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#### NOTIFICATION

**No.A.12018/1/2012-P&AR(GSW), the 30<sup>th</sup> September, 2014.** In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Mizoram after consultation with the Mizoram Public Service Commission is pleased to make the following rules, namely :

#### PART – I GENERAL

1. **Short title and commencement.**
  - (1) These rules may be called the Mizoram Legal Service Rules, 2014.
  - (2) They shall come into effect from the date of publication in the Mizoram Gazette.
2. **Definitions.** In these rules, unless there is anything repugnant to the subject or the context-
  - (i) **“Advocate”** means an Advocate enrolled under the Indian Bar Council Act, 1926 and/or in the Bar Council of the state constituted under the Advocates’ Act, 1961;
  - (ii) **“Appointing Authority”** means the Governor of Mizoram;
  - (iii) **“Commission”** means the Mizoram Public Service Commission;
  - (iv) **“Government”** means the Government of Mizoram;
  - (v) **“Governor”** means the Governor of Mizoram;
  - (vi) **“Judicial Officer”** means member of the Mizoram Judicial Service;
  - (vii) **“Member of the service”** means a person appointed or deemed to have been appointed under these rules to any grade of the Service from the date of publication of these rules;
  - (viii) **“Service”** means the Mizoram Legal Service constituted under these rules;
  - (ix) **“Schedule”** means a Schedule appended to these rules.

#### PART – II Constitution/Composition and Permanent Strength of the Service:

3. **Constitution of the Mizoram Legal service.** There shall be constituted a service to be known as the Mizoram Legal Service consisting of the following persons namely:
  - (a) persons who immediately before the commencement of these rules are holding any of the posts shown in the Schedule and such persons shall be deemed to have been appointed under these rules; and
  - (b) persons recruited to the service after the commencement of these rules and in accordance with the provisions of these rules.

4. **Composition of the service:** (1) The service shall consist of such categories of posts as the Governor may from time to time determine.
- (2) The service shall, at the commencement of these rules, consist of the following grades, namely :-
1. Supertime Grade 'A'
  2. Selection Grade
  3. Junior Administrative Grade
  4. Senior Grade
  5. Junior Grade
5. **Permanent Cadre Strength of the service.** (1) The strength of the service and each kind of posts therein shall be determined by the Governor from time to time.
- (2) The strength of the service and each kind of post therein shall be as given in the Schedule.
- (3) The Governor may, from time to time leave unfilled or hold in abeyance any post in the cadre or may, increase the cadre by the creation of additional permanent or temporary posts as may be found necessary.

### PART-III

#### Recruitment, Appointment, Probation and Confirmation, etc.

6. **Recruitment:** Every post in the cadre shall be filled up by appointment thereto from-
- (a) a member of the service in the appropriate grade; or
  - (b) any other person eligible for recruitment to the service in the appropriate grade by promotion or by direct recruitment, through Competitive Examination conducted by the Commission.
7. **Absorption of the existing members.** The existing officers of the Department recruited/absorbed as per the provisions of the Mizoram Law & Judicial Department (Group 'A' post) Recruitment Rules, 2012 shall be deemed to have been appointed substantively in their respective Grade/posts in the Mizoram Legal Service from the date of publication of these Rules:

Provided that any member having a lien in any other service under the Government shall not be so absorbed unless such member has opted for absorption to the service, and option once exercised shall be final.

8. **Qualifications for lateral entry into Senior Grade and Junior Administrative Grade.** Any person to be appointed directly to the service by lateral entry through limited competitive examination must be qualified in the following manner:
- (1) In relation to recruitment to the Junior Administrative Grade of the service, a member of the Bar practicing as an Advocate for not less than 5 years or a Judicial Officer who is qualified to be appointed as Chief Judicial Magistrate shall be eligible to compete the examination;
  - (2) In relation to recruitment to the Senior Grade of the service, a member of the Bar practicing as an Advocate not less than 3 years or a Judicial Officer of at least of 3 years' standing;
  - (3) For direct recruitment to the Junior Administrative Grade of the service under sub-rule (1) above, a candidate shall not be more than 45 years of age on the 1<sup>st</sup> January of the year of advertisement excluding the concession given to candidates who belongs to Scheduled Castes and Scheduled Tribes.
  - (4) For direct recruitment to the Senior Grade of the service under sub-rule (2) above, a candidate shall not be more than 40 years of ages on the 1<sup>st</sup> January of the year of advertisement excluding the age-concession given to candidates belonging to Scheduled Castes and Scheduled Tribes.

- (5) For lateral entry into the service of Senior Grade and Junior Administrative Grade, a competitive examination shall be held at such interval as the Governor may in consultation with the Commission from time to time determine. The date and place of the examination shall be fixed by the Commission.
- (6) The examination shall be conducted by the Commission in accordance with such rules and syllabus as the Governor may from time to time make in consultation with the Commission.
  - (a) The Commission shall prepare a list of all candidates who have qualified in the examination in order of merit which shall be determined according to the aggregate of marks obtained by each candidate and if two or more candidates obtained equal marks, the Commission shall arrange them in order of their relative merit which shall be determined with due regard to the general suitability of the candidates for appointment to the service.
  - (b) Inclusion of a candidate's name in the merit list shall confer no right to the successful candidate for appointment unless the Governor is satisfied, after such enquiry as he may consider necessary, that the candidate is suitable in all respects for appointment to the service.
  - (c) The selected candidate shall join within fifteen days of the date of receipt of the order of his appointment, failing which, and unless the Governor extends the period which shall not in all exceed three months, the appointment shall be cancelled.

**9. Appointment to different Grades of the Service:** (1) Appointment to the Supertime Grade 'A' of the service shall be made by promotion from the select list prepared by the Commission from amongst the members in the Selection Grade of the service who have rendered not less than 5 years regular service in the grade;

Provided that if no suitable candidate is available, the Governor may, as he may think fit and proper fill up the post by deputation or re-employment of suitable person of members of the Judicial Service or on ex-cadre posting to officiate the post from a member of the IAS/IPS or any of the State service Cadre of appropriate grade having Bachelor's Degree in Law from the recognized University until a member of the service is eligible.

(2) Appointment to the Selection Grade of the service shall be made by promotion from the select list prepared by the Commission from amongst the members in the Junior Administrative Grade of the service who has rendered not less than 5 years regular service in the grade;

Provided that if no suitable candidate is available, the Governor may, as he may think fit and proper fill up the post by deputation or re-employment of suitable person of members of the Mizoram Judicial Service or on ex-cadre posting to officiate the post from a member of the IAS/IPS or any of the State service Cadre of appropriate Grade having Bachelor's Degree in Law from the recognized University until a member of the service is eligible.

(3) Appointment to 70% of the duty posts in the Junior Administrative Grade of the service shall be made by promotion from the select list prepared by the Commission from amongst the members in the Senior Grade of the service who have rendered not less than 5 years regular service in the Grade and;

Appointment to 30% of the duty posts in the Junior Administrative Grade of the service shall be made by direct recruitment under sub-rule (1), (3), (5) and (6) of rule 8 of these rules;

Provided that in the case of appointment of a person to the service from amongst the Judicial Officers, no such appointment shall be made without consulting the High Court having administrative control on such Judicial Officer.

(4) Appointment to 70% of the duty posts in the Senior Grade of the service shall be made by promotion from the select list prepared by the Commission from amongst the members in the Junior Grade of the service who have rendered not less than 5 years regular service in the Grade and;

Appointment to 30% of the duty posts in the Senior Grade of the service shall be made by direct recruitment under sub-rule (2), (4), (5) and (6) of rule 8 of these rules;

Provided that in the case of appointment of a person to the service from amongst the Judicial Officers, no such appointment shall be made without consulting the High Court having administrative control on such Judicial Officer.

(5) Appointment to the Junior Grade of the service shall be made by direct recruitment from the select list prepared by the Commission from the successful candidate in the Competitive Examination conducted by the Commission under rule 10 of these rules.

**10. Competitive Examination for Direct recruitment to the entry Grade of the Service :**

- (1) The competitive examination for recruitment to the service in the Junior Grade shall be held at such interval as the Governor may in consultation with the Commission from time to time determine. The date and place of the examination shall be fixed by the Commission.
- (2) The examination shall be conducted by the Commission in accordance with such rules and syllabus as the Governor may from time to time make in consultation with the Commission.
- (3) In order to be eligible to compete at the examination as the case may be, a candidate must satisfy the following conditions, namely :
  - (a) he must be a citizen of India;
  - (b) he must have attained the age of 21 years and must not have exceeded the age of 35 years on the 1<sup>st</sup> January of the year; the examination is to be held provided that the upper age limit shall be subject to any relaxation notified by the Government from time to time.
  - (c) he must have a Bachelor's Degree in Law from a recognised University.
  - (d) he must possess knowledge of Mizo language of at least Middle standard.
  - (e) he must pay the fees prescribed by the Commission.
- (4) The decision of the Commission to the eligibility or otherwise of a candidate for admission to the examination shall be final and to whom an admit card for admission to the examination has not been issued by the Commission shall not be admitted to the examination.
- (5) The Commission shall prepare a list of all candidates who have qualified in the examination in order of merit which shall be determined according to the aggregate of marks obtained by each candidate and if two or more candidates obtained equal marks, the Commission shall arrange them in order of their relative merit which shall be determined with due regard to the general suitability of the candidates for appointment to the service. The merit list shall be forwarded to the Governor and published in the official Gazette.
- (6) Inclusion of a candidate's name in the merit list shall confer no right to appointment unless the Governor is satisfied, after such enquiry as may be considered necessary, that the candidate is suitable in all respects for appointment to the service.

**11. Appointment to the service :** (1) Appointment to the service shall be made by the Governor to the appropriate grade of the service, but not against any specific post and a person so appointed to the appropriate grade shall be posted to the duty post of the service cadre which shall be notified in the Official Gazette.

- (2) For appointment to the service, a person shall also satisfy the following conditions, namely, that he –
  - (a) should be of good character;
  - (b) should be of sound health and free from any bodily defect or infirmity which may render him unfit in discharging his duties in the service.
  - (c) should not have been convicted for any offence involving moral turpitude.

- (d) should not have more than one spouse living unless exempted by the Government on special grounds.
- (3) No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation, either written or oral or by any other means, shall be appointed to the service.
- (4) The selected candidates shall join within fifteen days from the date of receipt of the order of his appointment, failing which, and unless the Governor extends the period which shall in no case exceed three months, the appointment shall be cancelled.
- 12. Probation and confirmation.**
- (1) A member of the service directly recruited by competitive examination and appointed to any grade of the service shall be on probation for a period of two years from the date of appointment. However, the Governor may, in exceptional case, if found suitable, relax or extend the period of probation.
- (2) A probationer may be confirmed at the end of the period of probation unless he is found unsuitable for confirmation due to cogent reasons.
- (3) A probationer shall be liable to be discharged from the service at any time without assigning any reason.
- 13. Training:** Any member of the service shall undergo such training at any time, as the Governor may prescribe from time to time, and any member of the service directly recruited to any grade of the service through competitive examination shall compulsorily undergo Foundation course training during their probation period as the Governor may from time to time determine and any such member who failed to undergo Foundation course training shall neither be confirmed nor promoted to the next higher grade of the service.
- 14. Seniority:** (1) Seniority inter se of confirmed members of the service in each grade, appointed by promotion or by direct recruit through written competitive examination shall be determined on the basis of the quota ratio of source of recruitment prescribed for such appointment, and their merit position in the select list prepared by the Commission for each vacancy year vis-a-vis, but members of the service in the higher grade shall be senior to those members in the lower grade irrespective of the date of substantive appointment to the post.
- (2) Inter-se-seniority of members of the service should be provisionally notified inviting representation from each member if any, to be submitted within the time fixed, and after considering such representation if so received with due regard examination, final inter-se-seniority of the members in each grade of the service shall be notified in the Official Gazette.
- 15. Promotion:** A member of the service shall be eligible for promotion from a lower grade to the next higher grade, whether in a substantive or officiating capacity subject to availability of vacant post and suitability in accordance with these rules if he obtain the Bench mark in over all grading of his performance.

Provided that for promotion from Selection Grade to Supertime Grade 'A', from Grade-II to Grade-I, Grade-III to Grade-II and from Grade-IV to Grade-III of the service, the incumbent must have had put in regular service as prescribed in sub-rule (1), (2), (3) and (4) of rule 9 of these rules in the grade immediately below the one to which he is to be considered for promotion on the 1<sup>st</sup> April of the year in which Agenda paper for consideration by the Commission to select suitable candidate is processed;

Provided further that the Governor in appropriate exceptional cases, the reasons to be recorded by notification, may relax the period of regular service to be rendered herein before prescribed.

**PART IV**  
**PAY BAND AND GRADE PAY AND ANNUAL INCREMENT OF PAY:**

16. (1) **Pay:** The scale of pay admissible to members of the service in each grade shall be as under :

Grade in the service (1)	Pay Band and Grade Pay (2)	
Supertime Grade 'A'	PB-4	^ 37400-67000+9500 GP
Selection Grade	PB-4	^ 37400-67000+8700 GP
Junior Administrative Grade	PB-3	^ 15600-39800+7600 GP
Senior Grade	PB-3	^ 15600-39800+6600 GP
Junior Grade	PB-3	^ 15600-39800+5400 GP

(2) **Increment of pay :** (a) Annual increment of pay shall not be given to any member of the service during the period they are on probation, and if they are confirmed in service immediately after completion of the probation period having qualified and eligible for confirmation, the annual increment of pay due and accrued during the period of probation as per norms prescribed in the Mizoram Revision of Pay Rules, 2010 or any other Rules relevant at the time, shall be released and arrear pay and allowance admissible if any shall be paid;

(b) Any member of the service who can not be confirmed in service immediately after completion of normal probation period prescribed in these rules due to non-fulfillment of the conditions stipulated for confirmation and whose probation period has been extended, annual increment of pay due and accrued during the period of probation as per norms prescribed in the Mizoram Revision of Pay Rules, 2010 shall be released notionally on confirmation, but he shall not be entitled to arrear pay and allowances for the period before he is confirmed in the service.

17. **Leave, pension, etc.** Except as provided in these rules, CCS (Leave Rules) 1972, CCS (Pension) Rules, 1972 and any other rules and regulations applicable to the members of other State services from time to time shall apply to the members.
18. **Residuary matters :** The conditions of service of members in respect of matters for which no provision is made in these rules shall be the same as are for the time being applicable to other officers of the Government of Mizoram of the Corresponding status.
19. **Power of relaxation :** For the purpose of removing any exceptional difficulty in the implementation of these rules, the Governor may in consultation with the Mizoram Public Service Commission relax any of the provision of these rules to resolve such difficulty.
20. **Repeal & Savings :** The Mizoram Law & Judicial Department (Group 'A' posts) Recruitment Rules, 2012 for the posts of Secretary, Joint Secretary, Deputy Secretary, Under Secretary, Law Officer and Special Officer notified in the Mizoram Gazette, Extra Ordinary Issue No. 474, Vol-XLI dt 10.10.2012 and Amendment notified in the Mizoram Gazette, Extra Ordinary Issue No. 514, Vol – XLII dt 25.9.2013 are hereby repealed. However, any order or instrument made by the Governor under the said rules shall be deemed to have validly done under these rules.

**SCHEDULE**  
(See rule 3(a) and 5 (2) )

Permanent Cadre strength of the Mizoram Legal Service in various Grades and the posts shown against each Grade. Members of the service shall hold the posts shown below:-

<u>Sl.No.</u>	<u>Service Grade</u>	<u>Name of posts</u>	<u>No. of posts</u>
1.	Supertime Grade 'A'	1) Legal Remembrancer-cum-Secretary to the Govt. of Mizoram	1 Post
2.	Selection Grade	1) Joint Legal Remembrancer-cum-Joint Secretary to the Govt. of Mizoram	1 Post
3.	Junior Administrative Grade	1) Dy. Legal Remembrancer –cum-Dy. Secretary to the Govt. of Mizoram	2 Posts
4.	Senior Grade	1) Asst. Legal Remembrancer-cum-Under Secretary to the Govt.of Mizoram. 2) Legal Adviser in ACB, Mizoram.	2 Posts 1 Post
5.	Junior Grade	1) Law Officer, Law Department 2) Special Officer, Law Department 3) Legal Adviser, Home Department (PHQ)	2 Posts 1 Post 1 Post
<b>Total cadre strength</b>			<b>11 Posts</b>