

Government of Nagaland
Personnel and Administrative Reforms Department
(Administrative Reforms Branch)

OFFICE MEMORANDUM

NO.AR-5/ASSO/98 (C)

Dated, Kohima, the 26th Feb'2001

Sub:- Revised procedures for appointment in Government

The rules and procedures for appointments of Government service are clearly laid down. Despite this, instances have come to the notice of the Government that appointments are often being made by various Departments in complete violation of the existing orders/rules/procedures governing appointments which have been issued from time to time. The Government has taken a serious view of such violations of standing orders and in order to further clarify and streamline the procedures for appointment, the following revised guidelines/procedures are prescribed for appointments to Government service.

1. All appointments at all levels shall be made only against existing vacant posts that have been created in accordance with the rules in force. It is reiterated that no appointment of any sort shall be made in the absence of a vacant post.
2. All appointments shall be made strictly in accordance with existing rules/procedures in force i.e. either through the NPSC or through open advertisement or through Employment Exchanges, as the case may be. Further, the reservation policy of the Government for Backward Tribes shall be strictly followed in all cases where the reservation policy is applicable.
3. As per existing rules in force, all the ad-hoc/casual/temporary/work-charged appointments are banned. This ban continues to be in force and it is reiterated that no appointment on ad-hoc/casual/temporary/work-charged basis shall be made under any circumstances in any Department at any level.
4. All appointments to posts coming under the purview of the Nagaland Public Service Commission (NPSC) shall be made in accordance with the Service Rules and through the NPSC. It is the responsibility of every Appointing Authority to anticipate the likely vacancies and send requisitions for such posts to the NPSC well in time, so that the appointment is made in accordance with the provisions of the Service Rules. It may be noted that Service Rules are framed under Article 309 of the Constitution and are statutory in nature. Therefore, all appointments should be made only through the methods of recruitment as are prescribed in the Rules.
5. For appointment to posts not coming under the purview of the NPSC, the appointing authority shall fill up the vacancy in accordance with the provisions of the relevant service rules and/or the procedures laid down by Government for such appointments. Here again, it is the responsibility of every appointing authority to anticipate the vacancies that are likely to occur during the course of a year and take necessary action to fill up the vacancy strictly in accordance with rules and procedures.
6. If appropriate action as mentioned at paragraphs 3 and above is taken in time by the competent authorities there would be no occasion to resort to temporary measures to fill up any vacancy. However, in the event of extreme urgency to fill a vacant post or where

there is likely to be delay in filling up the post on a regular basis through the NPSC, the concerned department may in exceptional cases, fill up the vacancy by appointing a person on contract basis (not ad-hoc/casual/work-charge etc). Any appointment on contract basis shall be governed by the following revised procedures with immediate effect.

- (I) It has to borne in mind that contract appointments are meant to be only a temporary measure for a limited period, till the vacancy is filled on a regular basis through the NPSC. It is not meant to be a permanent or long term arrangement under any circumstances
- (ii) No contract appointment shall be made for a period exceeding one year.
- (iii) Any contract appointment shall be made only to a vacant post where the recruitment is to be done through the NPSC. No contract appointment shall be made to posts falling outside the purview of the NPSC. For posts outside the purview of the NPSC, the appointments shall be made in accordance with the rules laid down for such appointments.
- (iv) Before any contract appointment is made the following actions shall be taken
 - (a) The NPSC shall be formally consulted by the Administrative Department, giving reasons and justification why contract appointment is being resorted to. Prior clearance for making such contract appointment should be obtained in writing from the NPSC.
 - (b) After the clearance is obtained a requisition in the prescribed format should be sent to the NPSC for filling up the vacancy. The fact that a requisition to the NPSC has been sent shall be certified by the Administrative Department on the proposal itself.
 - (c) After the actions at (a) and (b) given above are completed, the proposal for contract appointment shall be submitted to the Cabinet for approval.
 - (d) No contract appointment shall be made by any competent appointing authority without following this procedure.
 - (e) It is envisaged that regular recruitment for any post filled up on contract basis shall normally be completed by one year. However, in the event the NPSC is unable to do so for any reason, and if the Department feels the necessity of extending the contract appointment, prior clearance of the NPSC shall be obtained for extending the contract appointment. Therefore, the matter shall be submitted to the Cabinet for approval, with the clearance of the P&AR Department.
 - (f) The terms of the contract shall be carefully drawn up and if necessary, the P&AR, Finance and Law Departments shall be consulted. The contract shall among other things clearly specify that the contract appointment will confer no right on the appointee to claim regular appointment to the post, except in accordance with the prescribed rules.
 - (g) The above procedures are brought to the notice of all concerned for strict compliance. The Secretaries and Heads of Departments shall be responsible for monitoring the strict implementation of these instructions and the concerned Appointing Authority shall be held solely responsible if any violation of these orders is noticed. The contents of this O.M. may be brought to the notice of all Subordinate and District offices for necessary action.

Sd/-R.S. PANDEY.

Chief Secretary to the Govt. of Nagaland.