



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 477 দিশপুৰ, সোমবাৰ, 18 নবেম্বৰ, 2019, 27 কাতি, 1941 (শক)
No. 477 Dispur, Monday, 18th November, 2019, 27th Kartika, 1941 (S.E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
HEALTH & FAMILY WELFARE DEPARTMENT : DISPUR

NOTIFICATION

The 15th November, 2019

No.HLA.902/2018/226.- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and in supersession of the Assam Food Control Organisation (Recruitment and Promotion to the Service) Order, 1986, which was notified vide Government Notification No. HLA.508/85/55 dated 9th September, 1986, the Governor of Assam is pleased to make the following rules regulating the recruitment and the conditions of services of the persons appointed to the Assam Food Safety (Enforcement) Organization Service, namely:-

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| Short title and commencement | 1. | (i) These rules may be called the Assam Food Safety (Enforcement) Organization Service Rules, 2019. |
| | | (ii) They shall come into force on the date of their publication in the Official Gazette. |
| Definition | 2. | In these rules, unless there is anything repugnant in the subject or context ,- |
| | | (a) "Appointing Authority" means the Governor of Assam; |
| | | (b) "Board" means the Medical and Health Recruitment Board, Assam; |
| | | (c) "Selection Committee" means the Committee constituted under rule 13 of these Rules; |

- (d) "Constitution" means the Constitution of India;
- (e) "Government" means the Government of Assam;
- (f) "Governor" means the Governor of Assam;
- (g) "Member" means a member of the Medical and Health Recruitment Board, Assam and includes the Chairman thereof;
- (h) "Service" means the Assam Food Safety (Enforcement) Organization Service;
- (i) "Year" means the Calendar year i.e. from January to December.
- Classes and cadres 3. The Service shall comprise of the cadres of Food Safety Officer, Senior Food Safety Officer and Designated Officer as specified in "**Schedule I**" along with the scales of pay as per The Assam Service (Revision of Pay) Rules, 2017:
- Provided that nothing in these orders shall affect the inherent right of the Government to add or reduce the number of such posts or to create new posts with different designations and scale of pay, whether permanently or temporarily.
- Strength of service 4. The strength of each cadre in a class of the Service shall be such as determined by the Governor from time to time, provided that the Governor may held in abeyance any post as and when considered necessary.
- Method of recruitment 5. Recruitment to the Service shall be made in the manner prescribed hereinafter :—
- (i) Recruitment to the cadres of Food Safety Officer shall be made by direct recruitment only.
- (ii) No person shall be appointed to any post in the Service unless he possesses the experience as specified against the respective post in "**Schedule II**".
- (iii) Recruitment to the cadres of Designated Officer and Senior Food Safety Officer shall be made by promotion only.
- Direct recruitment 6. (i) Direct recruitment shall be made on the basis of recommendation made by the Board in accordance with the procedure hereinafter provided:-
- (a) Before the end of each year (i.e. in the month of December) the Appointing Authority shall make assessment regarding the likely number of vacancies to be filled by direct recruitment during the

next year and shall intimate the same to the Board together with details about reservation for candidates belonging to Scheduled Caste, Scheduled Tribes or any other category as laid down by the Government as provided under rule 15 and about carry forward of such reservation.

- (b) The Appointing Authority shall simultaneously request the Board to recommend a list of candidates for direct recruitment, in order of preference.
 - (c) The Board shall prepare a list of all candidates who qualify in order of merit in accordance with the aggregate marks obtained by each candidate in the Test/Interview. If two or more candidates obtain equal marks the Board shall arrange them in order of their relevant merit which shall be determined in accordance with the general suitability of the candidates to the service. The list shall be forwarded to the Appointing Authority.
 - (d) The Board shall furnish to the Appointing Authority a list of candidates recommended by it in order of preference, found suitable for direct recruitment showing the marks obtained in examination/written test and interview. The number of candidates in such a list shall be equal to the number of vacancies notified.
 - (e) In this regard the Board shall simultaneously publish the list in the Assam Gazette and /or at such other place the Board may consider proper.
- (ii) The list mentioned in clause (c) and (d) of sub-rule (i) of this rule shall remain valid for 12 calendar months from the date of recommendation.
 - (iii) In the event of the Board being unable to recommend sufficient number of candidates to fill all the vacancies in a year, it shall, in consultation with the Appointing Authority, repeat the procedure by recommending a subsequent list in the year:

Provided that the Appointing Authority shall not make appointment of any candidate from the subsequent list until all

- the candidates of the earlier list of the same year, eligible for appointment, have been offered the appointment.
- Age for direct recruitment 7. The age for direct recruitment of a candidate will be as per the Government notification applicable during the time of advertisement with relaxation in case of candidates belonging to special categories like Scheduled Castes and Scheduled Tribes and any other categories as laid down by the Government in accordance with the orders of the Government for the time being in force.
- Academic qualification 8. The academic qualification of a candidate for direct recruitment shall be prescribed by the Governor/Appointing Authority from time to time. The qualifications and experience prescribed, as on the date of commencement of these Rules, are given in "**Schedule III**".
- Physical fitness 9. A candidate for direct recruitment shall be , -
 (i) of sound health, both mentally and physically and free from organic defect or bodily infirmity likely to interfere with the efficient performance of his duties; and
 (ii) required to undergo medical examination before appointment of the service.
- Recruitment by promotion 10. Appointment by promotion in the cadres shall be made in the manner provided hereinafter, -
 (i) Before the end of each year the Appointing Authority shall make an assessment of number of vacancies occurred or likely to occur for filling up by promotion in the next year in each cadre.
 (ii) A member of the cadre of Senior Food Safety Officer and Food Safety Officer in the Assam Food Safety (Enforcement) Service shall be eligible for promotion as Designated Officer and Senior Food Safety Officer respectively subject to the conditions given in "**Schedule II**".
- Promotion 11. (i) Vacancies in the cadres of Senior Food Safety Officer and Designated Officer to the extent as prescribed in sub-rules (ii) and (iii) of rule 5 shall be filled up by promotion in the manner prescribed in rule 12:

Provided that the Governor may for good and sufficient reasons fill any of the posts for specialized investigation, design, research work temporarily or on tenure by transfer or

deputation from outside the service, if it is satisfied that there is no suitable officer in the service available for filling up the vacancy.

- (ii) Subject to suitability as may be decided by the Appointing Authority/ Selection Committee as set forth in rule 13 and also subject to possessing qualifications and experience as prescribed hereinafter, an Officer shall be eligible for promotion from one cadre to another of the service.
- General procedure of promotion 12. (i) Before the end of each year the Appointing Authority shall make an assessment of the likely number of vacancies to be filled by promotion in the next year in each cadre.
- (ii) The Appointing Authority shall then furnish to the Selection Committee the following documents and information with regard to as many officers in order, of seniority as are eligible for promotion:-
- (a) information about the number of vacancies;
 - (b) list of officers in order of seniority, eligible for promotion (separate list for promotion to different cadres shall be furnished) indicating the cadre to which the case of promotion is to be connected;
 - (c) character rolls and personal files of the officer listed;
 - (d) details about Reservation in case of promotion to the service under rule 11;
 - (e) any other documents and information as may be considered necessary by the Appointing Authority or required by the Selection Committee.
- (iii) The Appointing Authority shall simultaneously request the Selection Committee to recommend within one month a list of officers, found suitable for promotion in order of preference, in respect of promotion to each of the cadre in which recruitment is to be made by promotion.
- (iv) The selection shall be made on the basis of seniority with due regard to merit in case of promotions stated herein before under sub-rule (ii) of rule 12 and in rule 11.
- (v) The Selection Committee, after examination of the documents and information furnished by the Appointing Authority shall recommend to the Appointing Authority a list of officers against

the number of vacancies, in order of preference, found suitable for promotion.

- (vi) The Appointing Authority on receipt of the lists recommended by the Selection Committee shall consider the list prepared by the Selection Committee for promotions to the cadres of Designated Officer and Senior Food Safety Officer, along with character rolls and personal files of the officers and approve the list. The Appointing Authority may make any modifications in the list as it considers just and proper, with intimation to the Selection Committee.
- (vii) The inclusion of a candidate's name in a select list shall confer no right to promotion unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that a candidate is suitable for promotion.
- (viii) The list finally approved by the Appointing Authority shall be published by the Appointing Authority within 15 days from the date of final approval.
- (ix) The selected lists shall remain valid for 12 calendar months from the date of approval by the Selection Committee.
- (x) The promotions shall be in accordance with lists finally approved.

Selection
committee

13. The Selection Committee, as referred to in rule 11 and rule 12, shall consist of the following :-
- (i) Senior-most Secretary, Health & F.W. Department – Chairperson.
 - (ii) Commissioner of Food Safety & Drug Administration, Assam – Member.
 - (iii) Joint Secretary/Deputy Secretary, Health & Family Welfare Department - Member Secretary.
 - (iv) A representative of Personnel Department not below the rank of Deputy Secretary to be nominated by Personnel Department – Member.
 - (v) A representative of Welfare of Plains Tribes & Backward Classes Department not below the rank of Deputy Secretary to be nominated by WPT & Backward Classes Department - Member.

- (vi) The Chairperson may also co-opt any other suitable official as a member to aid in its deliberations.
- Disqualification 14. (i) No person shall be eligible for appointment to the Service ,-
- (a) unless he/she is a citizen of India;
 - (b) if he has more than one wife living or in case of a female candidate who has married a person whose wife is living and not a divorcee;
 - (c) if he/she violates the legal age of marriage;
 - (d) if he/she has more than 2 (two) children:
- Provided that the Governor may, if he is satisfied that there is a special grounds for doing so, exempt any person from the operation of this clause.
- (ii) No person who attempts to enlist support for his candidature directly or indirectly by any recommendation, either written or oral or by any other means shall be appointed to the service.
- Reservation 15. Reservation for Scheduled Castes, Scheduled Tribes (Hills & Plains), OBC/MOBC and Women shall be governed by the prevalent laws and rules of the Government for the time being in force.
- Appointment 16. (i) Subject to the provision of sub-rule (ii) of this rule, appointment under rule 6 shall be made by the Appointing Authority in accordance with the order of preference determined in the list referred to in clause (d) of sub-rule(i) of rule 6.
- (ii) The inclusion of a candidate's name in the list mentioned in clause (d) of sub-rule (i) of rule 6 shall confer no right to appointment unless the Appointing Authority is satisfied after such enquiry as prescribed by the Government from time to time and also, as may be considered necessary, that a candidate is suitable in all aspects for appointment to the service.
- Joining time 17. A person shall join within 15 days from the date of receipt of the order of appointment, or of promotion, failing which the appointment shall be cancelled unless the Appointing Authority extends the period, which shall not, in all, exceed three months.
- Training 18. A member of the Service shall be required to undergo such training and pass such departmental examination as Government may prescribe.

- Discharge or reversion
19. A temporary or officiating member shall be liable to be discharged or reverted to the lower cadre of the service or to his original service, if,-
- (i) he fails to make sufficient use of the opportunities given during any training as may be prescribed by the Government from time to time, fails to render satisfactory service during his tenure service in the cadre; and/or
 - (ii) it is found on a subsequent verification that he was initially not qualified for the appointment or that he had furnished any incorrect information with regard to his appointment.
- Seniority
20. (i) The seniority of a member in a cadre appointed by direct recruitment or by promotion shall be determined according to the order of preference in the respective list recommended by the Board under rule 6 and also in the respective list finally approved by the Appointing Authority under sub-rule (vi) of rule 12, if he joins the appointment within 15 days from the date of receipt of the order or within the extended period as mentioned in rule 17.
- (ii) A member appointed by promotion in a year shall be senior to a member of that cadre appointed by direct recruitment in that year.
- Probation and confirmation
21. (i) Subject to availability of a permanent vacancy in the respective cadre a member shall be placed, according to seniority on probation against the permanent vacancy for a period of two years before he is confirmed against the permanent post:
- Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority for any specific period, not exceeding a period of two years:
- Provided further that the period of probation may be curtailed or dispensed with in any case for good and sufficient reasons by the Appointing Authority.
- (ii) A member of the service placed on probation under sub-rule (i) shall be confirmed against the permanent post subject to the following conditions:-
- (a) he has completed the period of probation to the satisfaction of Appointing Authority in accordance with sub-rule (i) of this rule;

- (b) he has successfully undergone the training and passed the departmental examination, if any, prescribed by Government under rule 18;
- (iii) If confirmation of a member is delayed on account of his failure to qualify for such confirmation he shall lose his position in order of seniority vis-à-vis such of his junior as might be confirmed earlier than him. His seniority shall however, be restored on his confirmation subsequently.
- Gradation list 22. Gradation list shall be prepared and published every year containing the name of all members of the Service cadre-wise in order of seniority and such other particulars as date of birth, date of appointment/promotion etc.
- Pay 23. The members of the Service shall be entitled to such scales of pay, as may be authorised by Assam Government from time to time. The scale of pay at present in force are given in “Schedule I”
- Mode of employment 24. (i) Members of the Service shall be employed in such manner as the Appointing Authority may decide.
(ii) A member of the Service shall be liable to be posted anywhere within the State of Assam or outside Assam, or to any other department of the Government, a body corporate, in the affairs of which the Government may be substantially interested, or an autonomous district council, if so required in the interest of Public Service and in such case the member shall not have any option against such posting or transfer.
- Other conditions of service 25. (i) Except as provided in these Rules, all matters relating to pay and allowances, leave, pension, discipline and other conditions of Service shall be regulated by the general rules or orders of the Government for the time being in force.
(ii) The conditions of Service of the members, in respect of matters, for which no provision has been made in these Rules, shall be the same, as are, for the time being, applicable to other officers of the Government, of the corresponding status and having similar functions.
(iii) A member of the service shall strictly follow norms of two children family.
- Relaxation 26. Where the Government is satisfied that the operation of any of these Rules, causes undue hardship in any particular case, it may,

dispense with or relax the recruitment of that rule to such extent and subject to such conditions as it may consider necessary dealing with the case in a just and equitable manner:

Provided that the case of any person shall not be dealt with in any manner less favourable to him than provided in these Rules.

Interpretation 27.

If any question arises relating to the interpretation of these Rules the decision of the Government shall be final.

Repeal and savings 28.

The Orders "Assam Food Control Organization (Recruitment and Promotion to the Service) Order, 1986" vide Govt. Notification No. HLA 508/85/55 dtd. 09-09-1986 corresponding to this Service Rules and in force immediately before commencement of these Rules is hereby repealed:

Provided that all orders made or action taken under the rules so repealed or under any general orders ancillary thereto shall be deemed to have been validly made or taken under the corresponding provisions of those Rules.

Schedule I
(see rule 3 and 23)
(ROP Assam 2017)

Sl. No.	Name of the Post or Service	No. of Posts	Pay Band	Grade Pay (in rupees)
1	2	3	4	5
1	Designated Officer	12	PB-3 22000-87000	11500
2	Senior Food Safety Officer	18	PB-3 22000-87000	9700
3	Food Safety Officer	59	PB-3 22000-87000	9100

Schedule II
(see rule 5 (ii) and 10 (ii))

Sl. No.	Name of the post or Service	Method of appointment and experience for appointment by:	
		Direct Appointment	Promotion
1	2	3	4
1	Designated Officer	-	<p>The cadre of Designated Officer shall be filled up by way of promotion from the cadre of Senior Food Safety Officer who have rendered at least 5 (five) years of service as Senior Food Safety Officer on the first day of the year in which the selection for promotion is made.</p> <p>The basis of selection shall be seniority-cum-merit. Provided that if suitable persons are not available for the promotion, direct recruitment may be resorted to for filling up the post from amongst the persons having similar qualification and experience.</p>
2	Senior Food Safety Officer	-	<p>The post of Senior Food Safety Officer shall be filled up by way of promotion from amongst the Food Safety Officers who have rendered at least 10(ten) years of service as such on the first day of the year in which the selection for promotion is made.</p> <p>The basis of selection shall be seniority-cum-merit. Provided that if suitable persons are not available for the promotion, direct recruitment may be resorted to for filling up the post from amongst the persons having similar qualification and experience.</p>
3.	Food Safety Officer	<p>The post of Food Safety Officer shall be filled up by way of direct recruitment through the Medical and Health Recruitment Board from amongst the candidates having the required qualification as prescribed in Food Safety and Standards Rules, 2011.</p>	

Schedule III

(see rule 8)

Sl. No.	Name of the Post or Service	Minimum Academic Qualification
1	2	3
1	Food Safety Officer	<p>1) Must have a degree in Food Technology or Dairy Technology or Biotechnology or Oil Technology or Agricultural Science or Veterinary Sciences or Bio-Chemistry or Microbiology or Master's Degree in Chemistry or Degree in Medicine from a recognized University, or</p> <p>2) any other equivalent/recognised qualification notified by the Central Government.</p>

SAMIR K. SINHA,

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