



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

Vol. XXIII Aizawl, Wednesday, 20. 7. 1994, Asadha 29, S.E. 1916, Issue No. 131

NOTIFICATION

No. A. 12017/2/91-P&AR(GSW): In exercise of the powers conferred by the provision to clause (3) of Article 320 of the Constitution of India, the Governor of Mizoram is pleased to make the following Regulations as respects to services and posts in connection with the affairs of the State of Mizoram, specifying matters in which it shall not be necessary for the Mizoram Public Service Commission to be consulted.

Shot title and commencement 1. (a) These Regulations may be called the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1994.

(b) They shall come into force at once.

Definitions 2. In these Regulations, unless the context otherwise requires :—

(i) "Appointing authority" means the authority which makes the appointments to any service or post in connection with the affairs of the State of Mizoram;

(ii) "Commission" means the Mizoram Public Service Commission;

(iii) "Constitution" means the Constitution of India;

(iv) "Governor" means the Governor of Mizoram;

(v) "Service" or "Post" means civil service or post in connection with the affairs of the State of Mizoram.

Limitation of functions in matters relating to methods of recruitment.

It shall not be necessary for the Commission to be consulted in matters relating to methods of recruitment to civil services and posts or the suitability of the candidates for such appointments, in the following cases, namely :—

- (a) When an appointment is to be made by the Governor or by an authority other than Governor to a post on a scale of pay the maximum of which is less than Rs. 2900/- per month.
- (b) When it is proposed to appoint a member of a service to a post, for appointment to which the rules of any other service makes a member of other service eligible, and which in the opinion of the Governor, is normally filled by a member of that service or is similar to posts normally filled by a member of that service.

ILLUSTRATION

The appointment of an Officer of the Mizoram Civil Service to the following posts does not require consultation with the Commission; Posts of Deputy Commissioner, Joint Secretary, Deputy Secretary, Under Secretary or Officer on Special Duty in the Secretariat.

- (c) Appointment of the personal staff of the Governor and to his Secretariat.
- (d) Appointment of Law Officers of the State except the members of the State Judicial Service and the Gauhati High Court of Judicature.
- (e) When an officiating appointment is to be made by direct recruitment to a permanent post, if it is necessary in the Public interest that the appointment should be made immediately and a reference to the Commission would cost undue delay :

Provided that, if the vacancy, actual or probable, is for a period of six months or more, the Commission shall, as soon as possible, be consulted in all matters mentioned in clause (3) of Article 320 of the Constitution but not later than the 30th day from the date of issue of such appointment orders.

- (f) When an appointment is to be made by direct recruitment to a temporary post, if it is necessary in the public interest that the appointment should be made immediately and a reference to the Commission would cost undue delay :

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Provided that if the temporary post has been sanctioned for, or is likely to last more than six months, the Commission shall, as soon as possible, be consulted in all matters mentioned in clause (3) of Article 320 of the Constitution but not later than the 30th day from the date of issue of such appointment orders.

- (g) When it is proposed to re-appoint a retired servant of the Government of India or State Government temporarily to
 - (i) a permanent post created as addition to the Cadre of the service from which he retired or (ii) a temporary post created as addition to the Cadre of the service from which he retired or (iii) any other temporary post the duties of of which are similar to those normally discharged by members of that service;
- (h) When it is proposed to appoint temporarily an Officer of the India Armed Forces to a Civil post of service for a period not exceeding three years;
- (i) When it is proposed to make appointment to a post on a contract basis for a period not exceeding three years;

Provided that in case the appointment on a contract basis is likely to exceed a period of three years, the Commission shall be consulted before the contract is renewed or extended;

- (j) When it is proposed to make any appointment to an honorary post.

Limitation of function in respect of promotion.

4. It shall not be necessary to consult the Commission on the principles to be followed in making promotions or on the suitability of candidates for promotion in the following cases :—

- (a) Promotion to a service by an authority other than the Governor;
- (b) Promotion from a lower to higher grade or post within the time scale of pay provided in the Rules unless the promotion is to be made by selection;
- (c) Officiating promotion for a period which is not likely to last for more than one year;

Provided that if the period of officiating promotion is extended beyond the term for which it was originally sanctioned, the period of promotion shall, for purpose of this regulation, be reckoned from the date when the promotion originally took effect and not from the date of the extension of the period.

Limitation of function in respect of transfer. 5. It shall not be necessary to consult the Commission on the principles to be followed in making transfer or on the suitability of candidates for transfer from one post to another in the same service.

Limitation of function in respect of disciplinary cases. 6. It shall not be necessary for the Commission to be consulted in disciplinary matters in the following cases :-

- (a) in passing an order by any authority other than the Governor, whether the order passed is an original, an appellate or a revisionary order;
- (b) by the Governor, when rejecting a petition or memorial;
- (c) in any case in which the Commission has at any previous stage been consulted as to the order to be passed and no fresh question has thereafter arisen for determination.

ILLUSTRATIONS

- (a) The stoppage of an officer appointed by the Governor at an efficiency bar does not require consultation with the Commission.
- (b) an officer is censured by the Governor. It is not necessary to consult Commission before the order of censure is passed;
- (c) an officer is suspended pending an enquiry into his conduct. The Commission need not be consulted before the order of suspension is passed;
- (d) it is proposed to dismiss a State Service Officer or to reduce his pension. The Commission must be consulted before an order is passed by the Governor;
- (e) it shall not be necessary to consult the Commission in any case relating to :
 - (i) the termination of probation of any person;
 - (ii) the discharge of reversion of a person otherwise than as penalty;
 - (iii) the termination of the employment of a person in accordance with the terms of his contract or employment;
 - (iv) the imposition of any penalty laid down in any rule or order for failure to pass any test or examination within a specified time;



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VOL. XXV Aizawl, Monday, 20. 5. 1996, Vaisakha 30, S.E. 1918, Issue No 224

NOTIFICATION

No. A. 12017/2/91-P&AR(GSW), the 20th May, 1996. In exercise of the powers conferred by the provision to clause (3) of Article 320 of the Constitution of India, the Governor of Mizoram hereby makes the following Regulations further to amend the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1994 under Notification No. A. 12017/2/91-P&AR(GSW) Issue No. 131 date 20.7.1994 of the Mizoram Gazette namely :-

1. Short title and commencement. (a) These Regulations may be called the Mizoram Public Service Commission (Limitation of Functions) (Amendment) Regulations, 1996.

(b) They shall come into force on the date of publication in the Official Gazette.

2. The existing provision under Rule 3(a) in respect of Limitation of Functions in matters relating to methods of recruitment, shall be substituted by the following:—

“When an appointment is to be made by the Governor or by an authority other than the Governor in respect of all Non-Gazetted posts”.

3. The existing provision under Rule 4 (b) relating to Limitation of Functions in respect of promotion, shall be substituted by the following:—

“promotion from a lower to higher grade or posts in respect of all Non-Gazetted posts.”

By order etc.

Secretary to the Govt. of Mizoram,
Department of Personnel & A.R.



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VOL - XXXVII Aizawl, Monday 1.9.2008 Bhadra 10, S.E. 1930. Issue No.345

NOTIFICATION

No.A. 12017/2/91 - P&AR(GSW), the 29th August, 2008. In exercise of the powers conferred by the provision to clause(3) of Article 320 of the Constitution of India the Governor of Mizoram hereby makes the following Regulations further to amend the Mizoram Public Service Commission (Limitation of Functions)(Amendment) Regulations, 1996 under Notification No. A. 12017/2/91-P&AR(GSW) Issue No. 224 dt 20.5.1996 of the Mizoram Gazette namely :

1. *Short title and commencement*
 - (a) These Regulations may be called the Mizoram Public Service Commission (Limitation of Functions) (Second Amendment) Regulations, 2008.
 - (b) They shall come into force on the date of publication in the official Gazette.
2. The existing provision under Rule 3(a) of the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1994 shall be substituted by the following :-

"When recruitment is to be made by the Governor or by an authority other than the Governor in respect of all Group 'C' and 'D' posts".

By orders, etc.

C. Ropianga,
Secretary to the Govt. of Mizoram,
Deptt. of Personnel & Adve. Reforms.



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VOL - LIII Aizawl, Wednesday 28.2.2024 Phalguna 9, S.E. 1945, Issue No. 147

NOTIFICATION

No. A.12017/2/2003-P&AR(GSW) Aizawl, the 28th February, 2024: In exercise of the powers conferred by the proviso to clause (3) of article 320 of the Constitution, the Governor of Mizoram is pleased to make the following regulations further to amend the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1994 specifying matters in which it shall not be necessary for the Mizoram Public Service Commission to be consulted, namely:-

1. Short title and commencement:

- 1) These regulations may be called the Mizoram Public Service Commission (Limitation of Functions) (Amendment) Regulations, 2024
- 2) They shall come into force from the date of publication in the Official Gazette.

2. Amendment of regulation 3.-

In the Mizoram Public Service Commission (Limitation of Functions) Regulations, 1994 (hereinafter referred to as the principal regulations), entries in clause (a), (l) and (m) of regulation (3) shall be substituted as follows, namely:

“(a) Appointment through direct recruitment by the Governor or by an authority other than the Governor in respect of Group ‘C’ and Group ‘D’ posts.

Provided that the recruitment of all posts for the establishment of Zoram Medical College shall stand exempt from consultation with the Commission

- “(l) Appointment through absorption by the Governor or by an authority other than the Governor in respect of Group ‘C’ and ‘D’ posts save as otherwise expressly provided in the recruitment rules.
- “(m) Appointment through regularisation of Contract/Work-charged/Muster Roll/Provisional Employee/officiating or ad hoc employees by the Governor or by an authority other than the Governor in respect of Group ‘C’ and ‘D’ posts save as otherwise expressly provided in the recruitment rules”

4. Amendment of regulation 4.- In the principal regulations, entries in clauses (d) of regulation 4 shall be substituted as follows, namely:

“(d) Promotion through limited departmental examination from Group ‘D’ to Group ‘C’.”

5. **Amendment of regulation 6.-** In the principal regulations, entries in clause (a) of regulation 6, clause (f) of illustrations under regulation 6, regulation 6A & regulation 6B shall be substituted as follows, namely:

“6.

- (a) in passing an order pertaining to Group ‘D’ posts, whether the order passed is an original, an appellate or a revisionary order;
- (f) Reduction in pension is a disciplinary case. The pension of an official is proposed to be reduced by the Head of Department. The appeal is filed before the Governor. The Commission should be consulted before such reduction.

6A. It shall not be necessary to consult the Commission in regard to any claim by or in respect of a person who is serving or has served under the State Government in a civil capacity, that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the Consolidated Fund of the State as mentioned in sub-clause (d) of clause (3) of article 320 of the Constitution where the Government accept the claim of the person.

6B. It shall not be necessary to consult the Commission on any claim for the award of a person in respect of injuries sustained by a person while serving under the State Government in a civil capacity, and any question as to the amount of any such award as mentioned in sub-clause (e) of clause (3) of article 320 of the Constitution where the Government accepted the claim of the person.”

By order, etc.

R. Lalramnghaka,
Secretary to the Govt. of Mizoram.

Notes: The Principal Regulations were notified vide No.A.12017/2/91-P&AR(GSW) and published in the Mizoram Gazette Extra Ordinary Issue No. 131 dated 20.07.1994 and subsequently amended vide

1. No.A.12017/2/91-P&AR(GSW) dated 20.05.1996 and published in the Mizoram Gazette Extra Ordinary Issue No. 224 dated 20.05.1996;
2. No.A.12017/2/91-P&AR(GSW) dated 29.08.2008 and published in the Mizoram Gazette Extra Ordinary Issue No. 345 dated 01.09.2008;
3. No.A.12017/2/91-P&AR(GSW) dated 19.03.2009 and published in the Mizoram Gazette Extra Ordinary Issue No. 121 dated 25.03.2009;
4. No.A.12017/2/2003-P&AR(GSW) dated 26.05.2011 and published in the Mizoram Gazette Extra Ordinary Issue No. 226 dated 30.05.2011;
5. No.A.12017/2/91-P&AR(GSW) dated 30.07.2013 and published in the Mizoram Gazette Extra Ordinary Issue No. 389 dated 31.07.2013;
6. No.A.12017/2/91-P&AR(GSW) dated 28.05.2014 and published in the Mizoram Gazette Extra Ordinary Issue No. 254 dated 29.05.2014;
7. No.A.12017/2/2003-P&AR(GSW) dated 26.06.2018 and published in the Mizoram Gazette Extra Ordinary Issue No. 362 dated 29.06.2018;
8. No.A.12017/2/2003-P&AR(GSW) dated 17.06.2019 and published in the Mizoram Gazette Extra Ordinary Issue No. 399 dated 21.06.2019