental Examination completely and on his successful completion of the Training courses as may be prescribed.

(2) Such persons referred to in sub-rules (1) shall be allowed to draw increment becoming due within the period of two years from the date of commencement of these rules but further increments shall be allowed only on their passing the departmental Examination completely and on successful completion of the training courses prescribed.

(3) The pay of the member of the service on his completion of the period of probation or on passing the Departmental Examination and/or the prescribed Training Course shall be fixed at such a stage as if he had 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 to the date of his passing the Departmental Examination and/or the prescribed training.

(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.

22. Power of the Governor to dispense with or relax any Rule:- The Governor is satisfied that the operation of any of the provisions of these rules causes undue hardship in any particular case or result in any particular post or post being left unfilled for want of person (s) proceeding 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 conditions as is may be considered necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies for public interest.

23. Interpretation:- If any question arises relating to the interpretation of these rules, the decision of the Government in the Elections Department with the approval of the Personnel & A.R. (A) Department shall be final.

24. Repeal and Saving :- All Rules, Orders or Notifications 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 – I (Rule 6)

Sl.No.	Name of Post	Time Scale Pay	Number of post		
			Permanent	Temporary	TOTAL
1	2	3	4	5	6
1.	Senior System Engineer	20700-620-24420-730-29530-890-36650	X	5	1
2.	System Engineer	17000-470-20290-EB-560-25330-760-33690	X	1	1
3.	Senior Assistant System	15700-390-18430-EB-510-23020-690-30610	X	3	3
4.	Assistant System Engineer	14100-350-16550-EB-460-20690-620-27510	X	15	15

SCHEDULE – II (Rule 7)

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 on experience etc.	
1	2	3	4	5	6	7	8	9
1.	Senior System Engineer (Senior Grade)	Promotion 100%	X	Nil	Nil	From amongst Grade-I Officer who have completed 3 years of continuous service		
2.	System Engineer (Grade-I)	Promotion 100%	X	Nil	Nil	From amongst Grade-II Officers who have completed 3 years of continuous service.		
3.	Senior Assistant System Engineer (Grade-II)	Promotion 100%	X	Nil	Nil	From amongst Grade-III Officers who have completed 3 years of continuous service		
4.	Assistant System Engineer (Grade-III)	Direct Recruitment 100%	B Sc. Computer Science (Hons) or BCA 3 (Three) years with Class XII Science OR CSE Diploma 3 (Years) with Class XII Science	18 years	27 years (relaxation for ST/SC at per existing Rule)			