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#### **NOTIFICATION**

**No.A-38020/2/2019-P&AR (GSW), the 28<sup>th</sup> May, 2020:** In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor of Mizoram hereby makes the following rules regulating the conditions of service of officials with prior service rendered as Work-charged, Contract, Provisional or any ad hoc/officiating employees under the Government of Mizoram, namely.-

1. Short title and commencement.-
  - (1) These rules may be called the Mizoram Government Employees (Counting of Past Service) Rules, 2020
  - (2) They shall come into force from the date of publication in the Official Gazette.
2. Application.-

These rules shall be applicable to all Group 'A', 'B', 'C' and 'D' employees with prior service rendered as Work-charged, Contract, Provisional or any ad hoc/officiating employees under the Government of Mizoram including services rendered under: (a) Centrally Sponsored Schemes or other Scheme borne posts, and (b) Deficit/Ad hoc/Government Aided Colleges/Schools upon their regular appointment to the same substantive sanctioned posts.
3. Eligibility for counting of past services.-

Work-charged, Contract, Provisional or any ad hoc/officiating employees as specified under rule 2 of these rules shall be eligible for the benefits provided under these rules upon fulfilment of the following conditions:

- 1) There is no break between the prior service rendered as Work-charged, Contract, Provisional or any ad hoc/officiating employees and the regular appointment to the same substantive sanctioned posts.

provided that technical break resorted to by Government in respect of these categories of employees shall not be treated as break for the purpose of this rule; and

- 2) The candidates fulfilled all the eligibility conditions as prescribed by the recruitment rules in force at the time of initial engagement or the eligibility conditions as prescribed by the Government at the time of initial engagement in case there are no relevant recruitment rules; and
- 3) The candidates were recruited initially on the recommendation of the relevant Departmental Promotion Committee with the exception of:
  - a) Provisional employees initially engaged before the issue of Office Memorandum No.A.32012/1/2013-P&AR(GSW)/pt dated 19.02.2014;
  - b) Ad hoc/officiating employees initially engaged before the issue of Office Memorandum No.A.32012/1/80-APT(B)/L dated 03.02.1998;
  - c) Work-charged employees initially engaged before the adoption of the Central PWD Manual Volume-III, 2002 Edition vide Notification No.A.3201212034/1/2000-P&AR(ARW) dated 22.08.2008 effective from 01.06.2008; and
  - d) Contract employees initially engaged before the commencement of the Government of Mizoram Regularisation of Contract

Employees Scheme, 2008 notified vide No.A.11019/5/2008-P&AR(ARW)/51 dated 10.10.2008 which came into force on 10.10.2008

- 4) Eligibility for counting of past service under rule 3 does not result in change in other service benefits or conditions unless specifically provided in these rules

4. Counting of past service for leave.-

Without prejudice to the provisions of the Central Civil Services (Leave) Rules, 1972, leave of various kinds admissible to and accumulated by a Work-charged, Contract, Provisional or any ad hoc/officiating employees as specified under rule 2 of these rules shall be carried forward and credited to the leave account of the official upon his/her regular appointment to a substantive sanctioned post.

5. Counting of past service as qualifying service for promotion to higher post/grade.-

One-third of the past service rendered by a Work-charged, Contract, Provisional or any ad hoc/officiating employee as specified under rule 2 of these rules shall be counted, upon regular appointment to the same substantive sanctioned post in the feeder post/grade, as regular service for the purpose of determining eligibility for promotion to the next higher post/grade, including promotion through limited departmental examination, unless otherwise expressly provided in the relevant recruitment rules.

Provided that the past service of Work-charged, Contract, Provisional or any ad hoc/officiating employee as specified under rule 2 of these rules shall be counted in terms of whole months only and services rendered less than 30 days or fractions, if any, shall be ignored in calculation of the past service to be counted.

**Illustration:** When the past service rendered by a Contract employee is 6 years, 11 months and 21 days i.e. 83 months and 21 days, one third of the past service to be counted as regular service is 27 months only.

6. Counting of past service as qualifying service for deputation.-

One-third of the past service rendered by a Work-charged, Contract, Provisional or any ad hoc/officiating employee as specified under rule 2 of these rules shall be counted, upon regular appointment to a substantive sanctioned post, as regular service for the purpose of determining the eligibility for deputation to an ex-cadre or foreign service posts, unless otherwise expressly provided in the relevant recruitment rules.

Provided that the past service of Work-charged, Contract, Provisional or any ad hoc/officiating employee as specified under rule 2 of these rules shall be counted in terms of whole months only and services rendered less than 30 days or fractions, if any, shall be ignored in calculation of the past service to be counted.

**Illustration:** When the past service rendered by a Work-charged employee is 11 years, 7 months and 29 days i.e. 139 months and 29 days, one third of the past service to be counted as regular service is 46 months only.

7. Counting of past service for pay.-

(1) The pay and allowances, if any, admissible to a Contract, Provisional or any ad hoc/officiating employee as specified under rule 2 of these rules shall not be carried forward for fixation of pay and grant of subsequent increments upon regular appointment to a substantive sanctioned post unless otherwise expressly provided in the Fundamental Rules, 1922 as amended or the pay rules of the Government of Mizoram notified from time to time.

(2) The pay and allowances, if any, admissible to a Work-charged employee under the Government of Mizoram can be carried forward for fixation of pay and grant of subsequent increments upon regular appointment to a substantive sanctioned post, unless otherwise expressly provided in the Fundamental Rules, 1922 as amended or the pay

rules of the Government of Mizoram notified from time to time.

**Explanation:** Periodical increments of pay are granted to Work-charged employees as per the Modified CPWD Manual Volume-III, 2002 as adopted by the Government of Mizoram notified vide No.A. 12034/1/2000-P&AR(ARW) dated 22.08.2008 published in the Mizoram Gazette extra ordinary issue no. 334 dated 29.08.2008

8. Counting of past service for pensionary benefits.-
- (1) Past services rendered by employees under the Government of Mizoram as specified under rule 2 who were appointed as regular employees before the commencement of the Mizoram New Defined Contributory Pension Scheme, 2010 i.e. 01.09.2010 shall be eligible to be counted for determination of pensionary benefits under the Central Civil Services (Pension) Rules, 1972 including gratuity.
  - (2) Past services rendered by employees under the Government of Mizoram as specified under rule 2 who were appointed as regular employees after the commencement of the Mizoram New Defined Contributory Pension Scheme, 2010 i.e. 01.09.2010 shall not make such employees eligible to get pensionary benefits under CCS (Pension) Rules, 1972 including gratuity.
  - (3) Past services rendered by Work-charged employees shall be eligible to be counted as qualifying service for determination of pensionary benefits under the corresponding provisions of the Central Civil Service (Pension) Rules, 1972 as amended including gratuity.

**Explanation:** Work-charged employees recruited prior to the effective date of adoption of the Modified CPWD Manual Volume-III, 2002 i.e. 01.06.2008 and enjoying pensionary benefits upon regular appointment on or after the commencement of the Mizoram New Defined Contributory Pension Scheme, 2010 as amended i.e. 01.09.2010 continues to be

governed by the Central Civil Service (Pension) Rules, 1972 as amended vide No.G.17011/8/2014-F.APF dt. 21.09.2018

9. Counting of past service for seniority.-

Past services rendered on Work-charged, Contract or Provisional capacity shall not be counted for the purpose of fixation of seniority upon regular appointment to substantive sanctioned posts.

10. Saving.-

Counting of past services as approved by the Government in Department of Personnel & Administrative Reforms before the commencement of these rules, in any manner other those specified in these rules, shall not be invalidated after the coming into force of these rules.

**Lalrinsanga,**

Additional Secretary to the Govt. of Mizoram