



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 17th May, 2023

No. LGL.15/2023/51.— The following Ordinance of the Assam Legislative Assembly which was promulgated by the Governor of Assam on 16th May, 2023 is hereby published for general information.

ASSAM ORDINANCE NO. III OF 2023

**THE ASSAM MOBILITY OF EMPLOYEES OF STATE GOVERNMENT
AND OTHER ESTABLISHMENT (FOR OPTIMUM UTILIZATION OF
AVAILABLE MANPOWER FOR EFFICIENCY) ORDINANCE, 2023.**

AN

ORDINANCE

to provide mobility of employees of State Government and other establishment for alternative duties to another state establishment, industries and other public sector for optimum utilization of available manpower and to bring efficiencies in the government system and also to provide state employees the opportunity to develop new skills while providing State establishment with especial professional, technical, clerical and managerial expertise and matters incidental thereto.

Preamble

Whereas the Legislative Assembly of the State of Assam is not in session and the Governor of Assam is satisfied that circumstances exist which renders it necessary for him to take immediate action for promulgation of an Ordinance;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Assam is pleased to promulgate in the Seventy-fourth Year of Republic of India, the following Ordinance, namely:-

Short title, extent, commencement and application

1. (1) This Ordinance may be called the Assam Mobility of Employees of State Government and Other Establishment (For Optimum Utilization of Available Manpower For Efficiency) Ordinance, 2023.
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.
- (4) It shall apply to all employees who enter into the service under various administrative Departments and establishments of the Government of Assam after the commencement of this Ordinance.

Definitions

2. (1) In this Ordinance, unless the context otherwise requires,-
 - (a) "appointing authority", means the appointing authority in relation to a service or post in an establishment who is authorized to make appointment to such service or post;
 - (b) "establishment" means any office or administrative department of the State Government, a statutory authority

constituted under any State Act, or a Corporation in which not less than fifty-one percent of the paid-up share capital is held by the State Government, Associates, Mission, Society or body of individuals, which is wholly or substantially owned or controlled by the State Government, a Municipal Corporation or a Local Body and includes Colleges as defined under Assam College Employees (Provincialization) Act, 2005, Primary schools, Secondary schools and other educational institutions which are owned or aided by the State Government and an establishment in Public Sector;

Assam Act
No. XLVI
of 2005

- (c) “Establishment in Public Sector” means any industry, trade, business or occupation owned, controlled or managed by,-
- (i) the State Government or any department of the State Government, or
 - (ii) a State Government Company.
- (d) “mobility” means deployment or redeployment of an employee for an assignment of an employee to alternative duties in another State establishment;
- (e) “sending establishment” means the employees of the parent establishment;
- (f) “receiving establishment” means the establishment which accepts the services of an employee from another state establishment;
- (g) “prescribed” means prescribed in rules under this Act;
- (h) “State Government” means the Government of Assam.

Non-application to
certain employees

3. This Ordinance shall not apply in relation to,-
- (a) any employee of the Central Government;
 - (b) any employee in the High Court, Subordinate Courts, Assam Legislative Assembly, Judicial and Legislative Departments;

(c) any employment under the Autonomous Council in the Sixth Schedule Areas of the State;

(d) any employee of such establishment which shall be excluded by the Government by notification published from time to time.

Mobility of employees 4. A Government employee, irrespective of the fact that the employee is borne in a particular establishment or in any subordinate Office under that establishment or State Public Sector Undertaking or Society or Mission under the State Government, he/she may be placed on deployment or on secondment basis to any other establishment or Subordinate Office of that establishment or State Public Sector Undertaking or Society or Mission under the State Government, which may be within and outside the State, having the same pay scale and Grade pay for a period as may be specified by the State Government by notification published in the Official Gazette:

Provided that no employee shall be deployed placed on secondment basis against a post which is less than or more than the basic pay, the employee has been drawing in the cadre post in his/her parent establishment:

Provided further that, the services of the employee on pay roll of one establishment can also be effectively utilized by other establishment through a process of redeployment of under utilised manpower.

Power to mobilize employee 5. (1) The State Government in Personnel Department in consultation with the concerned administrative department and establishments shall exercise the power of mobility from one establishment to another establishment, in respect of employees of the said Establishment, Company, Associates, Mission, Society or body of individuals, which is wholly or substantially owned or controlled by the State Government, a Municipal Corporation or a Local Body, by way of rational redeployment of the existing officers and staff, to ensure better service delivery, without impacting upon the functioning of the establishments from which employee is to be deputed in the manner as may be prescribed.

- (2) Head of an establishment or department shall conduct the deployment or redeployment of the employees within the establishment which includes all the subordinate offices under the administrative control of the said establishment.
- (3) In order to rationalize the workforce within a district and based on the requirement, the Deputy Commissioners of concerned District shall be competent to mobilise employees within his jurisdictional limit with an intimation to the head of the department or establishment.
- Period of Mobility 6. An employee may be deployed or redeployed for a period as may be specified in the mobility assignment as notified by Personnel Department of the State Government, Head of the Department or Deputy Commissioner:
- Provided that an employee having less than three years of service for superannuation shall not be deputed to any other establishment:
- Provided further that an employee already in deployment or redeployment cannot be deployed or further redeployed unless the employee rejoins his parent department or sending establishment.
- Responsibility of the appointing authority 7. The appointing authority of sending and receiving establishments shall,-
- (i) prepare a written mobility assignment covering duration, necessary facilities to be provided to the employee and other provisions which are necessary to understand the assigned work prior to the engagement or deployment of the employee;
- (ii) the receiving establishment shall provide necessary information and data for evaluating the performance appraisal of the employee to the sending establishment for the purpose of promotion and for determination of seniority and gradation of the employee etc. as may be prescribed;
- (iii) notify extension or termination of mobility assignment in a manner as may be prescribed.
- Maintenance of service record, seniority, pay and other allowances 8. (1) During the mobility assignment an employee shall retain his or her permanent class, grade and status of the parent establishment and continue to accrue the benefits accordingly.

- (2) The deployed or redeployed employee shall draw his salary and allowances from his parent establishment and his service books and records shall be maintained in the original establishment.
- (3) The seniority and leave account of an employee shall continue to be maintained and determined by the parent establishment in which the employee was borne and any promotion, increment shall also be effected by the original or parent establishment following the procedure as prescribed under the provisions of the concerned service rules or Act governing such service.
- (4) If during the mobility assignment the sending or receiving establishment is facing a lay off situation that affect the employee or position involved, the mobility assignment may be terminated prior to any layoff action.
- Eligibility or Qualification 9. An employee to be deployed for mobility assignment shall meet the eligibility conditions, specialization or expertise for the position for which the employee is assigned.
- Conduct, Disciplinary Authority and Penalty 10. The employees engaged on deployment or redeployment or attachment on secondment basis, shall be governed by the Assam Civil Services (Conduct) Rules, 1965 and Assam Services (Discipline and Appeal) Rules, 1964 and any other rules, guidelines, orders etc. of the Government for the time being in force .
- Maintenance of ACR 11. The Annual Confidential Report (ACR) of the employees while on mobility assignment on deployment or on attachment on secondment basis, shall be done by the authority or establishment in which the employee has been serving during his mobility assignment.
- Protection of persons acting in good faith 12. No suit, prosecution or other legal proceeding shall lie against any officer or employees of the Government for anything which is done in good faith, or intended to be done under this Ordinance.
- Power to make rules 13. The State Government may be notification published in the Official Gazette make rules for carrying out the purposes of the Ordinance.

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| Removal of Difficulty | 14. If any difficulty arises in giving effect to any of the provisions of the Ordinance, the State Government may, by order not inconsistent with the provisions of the Ordinance, remove the difficulty. |
| Overriding effect | 15. Notwithstanding anything inconsistent therewith contained in any other law for the time being in force the provision of this Ordinance shall prevail. |

GULAB CHAND KATARIA
GOVERNOR OF ASSAM

GEETANJALI DAS SAIKIA,
Secretary to the Government of Assam,
Legislative Department, Dispur, Guwahati-6.