

The 12th April 1990

No. EX. 86/64/90.—In exercise of the powers conferred by the proviso to Article 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 persons appointed to the Assam Excise Service.

1. Short Title and Commencement.—(1) These rules may be called the Assam Excise Service Rules, 1990.

(2) They shall take effect from the date of their Notification.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Appointing Authority" means the Governor of Assam ;

(b) "Commission" means the Assam Public Service Commission ;

(c) "Committee" means the Selection Committee constituted under Rule 13 ;

(d) "Government" means the State Government of Assam ;

(e) "Governor" means the Governor of Assam ;

(f) "Member of the Service" means a member of the Assam Excise Service ;

(g) "Select List" means the list prepared under Clause (d) of sub-rule (1) of Rule 6, and clauses (a) and (b) (ii) of sub-rule (6) of Rule 12 ;

(h) "Schedule" means the schedule appended to these rules ;

(i) "Service" means the Assam Excise Service ;

(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 of—  
(i) Joint Commissioner of Excise;  
(ii) Deputy Commissioner of Excise.

- (b) Class II.—It shall include the cadres of—  
(i) Superintendent of Excise;  
(ii) Deputy Superintendent of Excise;  
(iii) Inspector of Excise.

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 cadre of the Service on the date of commencement of these rules shall be as shown in Schedule I.

5. Method of Recruitment.—Recruitment to the Service shall be made in the manner prescribed hereinafter:—

(1) Recruitment to the cadre of Joint Commissioner, Deputy Commissioner and Deputy Superintendent of Excise shall be made by promotion only.

(2) Recruitment to the cadre of Superintendent of Excise shall be made,—

(a) by direct recruitment against 50 percent of the strength of the cadre to the Commission; and

(b) by promotion in accordance with Rules 11 and 12 against the balance 50 percent of the strength of the cadre of Superintendent of Excise from the cadre of Deputy Superintendent of Excise.

NOTE :— If at any time, cadre strength of Superintendent of Excise comes to a position that there remains a balance after dividing the total strength by two the said post shall be filled up by promotion and direct recruitment alternatively.

(3) Recruitment to the cadre of Inspector of Excise shall be made,—

(a) by direct recruitment against  $56\frac{2}{3}$  percent of the strength of the cadre through the Commission;

(b) by promotion in accordance with Rules 11 and 12 against  $33\frac{1}{3}$  percent of the strength of the cadre from the cadre of Assistant Inspector of Excise of the Assam Subordinate Excise Service having completed 10 years continuous Service as Assistant Inspector on the first day of January of the year in which promotion is considered; and

(c) by promotion in accordance with Rules 11 and 12 against 10 percent of the strength of the cadre from the cadre of Upper Division Assistant of the office of the Commissioner of Excise, Deputy Commissioner of Excise and Chemical Examiner of Excise who have rendered meritorious service for a minimum period of 12 years as Assistant and out of this period at least one year as Upper Division Assistant and must have not crossed 45 years of age on the 1st day of January of the year in which promotion is considered.

6. Direct Recruitment: (1) Subject to sub-rule (2) and sub-rule (3) of Rule 5, direct recruitment to the cadre of Superintendent of Excise and Inspector of Excise shall be made by the Governor on the basis of recommendation made by the Commission in accordance with the procedure hereinafter provided:—

(a) Before the end of each year the Appointing Authority 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 Scheduled Castes, Scheduled Tribes or any other category as laid down by the Government as provided under Rule 15 and about 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 of selection prescribed by the Govern-

ment. The Commission may hold such test or interview and undertake scrutiny of theses or articles, if any, published by the candidates 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 publish the list in the Assam Gazette and at such other places as the Commission may consider proper.

(2) The list mentioned in clauses (d) and (e) of sub-rule (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 all the vacancies in a year, it shall, in consultation with the Appointing Authority, repeat the procedure as mentioned herein before under sub-rule (1) of this rule, for recommending a subsequent list for 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.

#### QUALIFICATION FOR DIRECT RECRUITMENT

7. Age.—A candidate for direct recruitment to the service must have attained the age 20, and not attained the age of 30 on the 1st January of the year of recruitment with relaxation in the cases of candidates belonging to special categories like Scheduled Castes, Scheduled Tribes and as other category any laid down by the Government in accordance with the orders of the Government in force for the time being.

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 the 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 appointment 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. Promotion.—(1) Vacancies in the cadres of Joint Commissioner, Deputy Commissioner and Deputy Superintendent of Excise and in the cadres of Superintendent and Inspector of Excise respectively of the Service to the extent as specified in sub-rules (1) and 2(b) and sub-rules 3(b) and 3(c) of Rule 5 shall be filled up by promotion in the manner prescribed herein below:—

(2) Subject to suitability as may be decided by the Committee and by the Appointing Authority or the Commission as the case may be, and also subject to possessing qualifications and experiences as prescribed herein after, a member of the service shall be eligible for promotion from one cadre to next higher cadre of the Service in the manner provided below:—

(i) From Deputy Commissioner to Joint Commissioner of Excise.

(ii) From Superintendent to Deputy Commissioner of Excise.

- (iii) From Deputy Superintendent to Superintendent of Excise.
- (iv) From Inspector to Deputy Superintendent of Excise.
- (v) From Assistant Inspector of Excise and from Upper Division Assistant to the rank of Inspector of Excise as provided in sub-rule 3 (b) and 3 (c) of Rule 5.

(3) Subject to suitability, a member of the service shall be eligible for promotion if he possesses the qualifications and experience as set forth below:—

- (a) For promotion to the cadre of Joint Commissioner, a member of the service must have completed 7 (seven) years as Deputy Commissioner of Excise or in any equivalent post on deputation on the first day of January of the year in which the promotion is considered.
- (b) For promotion to the cadre of Deputy Commissioner, a member of the service must have completed 8 (eight) years as Superintendent of Excise on the first day of January of the year in which the promotion is considered.
- (c) For promotion to the cadre of Superintendent of Excise, a member of the service must have completed 1(one) year of continuous service as Deputy Superintendent of Excise on 1st day of January of the year in which the promotion is considered.
- (d) For promotion to the cadre of Deputy Superintendent of Excise, a member of the service must be confirmed and must have completed 5 (five) years as Inspector of Excise on the 1st day of January of the year in which the promotion is considered.
- (e) For promotion to the cadre of Inspector of Excise, a candidate has to fulfil the requirements as laid down in sub-rule 3(b) or 3(c) of rule 5 of these rules.

12. General procedure of 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.

(2) The Appointing Authority shall then furnish to the Committee the following documents and information with regard to as many officers in order of seniority as four times the number of vacancies, as assessed under sub-rule (1) :—

(a) information about the number of vacancies ;

(b) list of officers in order of seniority eligible for promotion (separate list 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 of the service and about carry forward vacancies ;

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

(3) The Appointing Authority shall simultaneously request the Committee 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) The selection shall be made on the basis of merit with due regard to seniority in case of promotions stated hereinbefore under sub-rule(3) of rule 11.

(5) The Committee, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a list of officers about the double

the number of probable vacancies in order of preference, found suitable for promotion. In case the Committee 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 on receipt of the lists recommended by the Committee shall,—

(a) consider the list prepared for promotion to the cadres of Joint Commissioner and Deputy Commissioner of Excise by the Committee along with character rolls and personal files of the employees 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 Committee, he shall inform the Committee of the changes proposed and after taking into account the comments, if any, the Appointing Authority may approve the list finally such modification, if any, as may, in its opinion, be just and proper.

(b) (i) forward the list prepared by Committee for promotion to the cadres of Superintendent, Deputy Superintendent and Inspector of Excise to the Commission together with the information and documents as referred to in sub-rule (2) of Rule 12 with a request to approve the list.

(ii) The Commission shall consider the list recommended by the Committee together with 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 consider just and proper.

(7) The list so approved by the Commission shall form the select list for the purpose of appointment by promotion.

(8) The promotion shall be made from the select list in order of preference.



13. Selection Committees.—For the purpose of promotion of a member of the Service from one cadre to the next higher cadre, there shall be Selection Committees, consisting of the following members :—

(i) For considering promotion to the post of Joint Commissioner of Excise.

(1) The Chief Secretary to the Govt. of Assam—Chairman

(2) Secretary, Personnel Department— Member.

(3) Commissioner of Excise, Assam— Member.

(4) Secretary, Excise Department— Member—Secy.

(ii) For considering promotion to the post of Deputy Commissioner, Superintendent, Deputy Superintendent and Inspector of Excise.

(1) Secretary, Excise Department— Chairman.

(2) Secretary, Personnel Department or his— Member.  
representative not below the rank of the Deputy Secretary.

(3) Commissioner of Excise, Assam— Member.

(4) Joint Commissioner of Excise, Assam— Member.

(5) Deputy Secretary, Excise Department—Member-Secy.

14. Disqualification.—(1) No person shall be eligible for appointment to the Service,—

(a) Unless he is a citizen of India ; and

(b) if he has more than one wife living or in case of a female candidate who had 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.

15. Reservation.—In all cases of appointment by direct recruitment as well as by promotion, there shall be reservation in the case of candidate belonging to the member of 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 the rules framed thereunder. There shall also be reservation for candidate belonging to Other Backward Classes including More Other Backward Classes as per Government instructions contained in OM. No. ABP.338/83/14, dated 4th January, 1984 for direct recruitment only. General orders in respect of reservation in favour of other categories of candidates, as may be in force for the time being shall be followed.

16. Appointment.—(1) Subject to the provisions of rule 15 and sub-rule (2) of this rule appointment under rule 6 shall be made by the Appointing Authority in accordance with the order of preference determined in the list referred to in clause (d) of sub-rule (1) of rule 6.

(2) The inclusion of a candidate's name in the list mentioned in clause (d) of sub-rule (1) of rule 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 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 prescribe from time to time.

19. 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 cadre; 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 and by promotion shall be determined according to the order of preference in the respective select list prepared under clause (d) of sub-rule (1) of rule 6, and clauses (a) and (b)(ii) of sub-rule (6) of rule 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 rule 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 rule 17 but 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 same cadre in that year.

21. Probation and Confirmation (1)—Subject to availability of a permanent vacancy in the respective cadre, a member of the service shall be placed according to seniority on probation against the permanent vacancy for a period of 2 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 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-rule:—

(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-rule (1);

(b) he has successfully undergone the training and passed the departmental examination, if any, prescribed by the Government under Rule 18.

(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.

22. Gradation list—There shall be prepared and published every year a gradation list containing the names of all the 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 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 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 cor-

porate, in the affairs of which the Government may be substantially interested, or an autonomous district council, if so required in the interest of public service and in which case the member shall not have any option against such posting or transfer.

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

26. Relaxations--Where the Government is satisfied that the operations 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 suitable 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 Government shall be final.

28. Repeal and Saving.—The Assam Excise Service Rules, 1961, are hereby repealed.

Notwithstanding such repeal all appointments made, order issued, action taken or anything whatsoever done under the Rules so repealed shall be deemed to have been made, issued, taken or done under the corresponding provisions of these Rules.

## SCHEDULE-I

( Rules 4 and 23 )

Strength of each cadre of the service and the time scale of pay.

Categories of (1)	Time scale of pay (2)	No. of posts		Total (5)
		Perma- nent (3)	Tempo- rary (4)	
<b>A. CLASS-I</b>				
1. Joint Commissioner of Excise, Assam.	Rs. 2000-75-2300-E. B. 75-2600/- p. m.	—	1	1
2. Deputy Commissioner of Excise, Assam.	Rs. 1675-60-1975-E. B. 65-2300/- p. m.	1	—	1
<b>B. CLASS-II</b>				
1. Superintendent of Excise.	Rs. 850-40-1050-E. B.-40 1250-E. B.-45-1475-50 1775/- p. m.	9	8	17
2. Deputy Superintendent of Excise.	Rs. 1025-40-1225-E. B. 45-1675/- p. m.	8	9	17
3. Inspector of Excise.	Rs. 670-35-845-E. B.-35 1020-E. B.-40-1500/-p.m.	129	17	146

## SCHEDULE-II

( Rule 8 )

Qualification for direct recruitment.

## CLASS-II

- |                              |   |
|------------------------------|---|
| 1. Superintendent of Excise. | } A degree in Arts, Science or Commerce or its equivalent of a University recognised by the Government. |
| 2. Inspector of Excise.      |   |

S. R. SHYAM,  
Deputy Secretary to the Govt. of Assam,  
Excise Department.