



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 6 Dispur, Saturday, 6th January, 2018, 16th Pausa, 1939 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

HEALTH & FAMILY WELFARE DEPARTMENT

NOTIFICATION

The 5th January, 2018

No. HLB.650/2017/123.- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is hereby pleased to make the following regulations in respect of the composition and staff of the Medical and Health Recruitment Board, their tenure of office and conditions of service along with the categories of posts for which Medical and Health Recruitment Board shall conduct the recruitment process and make recommendations to the State Government for appointments in those posts; namely:-

Chapter I Introductory

- (1) These regulations may be called the Medical and Health Recruitment Board Regulations, 2017.
 - (2) These regulations shall extend to the whole of the State of Assam.
 - (3) These regulations will come into force on the date of their publication in the Official Gazette.
2. In these regulations, unless there is anything repugnant in the subject or context, -
- "**Secretary, Health and Family Welfare**" means the senior most Secretary of Health and Family Welfare Department, Government of Assam;
 - "**Board**" means the Medical and Health Recruitment Board, Assam;

- (iii) **"Chairman"** means the member of the Board who is appointed as Chairman;
- (iv) **"Member"** means a member of the Medical and Health Recruitment Board, Assam and includes the Chairman thereof;
- (v) **"staff"** means staff employed in the Board, excluding members;
- (vi) **"Compensatory allowance"** means an allowance granted to meet the personal expenditure necessitated by special circumstances in which duty is performed; and
- (vii) **"Constitution"** means Constitution of India;
- (viii) **"Government"** means the Government of Assam.

Chapter II

Composition, pay and tenure

3. The Board shall consist of the following personnel:--

- (i) The Chairman of the Board who shall be a Government Servant not lower in rank than that of Commissioner and Secretary to the Government of Assam, serving or retired who has not completed the age of 65 years. The Chairman shall also serve as the Chief Executive Officer of the Board.
 - (ii) The Board shall consist of the following members excluding the Chairman:-
 - (a) A serving or retired Principal of any Medical College under the State Government of Assam;
 - (b) A serving or retired Director of Medical Education, Assam;
 - (c) A serving or retired officer in the rank of Joint Secretary or Additional Secretary or Secretary to the Government of Assam.
 - (iii) In addition, the Board may co-opt additional members not below the rank of Joint Secretary nominated by the Welfare of Plains Tribes & Backward Classes Department, Personnel Department, Social Welfare Department or other relevant Departments of Government of Assam, as may be required.
- 4. A Member of the Board shall hold office for a term of 6 years from the date on which he enters upon his office or until he attains the age of 65 years whichever is earlier, provided that a member of the Board may, by writing under his hand, addressed to the Governor of Assam, resign his office earlier :**

Provided further that a member of the Board (including Chairman) may be
(I) removed from his office by the Government after giving an opportunity of being heard.

- 5. (i) The Chairman shall receive his pay of Rs. 1,30,000/- (Rupees One lakh Thirty Thousand) per mensem and the members shall receive Rs 1,10,000 (Rupees One lakh Ten Thousand) PM with grade pay of Rs 10,000 (Rupees Ten thousand):**

Provided that in case of appointment as the Chairman or a member, a person who had retired from service under the Government, a local body, a University or any other body, wholly or partly owned or controlled by the Government and who is in receipt of or has become entitled to receive any retirement benefits by way of pension, gratuity, Contributory Provident Fund or otherwise, the pay specified in these Regulations or the pay last drawn if that be higher, shall be reduced by the gross amount of pension(including any portion of the pension, which may be commuted) and the pension equivalent of other forms of retirement benefits, if any, or at the option of the person, the pension may be kept in abeyance, in which case the Chairman or the members shall be allowed to draw the full pay and allowance as provided in this clause, subject to the provisions of Chapter-X of the Assam Services(Pension) Rules, 1969.

Provided that a person who at the time of his appointment as Chairman or a Member of the Board was in the service of Government, a local body, a University or any other body wholly or partly owned or controlled by the Government, is appointed as the Chairman or a member of the Board shall be entitled to get the protection of pay drawn by him in the service, in accordance with the provisions of the Fundamental Rules and Subsidiary Rules.

Explanation:-

For the purpose of these Regulations:-

- (a) services under the Board shall be considered as service under the Government;
 - (b) The term 'University' shall include any institution for higher education wholly or partly financed by the Central Government or any State Government or both and deemed to be a University under section 3 of the University Grants Commission Act, 1956 (Act No.3 of 1956).
 - (c) The term 'any other body wholly or partly owned or controlled by the Government' shall include a Government Company as defined in the Companies Act, 1956 (Act No. 18 of 2013) and another statutory body, whether incorporated or not, in which the Central Government or any State Government or both has a controlling interest in the share or other capital thereof, or has directly or through its nominees, substantial control over its working.
- (ii) The Chairman and other member shall receive Dearness Allowance at the rates applicable from time to time to the State Government employees with the same maximum.
- (iii) (a) The Chairman and other members shall be entitled to the facilities for medical treatment and accommodation in hospitals as admissible to the Secretaries to the Government of Assam.
- (b) The Chairman and other members shall be entitled to the facilities of House Rent allowance as admissible to the State Government employees.

6. (1) The Chairman or a member, who on the date of his appointment to the Board was in the service of the Central or a State Government shall cease to be in service and his pay, leave and pension shall be regulated in accordance with the provision of these Regulations.
- (2) (a) The Chairman or a member, who on the date of his appointment to the Board was in the service of the Central or a State Government may elect to draw his pension and retirement benefits admissible to him under the rules applicable to him in respect of his Government Service, or may elect to count his service in the Board as qualifying service for the retirement benefits, subject to the overall ceiling of the amount of the retirement benefits which the officer would have drawn, had he not been appointed to the Board and continued in service.
- (b) The option as in sub clause (a) of this clause shall be exercised within a period of six months from the date of his assuming the office in the Board or from the date of commencement of these Regulations, whichever is later in an individual case. The option once exercised shall be final.
- (c) In case a member, who was in service of the Central or State Government on the date of his appointment to the Board elects to draw his pension and other retirement benefits admissible to him under the rules applicable to him in respect of his Government service his pay as Chairman or a member of the Board as specified in rule 7, shall be reduced by the gross amount of pension (including any portion of the pension which may have been commuted) and the pension equivalent of other forms of retirement benefits, if any.

Chapter III

Leave

7. (i) A member who at the date of his appointment was in the service of the Government of India or of any State Government, may be granted leave under the rules applicable to him and his services as Member shall count for such leave.
- (ii) A member may draw during the period of leave granted under Clause (i) such leave salary as he may be entitled to under the rules applicable to him.
- (iii) A member who at the date of his appointment was not in the service of the Government of India or a State may be granted leave as follows: -
- (a) Leave on leave salary equivalent to full pay upto one-eleventh of the period spent on duty as a Member, subject to a maximum of four months at any one time.
- (b) Leave on medical certificate on leave salary equivalent to half pay, subject to maximum of three months at any one time.
- (c) Extraordinary leave without allowance subject to a maximum of three months at any one time.
8. Leave at the credit of the Chairman or any other member shall lapse on the date on which he shall vacate office under Regulation 5; Provided that if in sufficient time before the date he has:-

- (i) formally applied for leave and been refused it, or
- (ii) ascertained in writing from the sanctioning authority that leave, if applied for would not be granted, in either case the ground for refusal being the requirements of the public service, he shall be paid, by way of compensation, a sum equal to the leave salary for the period of leave so refused subject to a maximum of four months from the date immediately following that of the vacation of office.

Chapter IV

Pension of Members

9. No pension shall attach to the office of member as such, but in the case of a member who at the date of his appointment was in the service of the Government of India or a State, service as member shall count for pension under the rules applicable to the service to which such member belongs and shall, unless the member be a member of the Indian Civil Service or entitled to a pension under Army Regulations, also count for additional higher pension in the case of the Chairman and for the lower in the case of other members under Article 475A of the Civil Service Regulations or Articles 114 of the Assam Pension Manual or any other rules and orders in force as the case may be :

Provided that a Chairman or a member who on the date of his appointment was in the service of the Government of India or a State shall cease to count his service as Chairman or member for pension under this Regulation from the date from which he ceases to be a Member of that service:

Provided further that in the case of retired Government servant, service as Chairman or member shall not count as qualifying service for the purpose of recalculating his pension at the expiry of his tenure of office as Chairman or member.

Chapter V

Travelling and other allowances

10. (i) A member who at the date of his appointment, was in the service of the Government of India or of a State shall for his journey to join his appointment as Member draw the travelling allowance admissible on transfer to an officer of the rank of Secretary to the Government.
- (ii) A member who at the date of his first appointment, is not in the service of the Government of India or of a State shall for his journey to join his appointment as a Member draw the travelling allowance admissible on transfer to an officer to the rank of Secretary to the Government.
- (iii) A member shall be entitled when travelling on duty, to draw travelling allowances at the rates laid down in Assam Subsidiary Rules for a senior grade officer of the rank of Secretary to the Government of Assam.

Chapter VI

Staff of the Board and their conditions of service

11. The staff of the Board shall include a Secretary, Deputy Secretary, Law Officer, Accounts Officer and such number of Gazetted and Non-Gazetted officer as the Governor may from time to time determine.
12. The Secretary shall be appointed by the Government in Health and Family Welfare. The normal tenure of the office of the Secretary shall be five years provided that –
 - a) The Board may, with the approval of the Government, extend the tenure of the Secretary by any period not exceeding five years.
13. The Secretary shall be paid during the tenure of his office pay according to the terms of service to which he belongs.
14. In respect of all other matters for which provision is not made by these Regulations, the conditions of service of the Secretary shall be the same as those of the other members of service to which he belong, provided that if a person, who does not belong to any service under the Central or State Government, is appointed to the post of the Secretary, his conditions of service shall be such as may be determined by the Government in Health and Family Welfare, and such condition shall be embodied in a formal contract to be entered into between him and the Secretary, Health and Family Welfare.
15. The Board, in case of the staff who are appointed by the Board, shall be the authority who may impose any of the penalties prescribed in the Assam Service (Discipline and Appeal) Rules, 1964 and the Government in such cases shall be the appellate authority.
16. In respect of any matter for which provision is not made by these Regulations, the conditions of service of a person serving as a Member of the Board or its staff shall be governed by the rules and orders for the time being applicable to such class of Government servant as shall be specified by the Government.

Chapter VII

General

17. The Board will conduct the recruitment process and make recommendations for appointment to the categories of posts under Health and Family Welfare Department which are identified as such by a Government notification. The list of such posts are given as Schedule I to these Regulations.
18. (1) (a) The appointing authority will inform the Medical and Health Recruitment Board 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 Board 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 further reference to the Board.

(2) In making recruitment to technical or specialist post, the Board 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 Board to ask for the deputation of an adviser.

(b) to an appointing authority, if it feels that need for it to intimate to the Board that an adviser should be appointed to assist the Board and the responses for doing so.

(3) Under clause (a) above the appointing authority shall nominate a suitable adviser, and under clause (b) above, an adviser may be appointed only if the Board agrees to its need.

19. In any case where the Board has any objection to the particular adviser or expert deputed by an appointing authority it shall be open to the Board to intimate confidentiality and demi officially to the Secretary, Health and Family Welfare Department, Government of Assam their objection to the particular person proposed to be deputed.

Chapter VIII

Recruitment by open Competition

20. In the case of recruitment by competitive examination, the Board shall send to the appointing authority a 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 shall submit for the order of Government the names of the selected candidates, or

(b) if the appointing authority is not Government, that authority shall appoint the candidates who obtain the highest marks 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 who obtained the highest marks upto the number of vacancies to be filled from that category, provided that the Board certifies that these candidates are fit for appointment.

CHAPTER IX

Announcement of direct appointments made after consultation with the Board

21. When recruitment is made by a competitive examination:-

- (i) As soon as the results are ready, the Board shall 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 candidates of any special class from which an appointment is to be made, who stands below candidates of all other classes.
- (ii) A candidate on payment of a fee of Rs. 15/ shall be supplied on his application to the Secretary of the Board, with copy of the detailed mark sheet obtained by him or any other candidate.
- (iii) In the case of non-gazetted appointment when the appointing authority has decided the names of the candidates to be appointed, it shall issue a press communiqué announcing the names of the candidates approved for appointment.
- (iv) In the case of Gazetted posts, only Gazette notification should be issued when the appointment is actually made.

22. The press communiqués should be issued by the appointing authority through the Information & Public Relations Department.

**Schedule –I
(Rule -18)**

Sl. No.	Name of the Posts
1.	Demonstrator/ Registrar/ Resident Physician, Anesthetist in Medical Colleges
2.	Refractionist, Jr Physicist and other equivalent posts in Medical Colleges
3.	Psychiatric Social Worker, Medical Social Worker (MSW), Clinical Psychologist, Secretary, Librarian in Medical Colleges
4.	Lecturer, Secretary, Librarian in Dental College
5.	Lecturer in Nursing Colleges
6.	Junior Teacher in Medical Institute, Jorhat
7.	Lecturer in Institute of Pharmacy
8.	Lecturer, Librarian, Resident Medical Officer in Govt. Ayurvedic College
9.	Lecturer in Homoeopathic College
10.	Medical Officer (AYUR)
11.	Medical Officer (Homeopathy)
12.	Medical & Health Officers
13.	Dental Surgeons
14.	District Malaria Officers
15.	Inspector of Drugs
16.	Food Safety Officer
17.	Assistant Public Analyst

SAMIR K. SINHA,
Principal Secretary to the Government of Assam,
Health & Family Welfare Department.