

**GOVERNMENT OF NAGALAND
PLANNING AND CO-ORDINATION DEPARTMENT
NAGALAND : KOHIMA**

Dated Kohima, the 28th December, 2007.

NOTIFICATION

NO.PLN/EVL-13/2006: In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Nagaland is pleased to make the following Rules for regulating the recruitment and conditions of service of persons appointed to the Nagaland Evaluation Services.

2. SHORT TITLE AND COMMENCEMENT:

- (a) These rules may be called the Nagaland Evaluation Service Rules, 2007.
- (b) These rules shall come into force with effect from the date of their Notification in the Nagaland Gazette.

3. DEFINITION:

In these rules, unless the context otherwise requires:

- (a) **“Appointing Authority”** means the Governor of Nagaland.
- (b) **“Commission”** means the Nagaland Public Service Commission.
- (c) **“Degree of Recognised University”** means a degree of University incorporated by an Act of the Central or State Legislature in India, or other Educational Institutions established by an Act of Parliament, or declared as such by an order of the State Government.
- (d) **“Departmental Promotion Committee”** means a committee constituted under rule 12(a) or 12(b).
- (e) **“Department”** means the Planning & Coordination Department.
- (f) **“Gazette”** means the Nagaland Gazette.
- (g) **“Governor”** means the Governor of Nagaland.
- (h) **“Government”** means the State Government of Nagaland.
- (i) **“Member of the Service”** means a member of the Nagaland Evaluation Service.
- (j) **“Recruitment year”** means the calendar year during which the recruitment is held.
- (k) **“Schedule”** means the schedule appended to these rules.
- (l) **“Service”** means the Nagaland Evaluation Service.
- (m) **“State”** means the State of Nagaland.
- (n) **“Year”** means Calendar Year.
- (o) **“He”** shall also mean **“she”**.

4. CONSTITUTION OF THE SERVICE

The service shall consist of the following persons, namely;

- a) Persons who, at the commencement of these rules are holding substantively the posts specified in the Schedule –I
- b) Persons recruited to the service in accordance with the provisions of these rules.

5. GRADATION AND STRENGTH OF THE SERVICE:

The gradation of various posts in the service, the number of posts in each grade, and the scale of pay attached thereto, shall be as indicated in the Schedule I. Provided that the Government may, from time to time, add to or reduce the number of posts included in the service, either on a permanent or on a temporary basis.

6. METHOD OF RECRUITMENT:

- a) Recruitment to the service after the commencement of these rules shall be made by any one of the following methods, viz:-
 - i) direct recruitment by open competition in accordance with rule 7 or 8;
 - ii) recruitment by promotion in accordance with rule 12(a) or 12(b).

b) The respective quotas reserved for each source of recruitment, the qualifications required for direct recruitment, the qualifications and other conditions required for promotion from a lower grade to a higher grade shall be as specified in Schedule-II.

7 DIRECT RECRUITMENT TO POSTS FALLING WITHIN THE PURVIEW OF THE COMMISSION:

(a) Whenever there is a vacancy to be filled up through direct recruitment by open competition to the service in accordance with rule 6 (a) (i), the Department shall send a requisition, in duplicate, to the Commission in the form prescribed by the Commission. The Commission shall advertise the post(s) specifying the number of vacancies reserved for indigenous inhabitants of Nagaland, as well as for the backward tribes, as per these rules, as may be considered necessary.

(b) A candidate must apply on or before such date, in such manner and in such form as the Commission may prescribe.

(c) The decision of the Commission as to the eligibility or otherwise of a candidate for recruitment shall be final, and no candidate, to whom a certificate of admission has not been issued by the Commission, shall be admitted to the examination/interview by the Commission.

(d) A preliminary examination, main examination and interview for selection to the service shall be held at such time and place as may be prescribed in the notice issued by the syllabus for the examinations and the marks to be assigned for the written examinations and the interview etc shall be as may be notified by the Government from time to time.

(e) The Commission shall prepare a list of all successful candidates in order of merit, which shall be determined in accordance with the aggregate of the marks obtained by each candidate in the preliminary and main examinations and the interview, and if two or more candidates obtain equal marks, the Commission shall arrange them in order of their date of birth. The Commission shall forward the names of the successful candidates in order of merit up to the number of vacancies requisitioned for direct recruitment.

(f) A waiting list, not exceeding 25% of the vacancies advertised, shall be maintained by the Commission in respect of the examination conducted by them. The waiting list shall remain valid for six months from the date the result are declared by the Commission.

(g) The names from the waiting list shall be requisitioned by the Government (concerned Department) only if a candidate recommended by the Commission:-

- (i) does not join the post after an offer has been made to him by the Government, or
- (ii) has been found medically unfit, or
- (iii) has been declared unsuitable for appointment on verification of his character and antecedents; or
- (iv) resigns after joining the post before the expiry of 6 (six) months from the date of declaration of results by the Commission.

(h) The waiting list shall operate only within the posts advertised by the Commission; and the waiting list will not be used for filling up an additional vacancy reported by the Government after the last date of receiving application as mentioned in the advertisement issued by the Commission.

(i) The inclusion of a candidate's name in the list of successful candidates shall confer no right to him for appointment, unless the Government is satisfied after such inquiry, as may be considered necessary, that the candidate is suitable in all respects for appointment to the service.

8. RECRUITMENT TO POSTS FALLING OUTSIDE THE PURVIEW OF NPSC:

(a) For direct recruitment to the posts falling outside the purview of the NPSC, there shall be a Departmental Selection Board consisting of the following:-

- | | | |
|---|---|-------------------|
| (1) Head of the Department | - | Chairman. |
| (2) Representative from P&AR Department | - | Member. |
| (3) Representative from Administrative Department | - | Member. |
| (4) An officer not below the rank of Deputy Director
to be nominated by the Head of Department | - | Member Secretary. |

(b) The Merit List drawn up under this Rule shall remain valid for a period of 6(six) months or such period as may be decided by the Government from time to time.

(c) For direct recruitment to posts falling outside the purview of NPSC, a written examination shall be conducted by the Head of Department, after which interview will be held by the Selection Board.

9. QUALIFICATION FOR DIRECT RECRUITMENT:

(a) **Age:** The age of a candidate for direct recruitment to the service under rule 6(a) (i) shall not be less than 21 years, and not more than 30 years in respect of all posts in the Service, as on the first day of the year in which recruitment is held. The upper age limit is relaxable by 5 years in the case of candidates belonging to Schedule Castes and Schedule Tribes or in accordance with the general or special orders issued by the Government in this behalf from time to time.

(b) **Character:** A candidate shall produce before the Commission a certificate of good character from:

- (i) the Principal or Academic Officer of the University or College in which he last studied.
- (ii) two responsible persons (not related to the candidate) who are well acquainted with the candidate.

(c) **Physical fitness:** A candidate should be of sound health both mentally and physically, and be free from organic defects or bodily infirmity likely to interfere with the efficient performance of his duties. (A candidate for direct recruitment shall be required to undergo medical examination before final appointment to the service).

10. DISQUALIFICATION FOR APPOINTMENT:

(a) No person shall be qualified for appointment to the service unless he is a citizen of India;

(b) No person, who has more than one spouse living, shall be eligible for appointment to the service;

(i) Provided that in the case of any candidate who is allowed to marry more than one spouse at a time under the personal law applicable to such candidate and the other party to the marriage and the Government is satisfied about the permissibility of such marriage, he shall not be disqualified by reason of such marriage;

(ii) Provided further that if any person, after joining the service under these rules, marry again when the first spouse is still living and divorce or separation has not taken place, the person shall be immediately discharged from service unless the Government is satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage.

(c) A candidate, who is already in Government service or in the service of any Statutory Body, shall not be appointed unless a release Certificate or No Objection Certificate from the Government or the employer, as the case may be, is furnished.

(d) No person shall be appointed in the service whose character and antecedents are adversely reported upon by a competent authority.

(e) No person who attempts to enlist support for his candidature, directly or indirectly, by any recommendation, either written or oral, shall be appointed to the service.

11. PENALTY FOR MISCONDUCT:

A candidate, who is or has been declared by the Commission guilty of impersonation or of submitting a fabricated document which has been tampered with, or of making statement which is incorrect or false, or of suppressing material information, or of using or attempting to use unfair means in the examination hall/interview, or otherwise resorting to any unfair means to gain admission to the examination/interviews, in addition to rendering himself liable to criminal prosecution, shall:

(a) be debarred permanently or for a specified period:

(i) by the Commission from admission to any examination or appearance at any interview held by the Commission for any appointment;

(ii) by the Government from any employment under the Government;

(b) be liable to disciplinary action under appropriate rules, if he is already in the service under the Government/PSU.

12. CONSTITUTION OF DEPARTMENTAL PROMOTION COMMITTEE:

(a) All recruitments to Group A and B levels of the service through promotion under rule 6 (a) (ii) shall be done through a Departmental Promotion Committee consisting of the following members:-

- | | |
|---|--------------------|
| 1. Chairman, NPSC or Member of the NPSC nominated by the Chairman | - Chairman. |
| 2. One Member of the NPSC to be nominated by the Chairman | - Member |
| 3. Chief Secretary, Nagaland or One Senior Officer not below the rank of Commissioner & Secretary to be nominated by Chief Secretary. | - Member |
| 4. Director, Evaluation | - Member |
| 5. The Secretary, in charge of Evaluation | - Member Secretary |

(b) All recruitment to Group C level of posts through promotion under Rule 6(a)(ii) shall be done through a DPC consisting of the following members:

- | | |
|--|--------------------|
| (1) Head of the Department | - Chairman |
| (2) Representative from P&AR Department | - Member |
| (3) Representative from Administrative Department | - Member |
| (4) An officer not below the rank of Deputy Director to be nominated by the Head of Department | - Member Secretary |

Note:- The DPC shall function notwithstanding any vacancy in its composition.

13. PROCEDURE OF RECRUITMENT BY PROMOTION:

(a) The Department shall prepare the following papers/documents for being sent to the Chairman and members of the DPC:-

(i) duly filled in prescribed DPC format.

(ii) a statement showing the number of vacancies to be filled by promotion during the recruitment year.

(iii) a list of officers, as per seniority in the feeder grade as on 1st January of the recruitment year, whose number should be three times the number of vacancies in the grade to which promotion is to be considered.

(v) the ACRs of the last 5 years in respect of all the officers in the list

(vi) Service Rules

(vii) Vigilance Clearance

(viii) Integrity Certificate

(ix) the representations of the individual officers, if any, against adverse entries in the ACR, the comments of the Reviewing Officer and of the Chief Secretary, may be kept with the ACRs concerned.

(b) The Member Secretary of the DPC shall ascertain the convenience of the Chairman and members of the DPC for fixing a meeting of the DPC. Preferably the DPC meeting may be held at least one month ahead of the commencement of the recruitment year concerned. Notice for the DPC meeting shall, however, be issued by the Secretary of the NPSC in the case of promotion to Group A and B levels, and by the Member-Secretary of the DPC in the case of promotion to Group C posts.

(c) No proceedings of a DPC shall be valid without the attendance of the Chairman, the Member Secretary and at least one Member of the Committee.

(d) All decisions shall be made by majority decision if consensus is not emerging.

(e) The Committee shall meet and prepare, based on the principle of merit-cum-seniority, a 'select list' of officers in order of preference, equal to one and half times the number of the vacancies to be filled by promotion during the recruitment year. Whenever a junior officer is selected in preference to a senior one, the Committee shall record in writing the reason (s) of such supersession. The list so prepared shall be forwarded by the Committee to the appointing authority.

(f) The select list shall be valid for the whole of the recruitment year for which it is prepared, unless it is reviewed earlier. However, in the event of any grave lapse in the conduct or performance of duty on the part of any candidate in the select list, the appointing authority may, if it thinks fit, remove any such candidate from the select list. In removing the name of a candidate from the select list, the Commission shall be consulted.

(g) In the event of a vacancy meant for promotion having been filled up on officiating basis by the appointing authority before the sitting of the DPC, the DPC shall decide and recommend whether the officiating promotion is to be regularized or whether the officer so officiating shall be reverted, indicating the date from which such officiating promotion may be regularized or reverted. If the decision of the DPC is to revert the officiating promotion already ordered by the Government, the DPC shall indicate their recommendation for filling up that post.

(h) In the case of officers, included in the list for consideration by the DPC, against whom disciplinary proceedings of any kind are pending, and in the case of officers whose representations against adverse entries in their ACRs are pending, the "sealed cover procedure" as followed in respect of Central Government officers shall be followed.

14. APPOINTMENT TO THE SERVICE:

(a) All appointments to the service shall be made by the appointing authority and shall be duly notified, and no such appointment shall be made, except after recruitment is done by any one of the methods specified in Rule 6.

(b) A person appointed under rule (6) (a) (i) shall join within 30 days from the date of receipt of the order or offer of appointment failing which, and unless the appointing authority extends the period, which shall not exceed two months, the appointment shall be canceled.

- (c) Appointments under rule 6 (a) (i) shall be made in the order of the merit list prepared and forwarded by the Commission.
- (d) Appointments under rule 6 (a) (ii) shall be made in the order the names appear in the select list prepared by the Committee under rule 13 (e)

15. RESERVATION: In order to ensure representation of all tribes reservation quota shall be maintained for the direct recruitment vacancies

- (a) Posts unreserved:-NIL
- (b) Posts reserved for indigenous inhabitants:- 67% of the direct recruitment vacancies (c) Posts reserved for backward tribes:- 33% of the direct recruitment vacancies shall be reserved for the candidates belonging to 9(nine) backward tribes of Nagaland on roster basis as revised vide P & AR Department Notification No.RCBI-5/87(PT) dt.16.8. 2001 and Memorandum No.RCBT-5/87(PT-II) dt.26.08.2002.
- (d) The reservation of 33% of vacancies may however, not apply in respect of appointment to posts which are purely technical and scientific in nature and also to posts filled up by deputation. It may also not apply to posts filled by departmental promotion of officers from the immediate to lower grade of the service in the Department.
- (e) Posts reserved for disabled :-Out of the total vacancies for direct recruitment, 5% of the vacancies in the posts enumerated in the schedule to the notification of P & AR notified vide No.AR-3/GEN-9/97 dated 19.8.2004 shall be reserved for the disabled as per the instructions given. A Special Medical Board would be constituted to examine and certify that the disability will not hinder work.

16. POSTING:

A member of the service shall be liable to be posted anywhere within the State or to any Department of the Government, or any State owned Public Sector Undertaking, if so required, in the interest of public service. In such a case, the member of the service shall have no right to challenge or complain against such posting or transfer.

17. PROBATION:

- (a) Persons recruited to the service under Rule 6 (a) (i) shall be put on probation for a period of two years.

Provided that the period of probation in respect of any probationer may, for good and sufficient reasons, be extended by the Governor by a period not exceeding three years.

- (b) The appointing authority may, by serving one month's notice in writing, dispense with the service of a probationer if, during the period of probation or extended period thereof, the probationer is considered to be unfit for regular appointment.
- (c) The probationer shall not be entitled to any compensation in the event of his service being dispensed with under sub-rule (b) above.
- (d) During the period of probation or extended period thereof, a probationer may be required to undergo such course(s) of training and instructions and to pass such examinations as the competent authority may prescribe in the public service.
- (e) The period of probation completed successfully shall be counted in full as qualifying service for all purpose.

18. CONFIRMATION:

- (a) Where a probationer has completed his period of probation to the satisfaction of the Government, and has fulfilled all the requirements that may be prescribed under Rule 17 (d), he shall be confirmed in the service.

19. FIXATION OF INITIAL PAY IN THE TIME SCALE:

(a) The initial pay of a member of the service recruited under Rule 6 (a) (i) shall be fixed at the minimum of the pay scale attached to the post unless, under the Fundamental Rules and Subsidiary Rules or under any other rules governing the fixation of pay for the time being in force in the State, he is entitled to have his pay fixed at a higher stage in that time scale.

(b) The initial pay of a member of the service recruited under rule 6 (a) (ii) shall be fixed in accordance with the rules in force for the time being in this regard.

20. SENIORITY:

(a) Seniority of members of the service shall normally be determined with reference to the date of joining the service, except as provided under sub-rule (b) of this rule.

(b) The seniority of the promotees shall be determined in the order of preference, or select list prepared by the Committee, whereas the seniority of persons appointed through direct recruitment shall be determined in accordance with their position in the merit list prepared by the Commission, or the Selection Committee, provided that, if a person does not join the service within one month from the date of issue of the offer of appointment or within the period specified or within the period of extended joining time allowed, he shall rank below those who joined before him.

(c) The candidates recruited under Rule 6 (a) (i) shall rank senior to those recruited under Rule 6 (a) (ii) during the same year.

(d) If the confirmation of a member of the service on probation is delayed on account of his failure to qualify for such confirmation, he shall lose his benefit in the order of seniority vis a vis such of his juniors who may be confirmed earlier than him.

(e) After confirmation to the service, supercession of one officer by another, having effect on the inter-se seniority of the affected officers, can take place only with the specific recommendation of the DPC which should also mention the reasons for recommending such supercession.

21. SENIORITY LIST:

There shall be prepared every year a common seniority list prepared grade-wise consisting of the names of all the members of the service arranged in order of seniority, and duly published and circulated among the members of the service.

22. TRAINING:

Every member of the service, to be eligible for promotion to the next higher grade, must successfully complete the training courses that may be prescribed by the Government from time to time, and also pass the examinations at the end of such training courses. If an officer fails to attend such training courses in spite of being nominated by the Government for such courses, he shall render himself liable to be superseded by his juniors, who had attended such courses and had passed the examinations.

23. COMPULSORY RETIREMENT:

(a) Notwithstanding anything contained in this rule, the Appointing Authority shall, if it is of the opinion that it is in the public interest to so do, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice:

(i) If he is, in Group 'A' or Group 'B' service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) in any other case after he has attained the age of fifty-five years;

24. CADRE REVIEW:

All matters relating to the number of posts in various grades of the Service, the addition of any post to, or removal of any post from the cadre of the Service, and any other matter specified in the Schedule I, shall be reviewed from time to time by a Cadre Review Committee to be constituted by the Department.

25. POWER TO RELAX RULES:

Where undue hardship is likely to be caused to any person by the application of any of these rules, the Governor shall have the powers to relax the application of that rule in respect of that person for good and sufficient reason, which shall be without prejudice to the interests of any other member of the Service.

26. TRANSITIONAL PROVISION:

In case of any difficulty arising while giving effect to the provisions of these Rules, the Department shall have powers to issue necessary orders to remove the difficulties and to bring the existing practices in conformity with the provision of these Rules during the transition period, which should not extend beyond one year after the commencement of these Rules.

27. MISCELLANEOUS:

Except as provided in these rules, all matters relating to pay, allowances, leave, pension, discipline and other conditions of service not specifically provided for in these rules, shall be regulated by general rules, regulations and orders issued under Article 309 of the Constitution, or continued to be in force under Article 372 of the Constitution governing such matters.

28. INTERPRETATION:

If any question arises relating to the interpretation of these rules, it shall be referred to the Government in the Planning & Coordination Department whose decision thereon shall be final.

29. REPEAL AND SAVING:

Any rule corresponding to these rules and in force immediately before the commencement of these rules, are hereby repealed in respect of all matters covered by these rules.

Provided that any order made or action taken under the rule so repealed shall be deemed to have been made or taken validly under the corresponding provision of these rules.

By order and in the name of Governor of Nagaland.

**Sd/-(Lalthara)IAS
Additional Chief Secretary
to the Government of Nagaland,
Planning & Coordination Department**

NAGALAND EVALUATION SERVICE RULES, 2007

SCHEDULE -I

(Vide Rule 4 & 5)

Sl. No	Name of the post & Grade	Scale of Pay	Number of posts on 30.6.2007		
			Permanent	Temporary	Total
1	2	3	4	5	6
1	Director,* (Group-A, Spl. Selection Grade)	Rs.16400-450-20000/-	0	0	0
2	Additional Director,* (Group-A, Higher Selection Grade)	Rs.14300-400-18300/-	0	0	0
3	Joint Director, (Group-A, Senior Grade)	Rs.12000-325-16500/-	1	0	1
4	Deputy Director, (Group-A, Senior Grade)	Rs.10000-325-15200/-	1	0	1
5	Assistant Director, (Group-A, Junior Grade)	Rs.8500-275-11800-300-14200/-	2	1	3
6	District Evaluation Officer (Group-B, Junior Grade)	Rs.6500-200-10500/-	6	3	9
7	Evaluation Inspector (Group-C, Senior Grade)	Rs.4500-125-7000/-	18	6	24
8	Computer (Group-C, Subordinate Grade)	Rs.3200-85-4900/-	8	2	10
	TOTAL		36	12	48

NB:* The post of Director and Addl. Director are not yet created by the Government at the time of issue of this notification.

Sd/-(Lalthara)IAS
Additional Chief Secretary
to the Government of Nagaland
Planning & Co-ordination Department

NAGALAND EVALUATION SERVICE RULES, 2007

SCHEDULE –II

(Vide Rule 6 &8)

Sl. No	Name & Grade of the post	Direct recruitment	Departmental promotion	Qualification for Direct Recruitment/Deputation	Eligibility and other conditions for promotion
1	2	3	4	5	6
1	Director,* (Group A, Spl.Selection Grade)	—	100%	—	The post shall be filled by departmental promotion from amongst members of the service with either 1(one) year service in the immediate lower post OR seventeen years of continuous service from Asst. Director onwards.
2	Addl.Director* (Group –A, Higher Selection Grade)	—	100%	—	The post shall be filled by departmental promotion from amongst members of the service with either 2(two) years service in the immediate lower post OR fifteen years of continuous service from Asst. Director onwards.
3	Joint Director (Group –A Selection Grade)	—	100%	—	The post shall be filled by departmental promotion from amongst members of the service with either 3(three) years service in the immediate lower post or thirteen years of continuous service from Asst. Director onwards.
4	Deputy Director, (Group-A Senior Grade)	—	100%	—	The post shall be filled by departmental promotion from amongst members of the service who have completed 3(three) years of continuous service from Asst. Director onwards.
5	Assistant Director, (Group-A Junior Grade)	—	100%	—	The post shall be filled by departmental promotion from amongst the serving members who are graduates and have completed 4(four) years of continuous service as Evaluation Officer

6	District Evaluation Officer (Group-B)	50%	50%	Masters degree in Statistics/Economics/Maths/Commerce/ Agricultural Economics/Social Work/ Sociology/ Rural Economics/ Education or a graduate with honours in any one of the above subjects with a minimum of 3(three) years experience as Evaluation Inspector	Must be a substantive incumbent in the lower grade with at least 5(five) years continuous services possessing the qualifications prescribed as on the 1 st day of the year in which promotion is considered by the DPC.
7	Evaluation Inspector (Group-C Senior Grade)	50%	50%	Bachelor degree in Statistics /Economics/Maths/Commerce/ Agricultural Economics/Social Work/ Sociology/ Rural Economics/ Education or a graduate in any subject with a minimum of 5(five) years experience as Computer.	Must be a substantive incumbent in the immediate lower grade with at least 5(five) years continuous services as on the 1 st day of the year in which promotion is considered by the DPC.
8	Computer (Group-C Subordinate Grade)	100%	—	Bachelor degree in Statistics /Economics/Maths/ Commerce/ Agricultural Economics/Social Work/ Sociology/ Rural Economics/ Education.	To be filled up through direct recruitment.

NB: *The posts of Director and Additional Director are yet to be created at the time of issue of this notification. However, the qualifications/conditions for appointment to these posts will become operational only after the posts are created.

Sd/-(Lalthara)IAS
Additional Chief Secretary to the Government of Nagaland
Planning and Co-ordination Department.