

No. A. 12018/28/2013-P&AR (GSW)
GOVERNMENT OF MIZORAM
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(GENERAL SERVICE WING)

OFFICE MEMORANDUM

Dated Aizawl, the 7th December, 2022

Subject: Application of Recruitment Rules/Service Rules in force at the time of occurrence of vacancy for filling up of vacant posts - partial modification regarding.

The undersigned is directed to refer to this Department's Office Memorandum No.A.12018/28/2013-P&AR (GSW) dated 21.02.2017 which ordered application of Recruitment Rules/Service Rules in force at the time of occurrence of vacancy for filling up of all vacancies either by way of direct recruitment, promotion, limited departmental examination or any other method. According to the said Office memorandum, the vacancies that had occurred prior to the amended rules would be governed by the old/unamended rules and the vacancies that had arisen after the amended rules would be governed by the amended rules unless the rules made subsequently have been given retrospective effect.

2. The applicability of the provisions has been considered by the Government a number of times in the case of direct recruitment. It is certain that recruitment rules and service rules are framed to suit the requirement, functions and responsibilities of the posts and educational and other qualifications are provided accordingly in the recruitment rules/ service rules. The Government also reviewed recruitment rules and service rules with a view to effecting such changes as are necessary to bring them in conformity with the changed position, including additions to or reductions in the strength of the lower and higher level posts. The Government is also entitled to take a conscious policy-decision not to fill up the vacancies arising prior to the amendment of the rules and there is no obligation for the Government to make appointments as per the old rules in the event of a restructuring of the cadre and change of educational and other qualification intended for efficient working of the unit.

3. Therefore, in view of the factors mentioned above and in partial modification of this Department's Office Memorandum No.A.12018/28/2013-P&AR (GSW) dated 21.02.2017, the State Government hereby directed as follows:-

- 1) Vacancies under the quota of promotion and limited departmental examination and any other method of recruitment except direct recruitment as provided in the relevant recruitment rules/ service rules shall be filled in accordance with the recruitment rules/ service rules in force on the date of occurrence of vacancy.
- 2) Vacancies under direct recruitment quota, as provided in the recruitment rules/ service rules which fall under the purview of Mizoram Public Service Commission and Mizoram Subordinate Service Selection Board, shall be filled in accordance with the recruitment rules/ service rules in force at the time of requisition for filling up of such particular vacancies.

- 3) Vacancies under direct recruitment quota, as provided in the recruitment rules/ service rules which fall outside the purview of Mizoram Public Service Commission and Mizoram Subordinate Service Selection Board, shall be filled in accordance with the recruitment rules/ service rules in force at the time of concurrence of Finance Department, Government of Mizoram.
- 4) For filling up of vacancies under direct recruitment quota viz. regularisation of Contract, Provisional-employees, Work-charged or any other ad hoc/ officiating employees should be considered in accordance with the recruitment rules/service rules in force on the date of occurrence of vacancy of a duly sanctioned post against which he/she is to be regularised.

Therefore, Para 3 (b) of the Office Memorandum "Instructions on proper observance of the procedure as outlined in Mizoram Direct Recruitment (Conduct of Examination) Guidelines, 2018 as amended for conduct of direct recruitment" issued vide No.A.12026/1/2017- P&AR (GSW) dated 13.11.2019 is modified to this extent.

Sd/- R. LALRAMNGHAKA

Secretary to the Government of Mizoram

Memo No. A. 12018/28/2013-P&AR (GSW) : Aizawl, the 7th December, 2022

Copy to:

1. Secretary to the Governor.
2. Secretary to the Chief Minister.
3. Sr. PPS to Chief Secretary.
4. P.S to Deputy Chief Minister.
5. P.S to all Principal Secretaries/Commissioners/Secretaries.
6. Secretary, MPSC/MSIC/MSEC/AMC/MSSSB.
7. All Administrative Department.
8. All Heads of Departments.
9. Website manager, DP&AR for uploading in the official website.
10. Guard File.


(LALBIAKFELA)

Under Secretary to the Govt. of Mizoram
Department of Personnel & Administration Reforms
(General Service Wing)