

Meghalaya Public Service Commission, Limitations of Functions

Regulations 1972

(As amended upto march 1984)

Instruction regarding direct recruitment through the Public Service Commission issued by the Governor subject to the Provisions of Regulations made under Article 320 (3) of the Constitution

Part I - General

Part II - Recruitment by open competition

Part III - Recruitment by selection otherwise than by open competition

Part IV -Announcement of the direct appointments made after consultation with the Commission.

The 14th September, 1972

No.PER.136/72/56 – In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution of India, and in suppression of all previous orders on the subject, The Governor of Meghalaya is pleased to make the following Regulations as respects services and posts in connection with the affairs of the State of Meghalaya, specifying matters in which it shall not be necessary for the Meghalaya Public Service Commission to be consulted.

1.
 - (a) These Regulations may be called the Meghalaya Public Service Commission (Limitation of Functions) Regulations, 1972.
 - (b) These shall come into force at once.
2. In these Regulations, unless there is something repugnant in the subject or Context: -
 - (a) "Constitution" means the Constitution of India;
 - (b) "Appointing Authority" means the authority which makes the appointment to any service or post in connection with the affairs of the State of Meghalaya;
 - (c) "Commission" means the Meghalaya Public Service Commission;
 - (d) "Service" or "Post" means civil service or post in connection with the affairs of the State of Meghalaya.
3. It shall not be necessary for the Commission to be consulted in matters relating to methods of recruitment to civil services and posts or the suitability of the candidates for such appointments, in the following cases, namely: -
 - (a)
 - 1)When an appointment is to be made by an authority (such authority being a district or sub-divisional officer empowered so to appoint) to a post on a pay scale the maximum of which is less than Rs. 1026 (Rupees one thousand and twenty six) only and such post being a post borne in the office establishment of such authority, where direct recruitment can be made.
 - 2)When an appointment is to be made by an appointing authority (where such appointing authority is not a Direct or Sub-Divisional Head of Office) to any post on a pay scale the maximum of which is less than Rs. 826 (Rupees eight hundred twenty six) only excepting: -
 - i. Posts of Lower Division Assistants, Typists and Stenographer Grade III, in the Secretariat and Offices of the Heads of Departments;
 - ii. Posts of Computers, Primary Investigators and Field Assistants in the Directorate of Economics & Statistics, Statistics and Evaluation;
 - iii. Posts of Overseers Grade II, in the Public Works Departments; and
 - iv. Such other posts in the Heads of Departments which are transferable from one District or Sub-Division to another and having a combined seniority list maintained by the respective Heads of Departments, where direct recruitment can be made.

"NOTE: - The posts of Lower Division Assistants mentioned in Clause (a) (ii) above relate to the posts of Lower Division Assistants carrying the revised scale of pay of Rs. 425-15-500-EB-16-660-EB-18-750 in the Secretariat and Rs. 400-14-470-EB-15-620-EB-16-700 in the offices of the Heads of Departments and do not include the post carrying the District scale of Pay".

- b) When it is proposed to appoint a member of a service to a post, for appointment to which the rules of any other services make a member of that service eligible, and which in the opinion of

the Governor is normally filled by a member of that service or is similar to posts normally filled by members of that service.

ILLUSTRATION – The appointment of an officer of the State Civil Service to the following posts does not required consultation with the Commission.

Post of District Magistrate, Secretary, Deputy Secretary, Under Secretary or Officer on Special Duty in the Secretariat: -

- c) appointments to the personal staff of the Governor and to his Secretariat;
 - d) the appointment of Law Officers of the State, Law Reporters of the Gauhati High Court.
 - e) When an officiating appointment is to be made by direct recruitment to a permanent post, if it is necessary in the public interest that the appointment should be made immediately and reference to the Commission would cause undue delay; provided that if the vacancy is for a period, actual or probable, of six months or more, the Commission shall, as soon as possible, be consulted in all matters mentioned in sub-clause (3) of Article 320 of the Constitution.
 - f) When an appointment is to be made by direct recruitment to temporary post created in a service, if it is necessary in the public interest that the appointment should be made immediately and reference to the Commission would cause undue delay; provided that if the post has been sanctioned for, or is likely to last for more than four months, the Commission shall, as soon as possible, be consulted in all matters mentioned in sub-clause (3) of Article 320 of the Constitution.
 - g) When it is proposed to re-appoint a retire servant of the Government of India or State Government temporarily:
 - (i). to a permanent post created as addition to the cadre of the service¹ from which he retired, or (ii) to a temporary post created as addition to the cadre of the service from which he retired, or (iii) any other temporary post the duties of which are similar to those normally discharged by members of that service.
 - h) The temporary appointment of an officer of the Indian Armed Forces to a Civil Post or service for a period not exceeding 3 years.
 - i) When it is proposed to make appointments to posts on a contract basis for a period not exceeding 5 years.
4. Promotion – It shall not be necessary to consult the Commission on the principles to be followed in making promotions or on the suitability of candidates for promotion in the following cases: -

NOTE – Amended vide Notification No. PER (AR).246/80/179 dated 23rd September, 1982.

- a. promotion to a service by an authority other than the Governor;
- b. promotion from a lower to a higher grade or post within the same service according to the rules of the service:

Provided that if it is proposed to promote an officer from one grade to another, the Commission shall be consulted if direct requirement to the higher grade can be made after consulting the Commission.

- c. As regards the suitability for promotion from one service to another of a candidate not recommended by the authority prescribed in the rules regulating such promotion;
- d. Officiating promotion for a period which is not likely to last for more than one year:

Provided that if the period of officiating promotion is extended beyond the term for which it was originally sanctioned the period of promotion shall for purpose of this regulation, be reckoned from the date when the promotion originally took effect and not from the date of the extension of the period.

- 5. Transfer – It shall not be necessary to consult the Commission on the principles to be followed in making transfer, or on the suitability of candidates for transfer from one post to another in the same service.
- 6. Disciplinary cases – It shall not be necessary for the Commission to be consulted in disciplinary matters
 - a. by any authority other than the Governor, whether the order passed is an original, an appellate or a re-visionary order;
 - b. by the Governor unless he proposes to pass an original order imposing any of the following penalties or unless an appeal, if admissible under the rules, has been submitted to him against an order of a lower authority imposing any of the penalties: -
 - i. withholding of increments or promotion, but excluding stoppage an efficiency bar
 - ii. reduction to a lower post or time scale or to a lower stage in a time scale or to a lower grade in a graded scale;
 - iii. recovery from pay of the whole or part of any pecuniary loss caused to the State Government by negligence or breach of order;
 - iv. removal;
 - v. reduction of pension;
 - vi. dismissal;
 - vii. compulsory retirement;

- c. by the Governor, when rejecting a petition or memorial;
- d. in any case in which the Commission has at any previous stage been consulted as to the order to be passed and no fresh question has thereafter arisen for determination.

ILLUSTRATIONS

- (1.) The stoppage of an officer appointed by the Governor at an efficiency bar does not require consultation with the Commission.
- (2.) An officer is censured by the Governor. It is not necessary to consult the Commission before the order of censure is passed;
- (3.) An officer is suspended pending an enquiry into his conduct. The Commission need not be consulted before the order of suspension is passed;
- (4.) It is proposed to dismiss a State Service Officer to reduce his pension. The Commission must be consulted before an order is passed by the Governor;
- (5.) It shall not be necessary to consult the Commission in any case relating to –
 - i. the termination of probation of any person;
 - ii. the discharge or reversion of a person otherwise than as penalty;
 - iii. the termination of the employment of a person in accordance with the terms of his contract or employment;
 - iv. the imposition of any penalty laid down in any rule or order for failure to pass any test or examination within a specified time.
- (6.) Reduction in pension is a disciplinary case. The pension of an official is reduced by the Head of Department. The appeal is filed before the Governor. The Commission should be consulted before the appeal is disposed of by Governor;
- (7.) An assistant in a district office is dismissed by the District Officer. He appeals to the Governor. The Commission will be consulted before an order is passed by the Governor;
- (8.) An official in a subordinate service is dismissed by the Head of a Department. An appeal is made to the Governor. It is not necessary for the Heads of the Department to consult the Commission before dismissing the officials. But the Commission should be consulted by the Governor before deciding the appeal;
- (9.) An officer who was dismissed by an original order of the Governor memorializes the Governor against that order. The Commission need not be consulted on the memorial if the order of dismissal was passed after the consulting the appeal;
- (10.) An official was dismissed and his appeal rejected by an authority subordinate to the Governor. He memorializes the Governor against that order. The Commission must be consulted before the Governor re-instates him but not if the Governor decides to reject his memorial.

Sd/-
N.K. Rustomji,
Chief Secretary to the Government of Meghalaya

Instruction regarding direct recruitment through the Public Service Commission issued by the Governor subject to the Provisions of Regulations made under Article 320 (3) of the Constitution

PART – I General

1.
 - (a) The appointing authority will inform the Public Service Commission of the number of vacancies reserved for Scheduled Castes or Scheduled Tribes and Backward Classes.
 - (b) In the case of services in which permanent vacancies occur throughout the year, the number of vacancies to be reported to the Commission should be the number likely to occur during the recruiting year, and no vacancy which occur after the end of that year, shall be filled without a further reference to the Commission.
2. In making recruitment to technical or specialist post the Commission shall invite the appointing authority to depute a technical expert to assist them. In case of recruitment to other posts it shall be open: -
 - a. to the Commission to ask for the deputation of an adviser.
 - b. To an appointing authority. If it feels the need for it, to intimate to the Commission that an adviser should be appointed to assist the Commission and the reasons for doing so.

In (a) above, the appointing authority shall nominate a suitable adviser, and in (b) above, an adviser may be appointed only if the Commission agree to its need.

3. In any case where the Commission have any objection to the particular adviser or expert deputed by an appointing authority it shall be open to the Commission to intimate confidentially and demi-officially to the Chief Secretary their objection to the particular person proposed to be deputed.

PART – II

Recruitment by open competition

4. In the case of recruitment by competitive examination the Commission will send to the appointing authority to complete list of the marks obtained by each of the candidates, and
 - a. If the appointing authority is the Government, the Secretary in the Department concerned shall submit for the order of Government the names of; or
 - b. If the appointing authority is not Government, that authority shall appoint the candidates strictly on order of merit upto the number of vacancies to be filled, or, where recruitment is to be made from candidates belonging to Scheduled Castes, Scheduled Tribes and Backward Classes, the candidates of each category on order of merit upto the number of vacancies to be filled from that category, provided that the Commission certifies these candidates are fit for appointment.

PART – III

Recruitment by selection otherwise than by open competition

5. In order to provide for possible casualties an un-expected vacancies the number of candidates which the Commission should be asked to nominate in cases of selection otherwise than by open competition should usually exceed the number of vacancies in accordance with the following scale –
 - a. Where the number of vacancies, or the number of vacancies to be allotted to Scheduled Castes or Scheduled Tribes, does not exceed four, approximately two candidates for each vacancy.
 - b. Where the number of vacancies, or the number of vacancies to be allotted to Scheduled Castes or Scheduled Tribes, exceeds four, a number upto say 50 per cent, in excess of the number of such vacancies.
6. The Commission shall arrange the candidates nominated by them in order of merit, and
 - a. if the appointing authority is Government, the Secretary in the Department concerned shall submit for the orders of Government the names of, or
 - b. if the appointing authority is not Government, that authority shall, save as provided in instruction 7, appoint the candidates who stand highest in the order of merit in which they have been arranged by the Commission upto the number of vacancies to be filled or where requirement is to be made from Scheduled Castes or Scheduled Tribes the candidates of such Castes or Tribes who stand highest in the order of merit upto the number of vacancies to be filled from such Castes or Tribes.
7. Where an appointing authority other than the Government proposes to make an appointment otherwise than an accordance with the Commission's nomination, it shall obtain the view of the Commission on the appointment which it proposes to make and shall make no appointment contrary to the final recommendations of the Commission without the approval of Government in the Personnel Department.
8. In recruitment to special pots of a technical nature for which educational qualifications have not been prescribed in the service rules, the appointing authority should merely give the Commission a general indication of the qualifications required and shall explain the nature of the post and other relevant points but should leave it to the Commission to decide what educational qualifications are most likely to secure the services of officers most suitable for that particular post.

PART – IV

Announcement of the direct appointments made after consultation with the Commission.

9.
 - (a) When recruitment is made by a competitive examination: -
 - (i) As soon as the results are ready, the Commission will send to the Government the names of all successful candidates in order of merit as disclosed by the examination down to, and including that of the top candidate of any special class from which an appointment is to be made, who stands below candidates of all other classes. A few more names might be added if necessary, so as to make the total number of names the nearest multiple of ten.
 - (ii) A candidate on payment of a fee of Rs. 15/- shall be supplied on his application to the Secretary, Public Service Commission with a copy of the detailed marks sheet obtained by him or any other candidates.
 - (iii) In the case of non-gazetted appointments when the appointing authority has decided, the names of the candidates to be appointed, it will issue a Press Communiqué announcing the names of the candidates approved for appointment. In the case of the Gazetted posts, only Gazetted Notification should issued when the appointment is actually made.
 - (b) When recruitment is made by selection otherwise than by open competition –

- (i) In the case of non-gazetted appointments when the appointing authority has decided the names of the candidates to be appointed, it will issue a Press Communiqué announcing the names of the candidates approved for appointment.
- (ii) In the case of Gazetted posts, only Gazetted Notification will be issued when appointment is actually made.

10. The Press Communiqué should be issued by the appointing authority through the Publicity Department.

By order, etc.,

Sd/-
N.K. Rustomji,
Chief Secretary to the Government of Meghalaya