



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
FINANCE (ESTABLISHMENT-B) DEPARTMENT :: DISPUR

## NOTIFICATION

The 15th September, 2018

**No. FEB.297/2017/Pt-I/59.-** In exercise of the powers conferred by section 29 of the Assam Employees' Parent Responsibility And Norms for Accountability and Monitoring Act, 2017(Assam Act No. XLIII of 2017), the Governor of Assam is hereby pleased to make the following rules, namely: -

### CHAPTER – I

#### Introduction and Definitions

##### 1. Short title and commencement. –

(1) These rules may be called the Assam Employees' Parent Responsibility and Norms for Accountability and Monitoring Rules, 2018.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

**2. Definitions. –**

**(1)** In these rules, unless the context otherwise requires, -

**(a)** “**Act**” means the Assam Employees’ Parent Responsibility and Norms for Accountability and Monitoring Act, 2017 (Assam Act No. XLIII of 2017);

**(b)** “**Application**” means an application made to the Designated Authority under section 5;

**(c)** “**Form**” means a form appended to these rules;

**(d)** “**Opposite party**” means the party against whom an application for award of apportioned portion of his salaries has been filed under section 5;

**(e)** “**section**” means section of the Act;

**(f)** “**quasi-judicial**” means making of decision of any question by an administrative authority by partly following judicial norms and possessing the right to hold hearings, enquiries and trials by following the elementary principles of natural justice, into the affairs and alleged infractions of law and legal principle;

**(2)** Words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act.

**3. Employees’ Responsibility. –**

**(1)** The employee against whom an application has been made by the aggrieved dependent parents/divyang sibling under section 6 of the Act, shall be liable to appear before the Designated Authority as and when asked to do so and furnish before the Designated Authority such materials and evidence as may be required for the purpose of disposal of the application. During the hearing, the employee concerned shall also be given a reasonable opportunity of being heard under section 7 of the Act.

**(2)** The employee is bound to strictly follow the decisions of the Designated Authority or the Appellate Authority as the case may be, as regards apportionment of his salary and direct deduction and payment of the said amount

to the aggrieved parents/ divyang siblings under the provisions of this Act and he shall cooperate with the Drawing and Disbursing Officer and the administrative authority in this respect.

#### **4. Rights of Dependent Parents/ *Divyang* Siblings. -**

The dependent parents (either or both) or dependent *divyang* siblings of an employee, may apply, in writing before the Designated Authority notified under rule 5, seeking apportioned salary of the employee. The dependent(s) should *prima facie*, establish, that they do not have adequate source of income to maintain their livelihood in a dignified manner. The application of the dependent shall contain in clear terms the following with supporting documents or materials:-

(i)The personal monthly income from all sources in clear terms;

(ii)The nature of support, financial and otherwise, which are being given at present to them by the employee;

(iii)In respect of *Divyang* Siblings the application should be accompanied with a disability certificate. The State Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

## **CHAPTER – II**

### **Procedure of filing application before**

### **Designated Authority and his Functions**

#### **5. Designated Authority (Appointment and power). –**

**(1)** The Designated Authority under the State Government or of any Organization shall be appointed on the following criteria:-

**(i)** He shall be an officer or functionary of the State Government or of the Organization, as the case may be, to be notified from time to time, by an order of the State Government or by the Organization for the purpose;

(ii) He shall not be below the level of Drawing and Disbursing Authority in his original capacity;

(2) The Designated Authority, shall receive the application as mentioned in rule 4, register it, undertake due process as mentioned in these rules and while hearing an application, shall exercise quasi-judicial powers as per section 9 of the Act.

#### **6. Procedure for filing an application and its registration before the Designated Authority. –**

(1) The application by dependent parents (either or both) or dependent *divyang* siblings shall be made in Form 'A';

(2) On receipt of an application made under sub-rule (1) above, the Designated Authority shall cause its essential details to be entered in a Register of claim cases, to be maintained in such a manner as the State Government may specify by an executive order;

(3) Notwithstanding anything contained in sub rule (1), its acknowledgement in Form 'B' to be given to the applicant or his authorized representative in case of delivery by hand, but if sent by post, the acknowledgement shall specify the registration number of the application.

#### **7. Preliminary Scrutiny of Application. –**

(1) On receipt of an Application, the Designated Authority shall satisfy itself that,-

(a) the application is complete in all respects, and

(b) employee has, prima facie, an obligation to maintain the applicant in terms of section 4 of the Act,

(2) In case the Designated Authority finds any lacunae in the application, it may direct the applicant to rectify the same within a reasonable time.

#### **8. Notice to the employee. –**

(1) Once the Designated Authority is satisfied on the points mentioned in sub-rule(1) of rule 7, it shall cause to be issued to the employee a notice in Form 'C' alongwith a copy of the application and its enclosures, in the following manner, directing him to show cause as to why the application should not be granted:-

- (a) by hand delivery through the applicant, if he so desires, else through a process server, or
- (b) by registered post with acknowledgement due, through E mail or authorized courier;

(2) The notice shall require the employee to appear in person on the date to be specified in the notice and show cause, in writing, as to why the application should not be accepted and shall also inform him that in case he fails to respond to it, he shall be heard 'ex-parte';

(3) Simultaneously with the issue of notice under sub-rule ( 1) and (2) of this rule, the applicant (s) shall also be informed of the date mentioned in rule (2)of this rule, by a notice issued in Form 'D' for appearance before the Designated Authority.

**9. Procedure in case of non-appearance of the employee.** –In case, despite due service of notice, the employee fails to appear, the Designated Authority may make an order that the matter be heard 'Ex parte'. Designated Authority then, by taking evidence of the applicant and making such other inquiry as deem fit, shall pass an order disposing of the application.

**10. Procedure where only employee appears.** –Where the employee appears and the applicant does not appear, the Designated Authority shall adjourn the case and shall cause a notice upon the applicant served for appearing on the next date. If after being duly served, on the next date also, the applicant does not appear, the Designated Authority shall dismiss the application unless the employee admits the claim made in the application, in which case, the Designated Authority shall grant the application in accordance with the admission.

**11. Procedure where the applicant appears subsequently.**–Where the applicant appears after dismissal of his application as per rule 10, and shows good cause for his non-appearance on the earlier two dates, the Designated Authority shall restore the application.

**12. Procedure where the employee appears and assigns good cause for previous absence.**–Where the Designated Authority has disposed of the application under rule 9 or is in the process of disposing of the application in accordance with rule 7 and the employee appears and assigns good cause for his previous non-appearance, he may, upon such term as the Designated Authority

directs as to costs or otherwise, be heard an answer to the application as if he had appeared on the day originally fixed for his appearance.

**13. Acceptance of liability by the employee.** –In case on the date fixed in the notice issued under rule 8, the opposite party appears and accepts his liability, the Designated Authority shall pass an order accordingly.

**14. Procedure for impleading children.** –

(1) An application by the employee, to implead any other child of the applicant who is also an employee of the State Government/Notified Organization shall be filed on the first date of hearing and notice there of shall be issued to such a child in accordance with rule 8:

Provided that no such application shall be entertained after the first hearing unless the opposite party shows sufficient cause for filing the same at a later stage;

(2) On receipt of an application made under rule 11, the Designated Authority shall, if it is prima facie satisfied after hearing the parties about the reasonableness of such application, issue notice to such other child to show cause why he/they should not be impleaded as a party, and shall, after giving him/them an opportunity of being heard, pass an order regarding their impleadment or otherwise;

(3) In case the Designated Authority passes an order of impleadment under sub-rule (2) of this rule, it shall cause a notice to be issued to such impleaded party in Form 'C' in accordance with rule 8.

**15. Procedure when application indicates more than one respondents i.e. claim from more than one child who are employees under the State Government/notified organization.** –

When claim is made against more than one child who are employees under the State Government/notified organization, the Designated Authority, after the usual process of registration and scrutiny in accordance with sub rule (2) and (3) of rule 6, shall cause a notice to be issued to all such children mentioned in the application in Form 'C' in accordance with rule 8.

**16. Order passed by Designated Authority:-**

(1) After hearing both parties, while passing an order directing the Drawing and Disbursing Officer of the employee(s) to pay apportioned portion of salary to the applicant(s), the Designated Authority shall take the following into consideration:—

(i) amount needed by the applicant to meet his basic needs, especially food, clothing, accommodation, and healthcare,

(ii) income of the employee(s), *i.e.* gross salary etc.; and

(iii) the personal monthly income from all sources in clear terms of the applicant;

(iv) in accordance with Section 8 of the Act, such apportioned amount shall not exceed 10% of the monthly gross salary being paid to the employee(s) except in exceptional cases only where it may go upto 15% of the monthly gross salary;

(v) in the event of more than one employee involved in taking care of the parents/divyang sibling, the amount passed for payment by Designated Authority shall be shared by each employee. The calculation of share should be such that aggregate of same percentage of apportioned salary of each employee forms the passed amount.

(2) A copy of every order passed, whether final or interim, on an application, shall be given to the applicant (s) and the employee(s) or their representatives in person, or shall be sent to them through a process server or by registered post.

**CHAPTER- III****Procedure for Appellate Authority****17. Form of appeal. –**

(1) An appeal under section 11 shall be filed before the Appellate Authority in Form 'E (I)' and shall be accompanied by a copy of the original application filed under section 5 to the Designated Authority.

(2) An appeal under section 12 shall be filed before the Appellate Authority in Form 'E (II)' and shall be accompanied by a copy of the impugned order of the Designated Authority.

**18. Registration and acknowledgement of appeal. –**

On receipt of an appeal, the Appellate Authority shall register it in a register to be maintained for the purpose in such form as the State Government may direct, and shall, after registering such appeal, give an acknowledgement to the appellant, specifying the appeal number and the date of hearing, in Form 'F'.

**19. Notice of hearing to the respondent. –**

(1) On receipt of an appeal, the Appellate Authority shall, after registering the case and assigning an appeal number, cause notice to be served upon the respondent under its seal and signature in Form 'G';

(2) The notice under sub-rule (1) shall be issued through registered post with acknowledgement due, or through a process server.

**20. Communication of the Orders of the Appellate Authority. –**

(1) After hearing the appeal, if the Appellate Authority considers it appropriate, it shall direct the Designated Authority, in writing, to sanction the stated amount of the apportioned salary of the employee as was fixed in his order to his dependent parents/*divyang* sibling with effect from the succeeding month of the date of the order;

(2) A copy of order passed, on an appeal, shall be given to the applicant (s) and the employee(s) or their representatives in person, or shall be sent to them through a process server or by registered post.

**CHAPTER- IV****Procedure of Assam Employees PRANAM Commission****21. Procedure of hearing an appeal by the Commission. –**

On receipt of a complain or appeal as per section 21 and section 22 of the Act, the Commission shall register it in a register to be maintained for that purpose in such form as the State Government may direct, and shall, after registering such complain or appeal, give an acknowledgement to the complainant/appellant, specifying the complain/appeal number and the date of hearing in Form 'H'.

**22. Notice of hearing to the respondent and others. –**

(1) On receipt of a complain/appeal, the Commission shall, after registering the



case and assigning a complain/appeal number, cause notice to be served upon the respondent and others under its seal and signature in Form 'I'.

(2) The notice under sub-rule (1) shall be issued through registered post with acknowledgement due, or through a process server.

**23. Communication of the Orders of the Commission.—**

- (1) After hearing the Complain/appeal, if the Commission considers it appropriate, it shall direct the Designated Authority, in writing, to sanction the stated amount of the apportioned salary of the employee as was fixed in his order to his dependent parents/*divyang* sibling with effect from the succeeding month of the date of the order;
- (2) It may also direct the Designated Authority or appellate authority to take any such steps as may be necessary to secure compliance with the provisions of this Act and impose any of the penalties provided under the Act;
- (3) A copy of order passed, on the complain/ appeal, shall be given to all concerned including the applicant (s) and the employee(s) or their representatives in person, or shall be sent to them through a process server or by registered post.

**FORM-A**

[sub rule (1) rule 6]

**The Assam Employees' PRANAM Rules, 2018"****APPLICATION FORM****1. NAME OF THE APPLICANT:-****VRS.****2. NAME OF THE OPPOSITE PARTY ( EMPLOYEE(S)):-**

Designation.....

Office address.....

**3. CAUSE OF THE APPLICATION:-****(The above respondents are neither maintaining the applicant properly, nor taking any care of the applicant.)****4. PARTICULARS****(i) The personal monthly income from all sources; ----****(ii) In respect of *Divyang* Siblings the application should be accompanied with a disability certificate; ----****(iii) Support, financial and otherwise, is presently given to them by the employee; ----****Signature of the applicant****Verification****I do hereby verify that the statements made above by me are true to the best of my knowledge and belief and in verification thereof I put my signature hereunder:****Signature of applicant.**

**FORM-B**  
**[sub rule(3) rule 6]**

**ACKNOWLEDGEMENT RECEIPT**

**Shri/Smt-----S/O, D/O-----**

**Village-----PO.-----PS.-----District-----**  
**has filed an application for maintenance under The Assam**  
**Employees' PRANAM Rules, 2018".**

**The case has been registered under No.----- Dt, -----**

**SIGNATURE OF THE DESIGNATED AUTHORITY**

**FORM- C****[sub-rule (1) rule 8]****The Assam Employees' PRANAM Rules, 2018".]****NOTICE FOR DISPOSAL OF APPLICATION****1. NAME OF THE APPLICANT:-****VRS.****2. NAME OF THE RESPONDENT:-**

**Please take notice that an application for redressal of his/her grievance under section-5, of the Act has been made by this aforesaid applicant (S) to this Designated Authority(Copies of the application and the enclosures are annexed here to) So notice is here by given to you to appear before the Designated Authority in person and do file show cause to the application along with documents, if any to the office of the Designated Authority.**

**The case has been fixed on ----- for filing of reply.**

**SIGNATURE OF THE DESIGNATED AUTHORITY**

**FORM-D**

**[sub-rule (3) rule8]**

**INTIMATION OF DATE OF HEARING TO THE  
APPLICANT/OPPOSITE PARTY(EMPLOYEE)  
(FOR THE APPLICATION UNDER “The Assam Employees’  
PRANAM Rules, 2018”.)**

**APPLICATION NO. ....OF DATE.....**

**1. NAME OF THE APPLICANT:-**

**2. NAME OF THE OPPOSITE PARTY (EMPLOYEE):-**

**NOTICE**

**Please take notice that hearing of the aforesaid Application  
No....has been fixed at .....AM/PM on.....**

**You are requested to be present in the aforesaid hearing either in  
person or through your authorized representative.**

**Now, take notice that in default of your appearance on the date  
aforementioned the case shall be heard and decided in your  
absence.**

**SIGNATURE OF THE DESIGNATED AUTHORITY.**

**FORM-E(I)****[sub rule(1)rule17]****APPLICATION FOR APPEAL UNDER “The Assam Employees’ PRANAM Rules, 2018”.****1. NAME OF THE APPLICANT:-****VRS.****2. NAME OF THE RESPONDENT:-**

Being aggrieved with non disposal of his/her application filed under section 5 of the Act within the stipulated time period by the Designated Authority, this appeal petition is filed under the following grounds:

- 1.
- 2.
- 3.
- 4.
- 5.

**SIGNATURE OF THE APPLICANT****Name.....****Address.....**

**FORM-E(II)**

**[sub rule(2)rule17]**

**APPLICATION FOR APPEAL UNDER “The Assam Employees’ PRANAM Rules, 2018”.**

**1. NAME OF THE APPLICANT:-**

**VRS.**

**2. NAME OF THE RESPONDENT:-**

**Being aggrieved with the order dated..... passed by the Designated Authority in the Case No.....,this appeal petition is filed under the following grounds:**

- 1.**
- 2.**
- 3.**
- 4.**
- 5.**

**SIGNATURE OF THE APPLICANT**

**Name.....**

**Address.....**

**FROM-F**

**(rule 18)**

**ACKNOWLEDGEMENT RECEIPT UNDER “The Assam  
Employees’ PRANAM Rules, 2018”.**

**Shri/Smt-----S/o,D/O-----**

**Village-----PO.-----PS.-----**

**District----- has filed an APPEAL PETITION for  
maintenance/against order dated..... passed by the  
Designated Authority,.....under Assam  
Employees’ PRANAM Act, 2017”.**

**The case has been registered vide No.----- dt.-----  
And date of hearing is.....**

**SIGNATURE OF THE APPELLATE AUTHORITY**



**FROM-G**

**[rule 19]**

**SHOW CAUSE NOTICE UNDER “The Assam Employees’  
PRANAM Rules, 2018”.**

**1. NAME OF THE APPLICANT:-**

**VRS.**

**2. NAME OF THE RESPONDENT:-**

**Please take notice that an appeal petition for redressal of his/her grievance under Section-12 of Act-2017 has been made by the aforesaid applicant(s) to this Appellate Authority. (Copies of the application and the paper book are annexed here to ) being aggrieved with order passed in M.C. NO.----- dt.-----/non disposal of his/her application dated.....before the Designated Authority So notice is hereby given to you to appear before the Appellate Authority in person or by an authorized agent duly instructed and do file show cause to the appeal petition along with documents if any in a paper book form with the office of the Appellate Authority.**

**The case has been fixed on----- for filing of reply.**

**SIGNATURE OF THE APPELLATE AUTHORITY**

**FROM-H**

**[rule 21]**

**ACKNOWLEDGEMENT RECEIPT UNDER “The Assam  
Employees’ PRANAM Rules, 2018”.**

**Shri/Smt-----S/o,D/O-----**

**Village-----PO.-----PS.-----**

**District----- has filed an COMPLAIN/APPEAL PETITION  
for maintenance under Assam Employees’ PRANAM Rules,  
2018”.**

**The case has been registered vide No.----- dt.-----  
And date of hearing is.....**

**SIGNATURE OF THE CHIEF COMMISSIONER/  
COMMISSIONER/ AUTHORISED SIGNATORY OF THE COMMISSION**

**FROM-I**

**[sub-rule (1) rule 22]**

**SHOW CAUSE NOTICE UNDER “The Assam Employees’ PRANAM  
Rules, 2018”.**

**1. NAME OF THE APPLICANT:-**

**VRS.**

**2. NAME OF THE RESPONDENT:-**

**Please take notice that a complain/appeal petition for redressal of his/her grievance under Section-21/22 of Act-2017 has been made by the aforesaid applicant(s) to this Commission. (Copies of the application and the paper book are annexed here to) being aggrieved with order passed in M.C. NO.----- dt.----- . So notice is hereby given to you to appear before the Commission in person or by an authorized agent duly instructed and do file show cause to the complain/ appeal petition along with documents if any in a paper book form with the office of the Commission.**

**The case has been fixed on----- for filing of reply and  
On-----for hearing.**

**SIGNATURE OF THE CHIEF COMMISSIONER/**

**COMMISSIONER/ AUTHORISED SIGNATORY OF THE COMMISSION**

**SAMIR K. SINHA,**

**Principal Secretary to the Government of Assam,  
Finance Department.**