

GOVERNMENT OF ASSAM
DEPARTMENT OF PERSONNEL:: PERSONNEL B

OFFICE MEMORANDUM

No: ABP 118/2003/464

Dated Dispur the 16th March 2015

Sub: - Appointments under Regulation 3(f) of APSC Limitation of Functions Regulations, 1951 and one time measure for regularisation of certain such appointees.

Various Departments of Government of Assam from time to time exercising power under Regulation 3(f) of APSC Limitation of Function Regulation [henceforth referred to as Regulation 3(f)] gave appointments to various candidates to tackle emergency situations faced by those Departments.

Many such candidates initially appointed for four months under Regulation 3(f) are continuing in the services year after year in an ad-hoc manner without regularisation. All these candidates have already crossed the upper age limit specified for appearing in the interview / test held by the APSC for the posts that they are holding and therefore left with no chances to get regularised in the post.

Evidently, this situation has arisen mainly due to unwarranted exercise of power under Regulation 3(f) by the Departments, failure on the part of the APSC to hold interviews in timely manner and also the failure on the part of the Departments to move APSC for regular recruitment.

As communicated by the concerned Departments, all these Regulation 3(f) appointees now under consideration, are working in regular vacancies mainly under various orders of the High Court and drawing their regular salaries as admissible. However, those cases where the incumbent concerned have not appeared the APSC test/ interview and those whose cases are sub-judice are outside the purview of this OM.

Government after careful consideration of the matter after taking into account of the views of Finance and Judicial Departments in individual cases, the views offered by Advocate General Assam, on the matter, and also the observation of the Supreme Court in Jacob M. Puthuparambil v. Kerala Water Authority & Ors. AIR 1990 SC 2228 case, have decided to lay down the following policy guidelines in the matter of appointment under Regulation 3(f) and regularisation of the existing 3(f) appointees as aforementioned so as to prevent emergence of any similar situation in future that may compel government to resort to such measure as this.

- I. Henceforth no appointment shall be made under the Regulation 3(f) without prior concurrence of Personnel and Finance Department and with the approval of the Cabinet.
- II. Any such proposal as cleared by the State Cabinet for appointment under Regulation 3(f) shall have to pass through all the steps as laid down in the guidelines in OM No ABP 89/99/19 dated 29th October 2001 read with ABP 59/99/129 dated 30th June 2001(copies enclosed).
- III. Any fresh appointment made under Regulation 3(f) after issue of this OM shall get only two extensions of the term and then their services shall stand automatically terminated. Personnel B Department shall communicate the date of termination while allowing the extension of the second term.

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- IV. All the Departments shall immediately work out the number of employees appointed under Regulation 3(f) working in the establishments under their control and take up with APSC for advertisement of the posts within three months from the date of issue of this OM with intimation to the Personnel-B Department.
- V. Personnel B Department shall not allow any further extension of the term of any employee appointed under Regulation 3(f) which exceeds beyond 6 six months from the date of issue of this OM and will take up the matter with each of the Departments and APSC for advertisement of such posts within the stipulated time. There shall be no person appointed under Regulation 3(f) with effect from first day of the December 2015.
- VI. The list of employees appointed under Regulation 3(f) who have been considered here as an exceptional case and one time measure for regularisation, as appended at Annexure-A, and who have rendered services to Government varying from 9 years to 22 years, shall be regularised with immediate effect subject to the condition that :
- i. Each such employee shall be regularised against the regular vacant posts which they are holding currently and drawing salaries thereon.
 - ii. Each Department whose names have been figured in the Annexure-A against the names of the employees, shall examine and verify the cases of these employees individually with reference to their eligibility in terms of the educational and other qualifications as required at the time of their initial appointments in regard to the post that they are now holding.
 - iii. On such verification, the Department will issue order of regularisation with immediate effect on the strength of this OM.
 - iv. On such regularisation, such incumbents will be eligible for the regular service benefits/ conditions as laid down in the respective Service Rules.
 - v. The seniority of the employees in their respective cadres will be counted w.e.f the date of order of regularisation.
 - vi. Their past services may be counted only for the purpose of calculation of pension benefits and for no other purposes.
- VII. This is sought to be done as an exceptional case and one time measure and shall not be taken to recourse in future.

Action taken report on the matter shall be submitted to the Personnel-B Department regularly on monthly basis till such time as there exist any 3(f) appointee in any establishments under the Department.

Sd/ (S.C. Das IAS)
Additional Chief Secretary to the Government of Assam
Department of Personnel::Personnel B

Memo No: ABP 118/2003/ 464- A

Dated Dispur the 16th March 2015

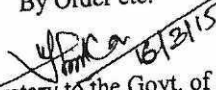
Copy to :

1. The Chairman, Assam Administrative Tribunal, Guwahati.
2. The Chairman, Assam Board of Revenue, Guwahati.
3. The Chairman, Assam Public Service Commission, Khanapara, Guwahati-22.
4. The Accountant General (A&E) Assam, Maidamgaon, Beltola, Guwahati-29.
5. The Chairman, Assam State Electricity Board, Guwahati.

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6. The Additional Chief Secretary to the Chief Minister, Assam, Dispur.
7. The Commissioner & Secretary to the Govt. of Assam, Political (Cabinet Cell), Dispur, Guwahati-6.
8. Additional Chief Secretary to the Government of Assam
.....Department, Dispur Guwahati-6
9. All Principal Secretaries/Commissioner & Secretaries/Secretaries to the Govt. Of Assam.
10. The Chief Electoral Officer, Assam, Dispur.
11. The Resident Commissioner, Govt. of Assam, Assam House, New Delhi.
12. The Agriculture Production Commissioners, Assam.
13. All Commissioners of Divisions, Assam.
14. Commissioner & Secretary to Chief Minister, Assam.
15. The Secretary to the Governor of Assam, Guwahati.
16. The Secretary, Assam Legislative Assembly, Dispur.
17. All Principal Secretaries of the Autonomous Councils, Assam.
18. All Deputy Commissioners/Sub-Divisional Officers, Assam.
19. Secretary Assam Public Service Commission, Khanapara Guwahati-781022.
20. SO to Chief Secretary, Assam for information.
21. The Secretary, State Election Commission, Assam.
22. The P.S. to Ministers/Ministers of State, Assam.
23. All Administrative Departments, Dispur.
24. Heads of Departments.
25. The Secretary & Registrar, Assam Information Commission, Sixth Mile, Silpa Gram. Jonali Path. Guwahati 781038.
26. The Deputy Director, Assam Government Press, Guwahati-21 for publication in the next issue of the Assam Gazette.

By Order etc.


Joint Secretary to the Govt. of Assam
Department of Personnel: Personnel B.

Lists of the Departments and Candidates

Sl.No.	Department	Name of the Candidates & Designation
1.	Mines & Minerals	1. Shri Pallab Kr. Baruah (Asstt Geologist) 2. Shri Prakash Borah, -do-
2.	Labour & Employment	1. Smti Suprava Logun, (Asstt. Employment Officer) 2. Shri Prabhat Mahato -do- 3. Shri Prafulla Choudhury -do- 4. Smti Sampa Paul -do-
3.	Social Welfare	1. Shri Manman Uddin Ahmed, (CDPO) 2. Shri Sanatan Das (SC), -do- 3. Shri Dharanidhar Kalita, -do- 4. Shri Prasanta Bora, -do- 5. Shri Mrinal Kr. Saikia, -do- 6. Shri Achyut Talukdar, -do- 7. Shri Bhupen Bora, -do- 8. Shri Surjya Baruah, -do- 9. Shri Jitanjali Islari, ST(P), -do-
4.	Transport Department	1. Shri Sanjoy Basak, (Enforcement Inspector) 2. Shri Jiten Boragohain, -do-
5.	Higher Education (Technical) Department	1. Shri Rituparna Goswami, (Lecturer) 2. Shri Diganta Kalita, -do- 3. Shri Papumoni Saikia, -do- 4. Shri Nipan Kr. Das, -do- 5. Shri Prajit Goswami, -do- 6. Harun Al-Rashid, -do- 7. Rubi Gogoi Kagti, -do- 8. Smti. Tanushree Das, -do- 9. Shri Dipanka Goswami, -do- 10. Shri Satyendra Kr. Barma, -do- 11. Smti. Moushumi Lahan, -do- 12. Syed Nasir Ahmed, -do-
6.	Agriculture Department	1. Shri Gopal Sarma, (Inspector of Statistics) 2. Shri Gautam Patowary -do- 3. Shri Sarbananda Injul, -do- 4. Shri Mohan Ch. Gogoi -do- 5. Shri Moinul Haque Choudhury -do- 6. Shri Dhrubajyoti Saikia -do- 7. Shri Deba Jyoti Sarma -do- 8. Shri Ajit Kr. Chetia -do- 9. Shri Jiban Kishna Biswas -do- 10. Shri Jehirul Harmine -do- 11. Shri Braja Kr. Saikia, (Jr. Engineer (Agrl.))
7.	Education (Secondary) Department	1. Shri Bipul Kr. Sarma, (Subject Teacher) 2. Shri Mostaque Ahmed -do- 3. Smt. Promila Brahma, -do- 4. Shri Akbor Ali Ahmed -do- 5. Shri Raju Das -do- 6. Shri Nandalal Biswas -do- 7. Shri Chandradhar Dev Sarma -do- 8. Shri Samarendra Nath Sarkar -do- 9. Shri Kameswar Malakar -do- 10. Shri Sing Kro -do- 11. Shri Swapan Kr. Banerjee -do- 12. Smti Lilly Terangpi -do-

