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#### NOTIFICATION

**No.A.12034/48/2018-P&AR(GSW), the 4<sup>th</sup> March, 2020:** Whereas the Government of Mizoram have been engaging the services of Muster Roll employees for different categories of posts, with employees performing multiple tasks ranging from field duties to clerical work without definite conditions of service as applicable to the regular employees under the Government.

Whereas the remuneration of Muster Roll employees is generally paid in terms of the wages for Unskilled, Semi-skilled and Skilled labour notified from time to time by Labour, Employment, Skill Development and Entrepreneurship Department although they cannot be regarded technically as “labour” in terms of the various Labour Laws.

Whereas the Government considered it imperative to ascertain the status of the Muster Roll employees since they form a sizeable group under the Government of Mizoram.

Whereas the Government also considered it imperative to ascertain the applicability or otherwise of various rules/welfare schemes to the Muster Roll employees so that benefits which are applicable to them are duly extended to them.

Considering the above factors, the Government constituted a Study Team to examine the terms and conditions of engagement of the Muster Roll employees exhaustively and on the basis of the report of the aforesaid Study Team, the “Guidelines for engagement of Provisional-employees under the Government of Mizoram” is hereby issued which will come into force with immediate effect and until further orders

By order etc.

**Lalrinsanga,**  
Additional Secretary to the Govt. of Mizoram

**GUIDELINES FOR ENGAGEMENT OF PROVISIONAL – EMPLOYEE UNDER THE  
GOVERNMENT OF MIZORAM.**

**1. DEFINITIONS :**

**1.01: Provisional-employee :** The term “Provisional-employee” means those who are engaged under the Government of Mizoram from time to time as approved by competent Authorities outside the regular employment. The engagement is purely temporary in nature. The existing Muster Roll employees engaged under the Revenue Expenditure head of Account of the State shall be deemed to be “Provisional-employees” with effect from the date of issue of these guidelines.

**1.02 : Appropriate Authority :** “Appropriate Authority” means the authority specified by Government of Mizoram from time to time.

**1.03 : Tenure :** The term “tenure” implies the length of engagement of a Provisional-employee.

**2. CATEGORIES OF POSTS :**

**2.01:** The categories of Provisional-employees will be the same as that of the corresponding post to which the Provisional-employee is engaged. The concerned authority will merely add the term “Provisional-employee” (PE) immediately after the designated name of post to differentiate such engagement from regular employees.

**3. CREATION OF POSTS :**

**3.01 :** There shall not be separate creation of post for Provisional-employee and engagement should be made against vacant Group “C” and Group “D” post of existing regular establishment in a Government Department.

**4. RECRUITMENT :**

**4.01 : Procedure :** There shall be a clear cut vacancy of post for engagement of Provisional-employee within the prescribed limit of percentage (%) of Direct Quota as per existing Recruitment Rules.

(a) No engagement of Provisional-employee shall be made except with prior approval of DP&AR and Finance Department, Government of Mizoram. Before submission of the proposal for engagement of Provisional-employee, approval of the concerned Minister should invariably be obtained.

(b) No formal appointment order/notification shall be made while making engagement of Provisional-employee but engagement card/notice in the prescribed form at *Appendix –I* shall be issued.

**4.02 : Recruitment Rules :**

Separate Recruitment Rules shall not be framed for the sole engagement of Provisional-employee. However, engagement at the initial stage should be in a manner in which regular recruitment is done and in accordance with relevant Recruitment Rules, Guidelines & Instructions towards direct recruitment as notified by Government from time to time.

**4.03 : Departmental Promotion Committee :**

There shall be no separate Departmental Promotion Committee for engagement of Provisional-employees. The Departmental Promotion Committee shall be similar to the Departmental Promotion Committee for regular establishment as constituted by the Government of Mizoram from time to time.

**5. GENERAL CONDITIONS FOR ENGAGEMENT OF PROVISIONAL-EMPLOYEE :**

**5.01 : Qualifications :** The educational and other qualifications for engagement of Provisional-employee shall be as per the provisions in the relevant Recruitment Rules for the corresponding post.

**5.02 : Age Limit :** The age limit for engagement of Provisional-employee shall be the same as the provisions prescribed by the relevant Recruitment Rules for the corresponding posts and in tune with the notifications/orders issued by the Government from time to time.

Provisional-employee shall be terminated from service on the last date of the month in which he/she attains the age of 60 (sixty) years as notified vide. No. A.36012/1/2005-P&AR(GSW) dated 31.03.2011.

**5.03 : Period :** The length of engagement will normally be one (1) year subject to extension by appropriate authorities from time to time.

**5.04 : Nature of Engagement :** The nature of engagement shall ordinarily be of temporary/provisional in nature.

**5.05 : Transfer :** No Provisional-employee can be transferred/deputed to any outside Agency- Government, Semi-Government or Non-Government. The services of such Provisional-employee is confine to the Department to which he is initially engaged-, but will not cover transfer of duties within the same Department under the same controlling authority.

**5.06 : Removal :** In an event of failure of a Provisional-employee in performing his official duties or any short-comings in his performances as assessed by the concerned authority after giving an opportunity of being heard, his service may be terminated giving 30 days notice in writing or payment of one month's remuneration in lieu of 30 (thirty) days' notice.

(a) By Competent Authority if he/she is satisfied with medical evidence that the Provisional-employee is medically unfit for further service.

(b) By the Competent Authority if the party of the first part commits any misconduct (including indiscipline, insubordination, negligence of duty or criminal act, etc or of any breach of any of the provision of these presents or of any rules pertaining to the office of the public service in which he/she served.

**5.07 : Notice of Resignation :** Provisional-employee shall be under obligation to serve 30 days notice of resignation in writing to the authority and the resignation of such Provisional-employee shall be effective on the expiry of 30 days regardless of an acceptance of such resignation.

**6. LIMITATIONS OF PROVISIONAL-EMPLOYEE :**

**6.01.** Every Provisional-employee shall be de-barred from being a member of a registered Trade Union which also includes :

(a) Taking part in the formation and activities of registered Trade Union against the Government.

(b) Seeking and holding in any registered Trade Union.

**6.02 :** No Provisional-employee shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

**6.03 :** No Provisional-employee shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any legislature or local authority.

**7. AGREEMENT DEED :**

**7.01 :** No person shall be engaged or continue to be engaged as a Provisional-employee without first signing Deed of Agreement towards acceptance of the guidelines for engagement of Provisional-employee under the Government of Mizoram as per prescribed form at *Appendix-II*.

**8. REMUNERATION :**

**8.01 :** The remuneration of Provisional-employee is to be granted on a monthly basis which will be due on the last working day of each month, if and when the last working day falls on Public Holiday as notified by Government from time to time, the remuneration will be due on the first working day of the immediate next month. The rate of such monthly remuneration is as per the table shown in *Appendix-III*.

**8.02 :** Annual increment of pay shall be granted to the Provisional-employees at the rate of 4% of the monthly remuneration (excluding Medical Allowance) which will become due on the 1<sup>st</sup> January of every calendar year for every completed year of service. Provisional-employees, who are engaged at the first instance, must complete at least 6 (six) months of service in the previous year for grant of annual increment of pay on the 1<sup>st</sup> January of the next calendar year and services less than 6 (six) months shall be ignored.

**8.03 :** The level of monthly remuneration shall be determined in accordance with the amount fixed against the corresponding scale of pay in the regular post.

The amount of wages as a Muster Roll employee shall be reckoned as the amount as in a month which has thirty (30) days.

In case, the present wages received by a Muster Roll employee immediately before his/her conversion into a Provisional-employee is more than the amount in the fitment table of the monthly remuneration fixed for his/her corresponding monthly remuneration as a Provisional-employee, the monthly remuneration shall be raised by way of stepping up of his initial monthly remuneration at the rate of 4% till it reach the amount of wages received as a Muster Roll employee. If such stepping up cannot be arrived at the same level, the immediate next amount shall be reckoned as his/her initial monthly remuneration

While determining the gross amount of initial monthly remuneration, Medical Allowance of 4% of the monthly remuneration shall also be reckoned with.

The above stepping up of initial monthly remuneration shall be applicable only to those who are converted into Provisional-employee from a Muster Roll employee.

**9. ALLOWANCES :**

**9.01 : Travelling Allowances/Daily Allowances on Tour :** The Provisional-employee will be entitled TA/DA on tour as admissible in a same rate/manner as of the corresponding employee in the regular establishment.

**9.02 : Travelling allowances on transfer :** The Provisional-employee will be entitled to Travelling Allowance of the prevailing rate notified by Transport Department, Government of Mizoram from time to time at the lowest rate as on Tour.

**9.03 : Medical Allowance :** The Provisional-employee are entitled to a Medical Allowance at the rate of 4% of monthly remuneration in lieu of Medical facilities available to a regular employee.

**10. LEAVE & REST :** The Provisional-employees are entitled to the following kinds of leave :

**10.01 :Maternity Leave :** A female Provisional-employee with less than two surviving children may be granted maternity leave for a period of 26 (twenty six) weeks from the date of its commencement. During the period of such leave against maternity leave, a provisional employee will be entitled to receive remuneration at the same rate which she received immediately before she availed such leave.

For availing the above maternity benefit, a female worker has to actually worked in an establishment for a period not less than twelve months preceding the date of her expected delivery.

For the purpose of calculating twelve months, unpaid absence shall not be counted.

**10.02 :Paternity Leave :** A male Provisional-employee with less than two surviving children, may be granted Paternity Leave for a period of 7 (seven) days, during the confinement of his wife for childbirth. During the period of leave against Paternity Leave, a male Provisional-employee will be entitled to receive remuneration at the same rate which he received immediately before he availed such leave.

**10.03 :Casual Leave :** Provisional-employees are also entitled to enjoy four (4) days Casual Leave in a Calendar year with prior approval of concerned Authority in an establishment.

**10.03 :Compulsory non-duty :** Provisional-employees are to be relieved from their respective duties one day in every month in an establishment where he is serving, the day for such compulsory non-duty shall be with the mutual agreement between the two parties i.e. the Provisional-employee and the competent Authority.

**11. REVIEW OF GUIDELINES :**

**11.01 :** These Guidelines may be reviewed as and when required by concerned Authority.

**12. INTERPRETATION :**

**12.01 :** In the event of any difficulty arising in the interpretation of these guidelines, the decision of Government shall be final and binding.

**13. APPLICATION :**

**13.01 :** The Government of Mizoram Regularization of Muster Roll Employees Scheme, 2018 as amended from time to time shall be applicable to the Provisional-employees for the purpose of their regularization to substantive sanctioned posts.

**13.02 :** The term “Muster Roll Employees” appearing in any rules/regulations and any other government instrument shall be read as “Provisional-employees”.

**14. OVERRIDING EFFECT :**

**14.01 :** In relation to the instructions contained in these guidelines and its implementation, these guidelines shall have effect notwithstanding anything inconsistent therewith in any other instructions/guidelines for the time being in force.

**APPENDIX - I**

**ENGAGEMENT CARD FOR PROVISIONAL-EMPLOYEE**

Engagement Card No: \_\_\_\_\_

Date: \_\_\_\_\_

Mr/Mrs/Ms \_\_\_\_\_ (Date of Birth) \_\_\_\_\_  
S/o or D/o of \_\_\_\_\_, House No. \_\_\_\_\_,  
\_\_\_\_\_ (Locality), \_\_\_\_\_ Town/  
Village), \_\_\_\_\_ (State) is hereby engaged on temporary/provisional basis as  
detailed below:

- 1. Name of Post: \_\_\_\_\_
- 2. Corresponding Pay in the Pay Matrix : \_\_\_\_\_
- 3. Monthly Lumpsum Remuneration : Rs \_\_\_\_\_
- 4. Period of Engagement : \_\_\_\_\_
- 5. Government's Approval No. & Date:
  - (a) DP&AR. \_\_\_\_\_
  - (b) Finance Department. \_\_\_\_\_
- 6. Debit-able Head of Account : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Authorised Signatory with Seal)

**APPENDIX-II**

**AGREEMENT FORM  
(For engagement of Provisional-employee)**

Article of Agreement made on ..... between Mr/Mrs/Ms ..... of the first part and the Appropriate Authority (herein after called the Appointing Authority on behalf of the Government of Mizoram) of the other part.

Whereas the Government of Mizoram have engaged the party of the first part as ..... (name of the post) had the party of the first part has agreed to serve

the Government on the terms and conditions herein after contained. Now in the presence of the witnesses (two or more) and the parties thereto respectively agrees as follows:-

The party of the first part shall submit to the order of the Government and authorities under whom he may from time to time be placed by the Government and shall remain in the service with effect from .....

The party of the first part shall be entitled to a remuneration at the rate of Rs...../-pm (all inclusive).

The party of the first part shall devote his/her whole time to his/her duties and at all times abide by the Guidelines on Provisional-employee and wherever required, proceed to any place of duties within the jurisdiction of the Appointing Authority.

The service of a Provisional-employee may be terminated :

1. Automatically at the end of the engagement period unless extended by the Government.
2. By the Competent Authority if he/she is satisfied with medical evidence that the provisional-employee is medically unfit for further service.
3. By giving one (1) month's notice in writing at any time by either of the party as provided in the Guidelines except as provided at Sl. No. 2 above.
4. By the Competent Authority if the party of the first part commits any misconduct (including indiscipline, insubordination, negligence of duty or criminal act, etc) or of any breach of any of the provision of these presents or of any rules pertaining to the office of the public service in which he/she served.

This agreement is subject to the conditions of the Guidelines for engagement of Provisional-employee under the Government of Mizoram Notified vide No. .... dated .....

In witness whereof the party of the first part and ..... (Appropriate authority/Appointing authority) to the Government in the ..... Department), Government of Mizoram have thereunto set their hands the day month and year first above written.

.....

.....

(Signed by the first party in the presence of .....)

(Signed by the Appropriate authority/Appointing authority in the presence of .....)

1.....  
(witness)

2.....  
(witness)

## APPENDIX-III

**PAY STRUCTURE OF PROVISIONAL-EMPLOYEES**

Sl No	Post	Level in the Pay Matrix	Initial Pay of Regular Employee (Gross) (Exact Amount)	Proposed monthly remuneration			Final Amount
				Remuneration (50% of Column-4)	Medical Allowance (4% of Column-5)	Total Amount (5+6) (Exact Amount)	
1	2	3	4	5	6	7	8
	<b>GROUP 'C'</b>						
1	All Group 'C' posts carrying a Grade Pay of Rs 2,800 in the Pre-revised Pay.	Level-05 in the Pay Matrix (Rs 29,200-Rs 64,700)	36,864	18,432	739	19,169	Rs 19,170.00
2	All Group 'C' posts carrying a Grade Pay of Rs 2,400 in the Pre-revised Pay.	Level-04 in the Pay Matrix (Rs 25,500-Rs 56,800)	32,535	16,268	651	16,919	Rs 16,920.00
3	All Group 'C' posts carrying a Grade Pay of Rs 2,000 in the Pre-revised Pay.	Level-03 in the Pay Matrix (Rs 21,700-Rs 48,500)	28,089	14,045	562	14,607	Rs 14,610.00
4	All Group 'C' posts carrying a Grade Pay of Rs 1,900 in the Pre-revised Pay.	Level-02 in the Pay Matrix (Rs 19,900-Rs 44,400)	25,983	12,992	511	13,512	Rs 13,520.00
5	All Group 'C' posts carrying a Grade Pay of Rs 1,800 in the Pre-revised Pay.	Level-1A in the Pay Matrix (Rs 18,000-Rs 39,900)	23,760	11,880	475	12,355	Rs 12,360.00
	<b>GROUP 'D'</b>						
1	All Group 'D' posts carrying a Grade Pay of Rs 1,650 in the Pre-revised Pay.	Level-01 in the Pay Matrix (Rs 17,400-Rs 38,600)	23,058	11,529	461	11,990	Rs 11,990.00