

**ASSAM PANCHAYAT EMPLOYEES (PROVINCIALISATION)
ACT, 1999**

22 of 1999

[15th December, 1999]

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An Act to provide for provincialisation of services of the employees working in the Panchayat of all levels established under the Assam Panchayat Act, 1994 Preamble. Whereas it is expedient to provide for provincialisation of services of the employees working in the Panchayats of all level established under the Assam Panchayat Act, 1994 (Assam Act XVIII of 1994), for its improvement and for better management and control of Panchayats in the State of Assam ; It is hereby enacted in the Fiftieth Year of the Republic of India as follows:

1. Short title, extent and commencement :-

(1) This Act may be called the Assam Panchayat Employees (Provincialisation) Act, 1999.

(2) It shall extend to the whole of Assam in the rural areas except the Autonomous Districts under the Sixth Schedule to the

Constitution of India and shall exclude any area which has been or hereafter may be included in a Municipality or a Town Committee or a Cantonment constituted under the Assam Municipal Act, 1956 (Assam Act XV of 1957) and the Cantonment Act, 1924 respectively, or by any other Act.

(3) It shall be deemed to have come into force on the first day of October, 1991.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context-

(a) "appointed day" means the date on which this Act came into force ;

(b) "date of appointment" means in relation to any employee, the date on which he joined the service of Panchayats ;

(c) "Director" means the Director of Panchayat and Rural Development, Assam ;

(d) "employees" means a person in the employment of Panchayats against a regularly sanctioned post;

(e) "notification" means the notification published in the official Gazette ;

(f) "Panchayats" means the Gaon Panchayat, the Anchalik Panchayat and the Zilla Parishad established under the Assam Panchayat Act, 1994 (Assam Act XV of 1994);

(g) "prescribed" means prescribed by rules made under this Act ;

(h) "provincialisation" means taking over of the liabilities for payment of salaries including dearness allowances, medical relief and such other allowances as admissible to the Government servant of similar category and gratuity, pension, leave encashment etc. as admissible under the existing rules to the Government servant serving under the Government of Assam ;

(i) "State Government" means the Government of Assam.

3. Provincialisation of the employees of Panchayats under State Government :-

Subject to the provisions of Art.30 of the Constitution of India, all employees of the Panchayats under the State Government shall be

deemed to have been provincialised on and from the appointed day on the following terms and conditions, namely :

(a)all rules including service rules and rules of conduct and discipline and appeal which are applicable to the Government servants of corresponding grade and similarly placed shall be applicable to the employees of the Panchayats ;

(b)all employees shall get such emoluments as salary and allowances etc. as are admissible to the Government servants of similar category :

Provided that no employee shall get as employment any amount which is less than the amount he was getting immediately before the appointed day ;

(c)services of all employees shall be encadred in the appropriate cadres in accordance with the rules as may be prescribed by the State Government for this purpose ;

(d)the inter-se seniority of the employees of a cadre or class shall be determined on the basis of the principles laid down in the rules framed under this Act.

4. Superannuation and pension etc :-

(1)Notwithstanding anything contained in the preceding section, all employees other than Grade IV employees coming within the purview of this Act shall, on attaining the age of 58 years, go on superannuation and the Grade IV employees shall go on superannuation on attaining the age of 60 years.

(2)All employees going on superannuation under the preceding sub-section shall be eligible to pension or gratuity or both in accordance with the pension rules applicable to the Government servants of equivalent rank.

5. Protection of action taken in good faith :-

No suit or other legal proceeding shall lie in respect of any power conferred by this Act, except with the previous sanction of the State Government.

6. Power to make rules :-

(1)The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing provision, the State Government may make rules to provide for all or any of the following matters namely :

(i) the norms and principles of encadrement of the employees in the appropriate cadre under S.3 ;

(ii) manner and principles under which inter-se seniority of the employees shall be determined under S.3 ;

(iii) any other matter which is required to be, or may be prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

7. Interpretation :-

If any difficulty arises in the interpretation of any provision of this Act the interpretation of the State Government shall be final.

8. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act the Governor may by order do anything not inconsistent with the provisions of this Act, which appear to him to be necessary or expedient for the purpose of removing the difficulty.

9. Repeal and saving :-

(1) The State Government Notification No. PDA169/91/70 provincialising the services of 4565 number of Pan- chayat employees of Gaon Panchayats and Mahkuma Parishads constituted under the Assam Panchayat Raj Act, 1972 is hereby repealed.

(2) Notwithstanding such repeal; anything done or any action taken under the Order so repealed shall be deemed to have been done or taker; under the corresponding provisions of this Act.

