



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM  
REAL ESTATE REGULATORY AUTHORITY, ASSAM

## NOTIFICATION

The 10th February, 2022

**No. RERA/ASSAM/2020/Act/04** - In exercise of the powers conferred under Section-85(1) of the Real Estate (Regulations and Development) Act, 2016 and all other powers enabling it in that behalf, the Real Estate Regulatory Authority, Assam hereby makes the following regulations:

### **Short Title, Object, Commencement and Extent:**

- These Regulations may be called the Assam Real Estate Regulatory Authority, (Engagement of Staff on Contract Basis), Regulations, 2021.
  - These Regulations will come into force from the date of their publication in the Official Gazette.
  - These Regulations seek to establish procedure for creation of posts on contract basis, engagement of staff on contract basis and payment of remuneration to the staff engaged on contract basis as required from time to time for smooth functioning of the Authority.

### **Definitions**

- Unless the context otherwise requires in these regulations: -
    - "Act" means the Real Estate (Regulations and Development) Act, 2016 as amended from time to time;

- (ii) "Authority" means the Real Estate Regulatory Authority, Assam;
  - (iii) "Employee" means staff engaged on contract basis by the Authority in accordance with these Regulations;
  - (iv) "Regulations" means the Real Estate Regulatory Authority, Assam (Engagement of Staff on Contract Basis), Regulations, 2021 as amended from time to time;
  - (v) "Rules" mean The Assam Real Estate (Regulation and Development) Rules, 2017 as amended from time to time.
- (b) The words or expressions occurring in these Regulations and not defined herein but defined in the Act or the Rules shall bear the same meaning as assigned to them in the Act and the Rules.

#### **Assessment of workload and creation of posts to be engaged on contract basis**

3. The Authority may require staff to be engaged on contract basis against regular posts till these posts are filled up as per service rules. The Authority may also require to engage contractual staff from time to time on basis of assessment of work load without creating regular posts. Based on the assessment of workload, the Authority may require and engage staff temporarily on contract basis to discharge of functions and duties and to cope up with the increased workload from time to time.
4. The qualifications and experience of the staff to be engaged on contract basis shall be the same as applicable for similar posts in the Government. In case of some special requirements, the qualifications can be enhanced for engagement of staff for a particular post. The Authority may relax qualifications and experience in case of non availability of suitable staff to be engaged on contract basis.

#### **Mode of engagement**

5. Staff on contract basis shall be engaged by the Authority in any of manner as under: -
  - (i) From persons who have retired from the State Government or Central Government or any of their Public Sector Undertakings, Municipalities, Development Authorities, Local Bodies, Pollution Control Board, Institute of Repute like IIT, etc. either on nomination basis or through open advertisement;
  - (ii) Through advertisement and by following a transparent procedure;
  - (iii) On work contract basis through an outsourcing agency.
  - (iv) By engaging the services of a professional firm to make available services of experts/professionals/consultants on mutually agreed terms and conditions.

**Remuneration to be paid to the staff on contract basis**

6. The staff to be engaged on contract shall be paid remuneration as under: -
- (i) (a) in case of a person engaged on contract basis retired from the State Government/Central Government or any of their Public Sector Undertakings, the remuneration shall be paid on the basis of last pay drawn minus basic pension;
  - (b) in case of a person engaged on contract basis retired from the higher post in the service of the State Government or Central Government or any of their Public-Sector Undertakings the remuneration shall not exceed emoluments at minimum of the pay scale/pay matrix of the post against which such person was engaged.
  - (ii) in case of a person engaged on contract basis directly by the Authority, the remuneration shall be paid as sum calculated on the minimum of the pay scales/pay matrix for professional/skilled staff or remuneration fixed by State Government for such employees;
  - (iii) in case of a person engaged on work contract basis through outsourcing agencies, remuneration shall be paid as sum calculated on minimum of the pay scales/pay matrix for professional/skilled staff or remuneration fixed by State Government for such employees;

**Engaging a retired person - procedure**

7. (i) For making the Authority functional at the initial stage, the Authority may engage persons who are retired employees of the State Government or Central Government or any of their Public Sector Undertakings on contract basis by way of nomination. For engaging retired persons on nomination basis, the Authority shall record justification thereof.
- (ii) In cases where engagement of retired person is not by nomination, the Authority may invite application by issuing an advertisement in newspaper in English/ Assamese.

**Engaging a person on contract basis by the Authority - procedure**

8. The post on contract basis shall be filled through open advertisement notifying the process of selection from amongst the applicants. The policy of the State Government regarding reservation of posts shall be applicable to the post filled up on contract basis.

**Engaging a person on work contract basis through outsourcing agency - procedure**

9. For engaging a person on work contract basis through outsourcing agency, the agency will be required to give a list of suitable candidates post wise and forward the same to Real Estate Regulatory Authority, Assam, along with their bio data for adjudging their suitability by the Authority.
10. The Authority may engage through suitable outsourcing agencies manpower of any nature as it may deem appropriate.

**Age limits**

11. (a) The minimum and maximum age for engaging a person on contract basis by the Authority shall be the same as prescribed by the State Government for its employees.

Provided that, this age limit shall not be applicable on the persons who are engaged by way of deputation or transfer.

Provided in case of special circumstances the Authority may relax qualifications of engage persons on contract basis having special qualification for reasons to the recorded in writing.

- (b) A person who has been engaged from amongst the retired employees of the State Government or Central Government or any of their Public Sector Undertakings may be appointed for a tenure of one year extendable on year to year basis upon assessing his/her performance, and upon finding his work and conduct satisfactory the term of employment may be extended on year to year basis.
- (c) A person engaged by the Authority directly on contract basis shall be initially appointed for a period of one year and during this period if his work and conduct is found satisfactory, his services may be extended on year to year basis.

**Termination of contractual engagement**

12. Contractual services of an employee who has been engaged by the Authority after retirement from the State Government or Central Government or any of their Public Sector Undertakings or engaged directly by the Authority or engaged through outsourcing agency may be terminated by serving a notice of one month if his services are no longer needed/required or the services may be terminated without notice if his work and conduct is not found satisfactory at any stage of his engagement.

**Conduct, discipline and code of ethics of employees**

13. All employees *i.e.* staff engaged on contract basis by the Authority shall be subject to such rules of conduct, discipline and code of conduct as prescribed by the Authority from time to time.

**Power to remove difficulties**

14. If any difficulty arises in giving effect to any of the provisions of the Regulations, the Authority may, by general or special order, do anything not being inconsistent with the provisions of the Act or Rules, which appears to be necessary or expedient for the purpose of removing the difficulties.

**Miscellaneous:**

15. (a) The Chairman may appoint a suitable Selection Committee with Members and /or officers of the Authority for making recommendations for appointment against various posts.
- (b) The manner of selection for appointment may be decided by the Authority/Selection Committee from time to time subject to the condition that such criteria shall be fair and transparent.
- (c) All other terms and conditions of employment in any manner not specified in these regulations shall be as notified by the Authority from time to time by way of Regulations.

**T. Y. DAS,**  
Chairperson,  
Real Estate Regulatory Authority, Assam.