
Assistants Of The Secretariat And Attached Offices Joint Cadre Act, 1989

9 of 1989

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PREAMBLE

An Act to make law with regard to a joint Cadre and also combined gradation lists each for the Assistants, Selection Grade Assistants, Section Officers, Registrars and Under-Secretaries of the Secretariat and its attached Offices for Confirmation and Promotion to higher Posts.

WHEREAS, every department of the State Government in the Secretariat and its attached offices had separate cadre of Assistants and promotion of the Assistants to higher posts within the department/attached offices used to be made from amongst the Assistants, Section Officers, etc. in the cadre of Assistants of the department/attached offices, concerned based on the department wise/attached officewise gradation list:

AND, WHEREAS, in the circumstances stated hereinbefore the Government took a decision on 30th August, 1988 vide Government Resolution No. 11012, dated the 30th August, 1988 to have a joint cadre with a combined gradation list each for Assistants, Selection Grade Assistants, Section Officers, Registrars

and Under-Secretaries in the Secretariat departments and its attached officers with effect from the said date:

AND, WHEREAS, the circumstance exists which renders it necessary to take action to make law with regard to a joint cadre and also combined gradation lists each for the Assistants, Selection Grade Assistants, Section Officers, Registrars and Under-Secretaries of the Secretariat and its attached offices for confirmation and promotion to higher posts in the manner hereinafter:

Be it enacted by the Legislature of the State of Bihar in the Fortieth year of the Republic of India as follows:-

1. Short title and commencement :-

(1) This Act may be called the Assistants of the Secretariat and Attached Offices Joint Cadre Act, 1989;

(2) It shall be deemed to have come into force with effect from 30th August, 1988.

2. Definitions :-

In this Act, unless the context otherwise requires:-

(1) "Act" means the Assistants of the Secretariat and Attached Offices Joint Cadre Act, 1989;

(2) "Departments and Attached Offices" means department under the State Government including the Branch Secretariat at Ranchi and their attached offices;

(3) "Joint Cadre" means Assistants of the Secretariat and Attached Offices Joint Cadre;

(4) "Member" means a member of the Joint Cadre comprising Assistants, Selection Grade Assistants, Section Officers, Registrars and Under Secretaries, Deputy Secretaries and other equivalent

posts in the Secretariat and attached offices; and

(5) "Rules" means the Assistants of the Secretariat and Attached Offices Joint Cadre Rules, ¹[1992].

1. Substituted for "1989" by Act 24 of 1993 (w.e.f. 28.4.1993).

3. Constitution of Joint Cadre :-

Notwithstanding anything contained to the contrary in any judgment, decree or order of any court or any rule or circular the posts of the Assistant of the Secretariat and its attached offices are constituted in one joint cadre with effect from 30th August, 1988. All the Assistants of the Secretariat and its attached offices shall become members of the joint cadre of the Assistants and promotion of the Assistants to the higher posts shall hereinafter be made on the basis of their place in the joint cadre and the gradation list so prepared irrespective of the department/attached offices where such posts exists:

¹[Provided that irrespective of the date of initiation of the process of appointment/promotion if necessary notification or order was not issued on or before the 30th August, 1988, the same shall be deemed to have been lapsed and the promotion shall be given in accordance with the provisions of the Act and Rules made thereunder.]

1. Inserted and shall always be deemed to have been Inserted by Act 24 of 1993.

4. Preparation of gradation list :-

A combined gradation list of the Assistants, Selection Grade Assistants, Section Officers, Registrars and Under-Secretaries of the Secretariat departments and attached offices as on 30th August, 1988 shall be prepared separately for each of the aforesaid categories of employees and their seniority shall be determined in the manner prescribed in Section 5.

5. Determination of seniority :-

(1) Seniority of Assistants of the combined gradation list shall be determined in the manner prescribed in the Rules.

(2) The seniority of the Selection Grade Assistants, Section Officers, Registrars and Under Secretaries shall be determined with reference to their dates of appointments to the post of Selection Grade Assistants, Section Officers, Registrars and Under-Secretaries, as the case may be, on a substantive basis or a continuous officiating basis, whichever is earlier.

(3) The period spent on a post, whether equivalent or higher, outside the cadre, either on deputation or otherwise shall not be counted towards seniority of the employee concerned:

Provided that the period spent on posts, if any, which have been declared equivalent to the posts of Assistants, Selection Grade Assistants, Section Officers, Registrars and Under-Secretaries, as the case may be, and to which appointments and promotions are made from amongst the Assistants, Selection Grade Assistants, Section Officers, Registrars and Under-Secretaries of the Secretariat departments and attached offices, shall be counted towards seniority of the members of the joint cadre concerned in the appropriate gradation list.

6. Confirmation :-

Confirmation of the members of the joint cadre shall be made on the basis of the appropriate combined gradation list.

7. Promotion :-

(1) Promotion, to the higher post in the Secretariat departments and attached offices shall be regulated in the manner prescribed

hereunder:-

(a) Promotion to the posts of Selection Grade Assistants shall be made from amongst the eligible Assistants of the combined gradation list irrespective of the departments/attached office where such vacancies occur;

(b) Promotion to the posts of Section Officers shall be made from amongst the eligible Selection Grade Assistants of the combined gradation list irrespective of the department/attached offices where such vacancies occur;

(c) Promotion to the posts of Registrars shall be made from amongst the eligible Section Officers of the combined gradation list irrespective of the department/attached offices where such vacancies occur, and

(d) Promotion to the posts of Under-Secretaries shall be made from amongst the eligible Registrars of the combined gradation list irrespective of the department/attached offices where such vacancies occur.

(2) Promotion to posts other than those mentioned in the preceding sub-sections, if any, which have been declared equivalent to the posts mentioned in the preceding sub-sections and to which appointments and promotion are made from amongst the Cadre of Assistants of the Secretariat departments and attached offices, shall also be made from amongst the Assistants, Section Officers, Registrars and Under-Secretaries, as the case may be, of appropriate combined gradation list.

(3) Promotion to the posts of Deputy Secretary or equivalent posts in the Secretariat Departments and attached offices as are notified by the Department of Personnel and Administrative Reforms and earmarked for promotion from amongst the members of the joint cadre shall be made from amongst the eligible Under-Secretaries and holders of other equivalent posts of the appropriate combined

gradation list.

8. Transfer and Posting :-

Assistants, Officers of the rank of Section Officers and above and other equivalent posts shall be liable to be transferred and posted in any Secretariat department and attached offices.

9. Validity of appointment, promotion and confirmation :-

Notwithstanding anything contained to the contrary in any judgment, decree or order of any court or any rule or circular ¹[and subject to the proviso to section 3], all appointments and promotions of Assistants to higher posts and their confirmations in various Secretariat departments and attached offices made upto 30th August, 1988 on the basis of extant Government circulars/rules, etc. shall be deemed to have been validly made as if the Government decision, dated the 27th May, 1967 read with the Finance Department memo no. 7929-F, dated the 3rd July, 1967 and memo. no. 9571-F, dated the 24th July, 1967 were not in existence and shall be deemed that such a decision was never taken and that such circulars were never issued.

1. Inserted by Act 24 of 1993 (w.e.f. 28.4.1993).

10. Power to make rules :-

The State Government shall make Rules to implement the provisions of this Act by notification published in the official Gazette.

11. Repeal and Saving :-

(1) The Assistants of the Secretariat and Attached Offices Joint Cadre Second Ordinance, 1989 (Bihar Ordinance No. 16, 1989) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.