

Bihar Secretariat Service Act, 2007**03 of 2008**

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Bihar Secretariat Service Act, 2007**03 of 2008**

An Act To constitute Bihar Secretariat Service Whereas, it is necessary to constitute Bihar Secretariat Service in light of the recommendations of the Fitment Committee; And, whereas, the State Government, vide memo no. 660, dated 8th February 1999 of the Finance Department has accepted the recommendations regarding constitution of Bihar Secretariat Service. AND, WHEREAS, the circumstances exist to take immediate action to constitute the Bihar Secretariat Service by an Act; Now, Therefore, BE it enacted by the Legislature of the State of Bihar in the fifty eighth year of

the Republic of India as follows:--

1. Short Title, Extent And Commencement :-

- (1) This Act may Bihar Secretariat Service Act 2007
- (2) It shall extend to the Departments and Attached offices of the State Government.
- (3) It shall come into force at once.

2. Definitions :-

In the Act, unless the context otherwise requires--

- (i) Act means the Bihar Secretariat Service Act, 2007;
- (ii) Secretariat Service means the posts of Secretariat Assistants, Section Officers grade and the posts of Under-Secretary and Deputy-Secretary promoted from them and such other posts which may be included in this from time to time;
- (iii) Attached Offices means the attached offices as specified by the State Government;
- (iv) Government means the Personnel & Administrative Reforms Department of the State Government of Bihar;
- (v) Grade means the grade specified in section-4;
- (vi) Appointing Authority means Secretary, Personnel & Administrative Reforms Department in respect of Assistants and the Governor of Bihar in respect of higher grades or posts;
- (vii) Appointed Day means the date of coming into effect of this Act;
- (viii) Cadre Controlling Authority in relation to any grade means the Department of Personnel and Administrative Reforms of the Government of Bihar for all purposes;
- (ix) Direct recruit means a person recruited on the basis of a competitive Examination held by the Bihar the Rules Staff Selection commission;
- (x) Rules means the Rules made under section-19 of this Act.

3. Constitution Of Bihar Secretariat Service :-

Notwithstanding anything contrary in the decision, decree or order of a court or Rules or instructions, the Bihar Secretariat Service is constituted in place of Joint Cadre of Assistants of Secretariat and attached offices. The Assistants and holders of higher posts of Joint Cadre of Assistant of Secretariat and attached offices appointed and promoted earlier shall be deemed to be automatically the members

of the Bihar Secretariat Service.

4. Structure Of Service :-

The following grade of posts shall exist in this service-

- (i) Assistant
- (ii) Section Officer and equivalent
- (iii) Under-Secretary and equivalent
- (iv) Deputy-Secretary and equivalent
- (v) Such other grades or posts, which may be included in this service from time to time.

5. Combined Gradation List :-

There shall be a single combined gradation list for all Departments and attached offices, which shall be maintained by the Cadre Controlling Authority.

6. Authorised Strength :-

(1) The authorised strength of the Service shall be according to the strength of the respective grades mentioned in section 4 for the erstwhile joint cadre of assistants just prior to coming into effect of this Act, which shall be notified in the official gazette and shall be deemed to be revised automatically according to creation or abolition of posts or otherwise, as may be necessary from time to time.

(2) On the basis of sanctioned strength of the Service determined under sub-section (1) the identification of posts in the government departments as well as in the attached offices may be done by the cadre controlling authority through a notification in this regard.

(3) The post or posts in the service may be created or abolished in consultation with the cadre controlling authority.

7. Delegation Of Powers Of The Cadre Controlling Authority :-

(1) The cadre controlling authority may delegate some of the powers of the cadre controlling authority to the Commissioner & Secretary/ Secretary of a Department or the Head of the Department by notification in official gazette.

(2) The members of the Service of any grade shall remain under the operational control of the Departments/Offices in which they are posted.

8. Reservation :-

The provisions of reservation determined by the State Government from time to time shall remain in force in the recruitment/promotion in this service.

9. Appointment To The Grade Of Assistants :-

(1) (i) Seventy five percent of posts in the grade of Assistant shall be filled by direct recruitment on the results of competitive examination held by the Bihar Staff Selection Commission for this purpose from time to time.

(ii) The remaining 25 percent posts shall be filled by promotion from the Upper Division Clerks of the Bihar Secretariat Clerical Service. Such promotion shall be made on the basis of seniority on the recommendation of the Departmental Promotion Committee constituted for this purpose.

(2) The qualification, procedure, syllabus etc. for the competitive examination for the purpose of clause (i) of sub-section (1) of this section shall be determined by the cadre controlling authority according to rules/regulation made in consultation with the Bihar Staff Selection Commission.

(3) Persons appointed and working as Assistants of the joint cadre of Assistants of the Secretariat and attached offices on the appointed day shall be deemed to be automatically included in this grade:

Provided that from amongst such Assistants who have been deemed to be automatically included in this service on the appointed day, the Assistants having age below 45 years shall be required to pass the test for competency in typing on typewriter and typing on computer within two years from the appointed day. In case such competency is not obtained within the said period they will not become eligible for further annual increments.

10. Probation :-

Every person directly recruited to the grade of Assistant shall initially be appointed on probation. The period of probation shall be of two years from the date of appointment. The period of probation may, if the appointing authority deems fit, be extended but the total period of extension of probation shall not in any case exceed three years. In case of service being unsatisfactory in the extended period also, the service of the person may be terminated.

11. Training :-

(1) During probation the person appointed by direct recruitment may be required to undergo such training and to pass such departmental examination as the cadre controlling authority may from time to time prescribe.

(2) The members of the service would not be considered for further promotion if they have not undergone a training course organised at the Administrative Training Institute or such other institute; Provided that the cadre controlling authority may relax this requirement if for some reasons it is not possible to organize such training.

12. Confirmation :-

(1) A person appointed on probation, after satisfactory completion of the probation period as well as on completion of required training and on passing of required Departmental Examination and passing the test for competency in typing on typewriter and typing on computer shall be confirmed by the appointing authority.

(2) No increments after the first initial increment shall be admissible to a person appointed on probation without passing the test for typing and computer competency.

(3) The Departmental Examination as per provision made in sub-section (1) of this section and the test for typing and computer competency as per provision made in proviso to sub-section (3) of section 9 and sub-section (1) of this section shall be conducted by the Board of Revenue for which the syllabus and qualifying marks etc. shall be determined by the cadre controlling authority according to Rules/ regulation in consultation with the Board of Revenue.

13. Promotion :-

(1) The promotion to the different grades in the service shall be given on the recommendation of the Departmental Promotion Committee constituted by the State Government.

(2) The minimum qualifying service i.e. "Kalawadhi", for such promotions shall be as determined by the Personnel & Administrative Reforms Department from time to time.

14. Appointment To The Grade Of Section Officer :-

(1) Appointment to the grade of Section Officer shall be made as follows:-

(a) Eighty per-cent of the posts in the grade of Section Officers shall be filled by promotion from the grade of Assistants on the recommendation of the Departmental Promotion Committee.

(b) The remaining twenty per-cent of posts shall be filled through a Limited Competitive Examination conducted by the Bihar Public Service Commission from amongst the Assistants who are confirmed in the service and have rendered continuous service more than five years in the grade of Assistants.

(2) The procedure, syllabus etc. for the Limited Competitive Examination shall be determined by the cadre controlling authority according to Rules/regulation in consultation with the Bihar Public Service Commission.

(3) Persons appointed and working as Section officers of the Joint Cadre of Assistants of the Secretariat and attached offices on the appointed day shall be deemed to be automatically included in this grade.

15. Appointment To The Grade Of Under-Secretary :-

(1) Vacancies in the grade of Under-Secretary shall be filled by promotion from the grade of Section officer.

(2) Persons appointed and working as Under-Secretary of the Joint Cadre of Assistants of the Secretariat and attached offices on the appointed day shall be deemed to be automatically included in this grade.

16. Appointment To The Grade Of Deputy-Secretary :-

(1) Vacancies in the grade of Deputy-Secretary shall be filled by promotion from the grade of Under-Secretary.

(2) Persons appointed and working as Deputy Secretary of the Joint Cadre of Assistants of the Secretariat and attached offices on the appointed day shall be deemed to be automatically included in this grade.

17. Posting Of Members Of The Service :-

The members of the service may be also posted to posts other than the posts identified in sub-section (2) of section 6 of this Act and deputation also may be made to equivalent posts.

18. Seniority :-

(1) The relative seniority of members of the Service appointed to any grade before the appointed day shall be regulated by their relative seniority as determined before that day;

Provided that if the seniority of any such member or members of the service had not been specifically determined before that day, it shall be determined by the cadre controlling authority.

(2) All officers automatically included in a grade shall rank senior to all officers appointed to that grade with effect from any date after the appointed day.

(3) The seniority of persons appointed to any grade after the appointed day shall be regulated in the following manner:-

(i) Assistant grade-

(a) The direct recruit shall be ranked inter-se only in the order of merit in which they are placed in the merit list of the Bihar Staff Selection Commission. They shall be ranked junior to the persons appointed through promotion against vacancies in a particular year.

(b) The inter-se seniority of persons appointed by promotion shall be determined according to the date of promotion.

(ii) Section Officer Grade -

(a) The officers appointed through limited competitive examination shall be ranked inter-se in the order of merit in which they are placed at the competitive examination on the results of which they are appointed, the appointee of an earlier examination being ranked senior to those of a later examination.

(b) The inter-se-seniority of the officers appointed by promotion after the appointed day shall be regulated by such order in which they are so appointed and shall be determined according to their seniority in the Assistants grade.

(c) The officers appointed through limited competitive examination shall rank senior to the officers appointed by a promotion against vacancies in a particular year.

(iii) Under-Secretary, Deputy-Secretary etc. - The inter-se seniority of officers promoted to this grade after the appointed day shall be regulated by such order under which they are so appointed.

(4) In case of undue delay in the conduct of examination, receipt of recommendation or overlap of such examinations or recommendations, the seniority may be determined by the cadre controlling authority.

19. Power To Make Rules :-

(1) The State Government shall have the powers to make Rules to implement the provisions of this Act.

(2) The Cadre Controlling Authority may make such regulations which are not inconsistent to this Act or the Rules made under the Act, for the purpose of making necessary or consistent provision on all subjects for the effective implementation of the Act and the Rules.

20. Residuary Matters :-

With regard to matters not specifically covered by the Act or the Rules made under the Act or by Regulations or Orders made or issued thereunder or by special orders the members of the Service shall be governed by the Rules, Regulations and Orders applicable to the officers/employees of the State Government at appropriate level

21. Removal Of Difficulties :-

The Government may, from time to time, issue such general or special direction as may be necessary to remove difficulties in the operation of any of the provisions of this Act.

22. Power To Relax :-

Where the Government is of the opinion that it is necessary or expedient so to do; it may, by order, for reasons to be recorded in writing, relax any of the provisions of this Act with respect to any class or category of persons or posts.

23. Interpretation :-

Where any doubt arises as to the interpretation of any of the provisions of this Act or the Rules made under it, or the Regulations made thereunder, the matter shall be decided by the cadre controlling authority whose decision thereon shall be final.

24. Repeal And Savings :-

(1) The Joint Cadre of Assistants of Secretariat and Attached offices Act, 1989 (Bihar Act 9 of 1989), the Joint Cadre of Assistants of Secretariat and Attached offices (Amendment) Act, 1993 (Bihar Act 24 of 1993) and the Joint Cadre of Assistants of Secretariat and Attached offices Rules, 1992 (as amended from time to time) are

hereby repealed.

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