

**GOVERNMENT OF NAGALAND
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(PERSONNEL 'A' BRANCH)**

NOTIFICATION

Dated: Kohima: the 12th May, 2016

NO.PAR-A/11/2015-AIS: 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 procedure for deputation and absorption of Central and State service officers, including officers from autonomous bodies, and their service conditions under the Government of Nagaland:

1. SHORT TITLE AND COMMENCEMENT:

- 1) These rules shall be called the 'Rules for regulating the procedure for deputation and absorption of Central and State service officers, including officers from autonomous bodies, and their service conditions under the Government of Nagaland, 2016'.
- 2) These rules shall take effect from the date of their publication by the State Government in official gazette.

2. DEFINITIONS:

In these Rules, unless there is anything repugnant in the subject or context;

- 1) 'Absorption' means permanent transfer and placement of the service of an officer against an ex-cadre post specifically created for that purpose.
- 2) 'Appointing Authority' means the Governor of Nagaland.
- 3) 'Autonomous Body' means any establishment or authority created under the Central or State Government under any Act or Rules with powers to function independently.
- 4) 'Civil Service Board' means the State Civil Service Board duly constituted by the State Government.
- 5) 'Department' means the concerned Department under the State Government of Nagaland or the Central Government as the case may be.
- 6) 'Deputation' means temporary placement of the service of an officer outside his/her parent cadre for any specified period against a post under the State Government with specific terms and conditions.

- 7) 'Ex-cadre' means a post which does not belong to any recognized service cadre under the State Government.
- 8) 'State Government' means Government of Nagaland.

3. APPLICABILITY AND COVERAGE:

These Rules shall be applicable to and shall cover the following persons, namely:

- 1) Persons belonging to Central and State service or any Autonomous Body who, at the commencement of these rules are on deputation to the Government of Nagaland, or whose services are already absorbed under the State Government against ex-cadre posts.
- 2) Persons belonging to Central and State Service or any Autonomous Body, who may be appointed on deputation or absorbed against any ex-cadre post under the State Government on or after commencement of these rules in accordance with the provisions of these rules.

4. DEPUTATION:

Unless otherwise provided in the service rules of the concerned service, all deputations of officers, whether from State service or Central service or from Autonomous Bodies, to the Nagaland Civil Secretariat will be permitted only as per the following procedure:

- 1) Deputation shall be allowed only against available vacancy of post under the State Government.
- 2) The deputation shall be done on the recommendation of the State Civil services Board (CSB) and with prior approval of the Cabinet.

5. ABSORPTION:

- 1) After the commencement of these rules, absorption of Central or State Service Officers or officers from Autonomous Bodies in the State Government Service shall be considered only in rarest of rare cases requiring special domain knowledge or skills not available within the existing State Service Cadres.
- 2) Utilizing the service of the officer on deputation shall be explored fully before considering absorption.

- 3) The absorption shall be effected on the recommendation of the Civil Services Board.
- 4) Absorption shall be against the specific ex-cadre post created in a particular Department requiring specialized skills or domain knowledge of the officer and no lateral movement to any other Department shall be allowed subsequently.
- 5) The ex-cadre post shall not be given a designation that already exists in the IAS, NCS or NSS cadres. Designations like Officer on Special Duty (OSD), Special Secretary or Senior Officer on Special Duty shall be utilized instead.
- 6) The officer shall be granted protection of pay last drawn prior to his absorption under the State Government.

6. ALREADY ABSORBED OFFICERS:

- 1) Officers, whose services have already been absorbed in the State Government and who are posted as the Administrative Head of Department, shall continue to enjoy the same status.
- 2) The Civil Service Board may evaluate performance of such officers and recommend grant of higher scale of pay, provided that the highest status and pay that the absorbed officer would be considered for, on promotion, shall not be higher than the highest level of the Nagaland Civil Service (NCS).
- 3) In exceptional cases where application of the provisions under rule 6(2) above causes extreme hardship to an officer, release of higher pay scale may be considered by the CSB as an anti-stagnation measure subject to the following conditions:
 - a) The highest scale and status that can be released shall not be more than one level higher than the highest scale admissible to an officer belonging to the NCS cadre.
 - b) Extreme hardship in such cases shall be deemed to have occurred only in a situation where an officer has been stagnating in the same scale for 10 years or more.
 - c) All other conditions for release of higher scale are satisfied and duly complied with.

7. COMMON CONDITIONS GOVERNING ABSORBED OFFICERS

The following conditions will apply to all officers whose services are absorbed under the State Government both prior to and after notification of these rules:

- 1) The Nagaland Services (Discipline and Appeal) Rules, 1967 and Nagaland Government Servants Conduct Rules, 1968 shall be applicable to the officers absorbed in State Government service.
- 2) Retirement of the officer shall be governed as per the provisions of the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009 and the total length of service will include the number of years served in the parent Department under the State or Central Service to which the officer originally belonged.
- 3) The officer shall be governed by the Provident Fund Rules of the State Government. The amount of subscription together with the interest thereon standing to the credit of the officer in his original service account will be transferred to his new Provident Fund account under the State Government.
- 4) In respect of any matter, the conditions of service shall be governed by rules and orders applicable to State Government employees.

8. PENSION:

- 1) The officer shall exercise an option within 6 (six) months from the date of absorption in the State Government Service either to choose to count the service rendered under the Central Government/Parent Department as qualifying service for pension in the State Government (option 'a'), or to receive pro-rata retirement benefits for the service rendered under the Central Government/Parent Department (option 'b'). In case the officer opts in favour of option 'a', he will be eligible to draw pension in accordance with the rules of the State Government for the combined service under the Central Government/Parent Department and the State Government on retirement from the State Government and consequently, pension and leave salary contributions already made during the period of service under the Central Government/Parent Department shall stand transferred to the State Government. In case the officer opts in favour of option 'b', he will draw pro-rata pension and retirement benefits for the service rendered under the Central Government/Parent Department, in accordance with the provisions of the Central Civil Service (Pension) Rules, 1972 or his original service Pension

Rules. The option once exercised, in writing, shall be final and in case no option is effected within the stipulated period, the officer shall be deemed to have opted in favour of option 'a'.

- 2) In both the cases covered by option 'a' or option 'b', for the purpose of determination of length of service under the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009, the period of service rendered in the parent cadre prior to deputation/absorption in the State Government shall be counted.
- 3) The family of the officer, on his permanent absorption in the State Government Service, will be covered by the Family Pension Scheme of the State Government.
- 4) Officers covered by the New Contributory Pension Scheme, shall continue to be covered by the same scheme.

9. INTERPRETATION:

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

Sd/-
(PANKAJ KUMAR)
Chief Secretary to the Govt. of Nagaland

No. PAR-A/11/2015-AIS

Dated Kohima, the 12th May, 2016

Copy to:

1. The Commissioner & Secretary to the Governor of Nagaland, Kohima.
2. The Principal Secretary to the Chief Minister, Nagaland, Kohima.
3. The P.S. to Speaker, Nagaland Legislative Assembly, Kohima.
4. The P.S. to all Ministers, Nagaland, Kohima.
5. The P.S. to all Parliamentary Secretaries and Advisers, Nagaland, Kohima.
6. The O.S.D. to the Chief Secretary, Nagaland, Kohima.
7. All Additional Chief Secretary, Principal Secretaries, Commissioner & Secretaries and Secretaries, Nagaland, Kohima.
8. The Commissioner, Nagaland, Kohima.
9. The Commissioner & Secretary, Nagaland Legislative Assembly, Kohima.
10. The Secretary, Nagaland Public Service Commission, Kohima.

11. All Head of Departments, Nagaland.
12. All Deputy Commissioners, Nagaland.
13. All Nagaland Houses.
14. The Publisher, Nagaland Gazette for immediate publication in the Extraordinary Gazette.

(ANGAU I. THOU) IAS
Secretary to the Government of Nagaland