

**Tripura State Legal Services Authority
(Conditions of Service and the Salary and
Allowances of the Officers and other
Employees) Rules, 2012**

TRIPURA



GAZETTE

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PART-I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA

No.F.2(15)-LAW/ESTT.2/2011(Part)

Dated, Agartala, the 12th December, 2012.**NOTIFICATION**

In exercise of the powers conferred by sub-section (2) of Section 28 of the Legal Services Authorities Act, 1987 (Act No. 39 of 1987) read with rules 9, 12(1), 14 & 17 of the Tripura State Legal Services Authorities Rules, 1998, the State Government, in consultation with the Chief Justice of the Gauhati High Court, hereby makes the following rules, to regulate the method of recruitment and prescribe the salary and allowances and other conditions of service of the officers and other employees of the Tripura State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authorities and the Sub-Divisional Legal Services Committees, namely:-

1. Short title and commencement -

- i. These rules may be called the 'Tripura State Legal Services Authority (Conditions of Service and the Salary and Allowances of the Officers and other Employees) Rules, 2012'.
- ii. They shall come into force on the date of their publication in the Official Gazette.

2. Application. - These rules shall apply to all persons appointed to the service including the existing Legal Services Workers of Grade - I and - II and Group - D, whether temporary or permanent, included in such service before or after the commencement of these rules, except the officers of Tripura Judicial Service posted on deputation.

3. Definitions - (1) In these rules, unless the context otherwise requires,-

- a) 'Act' means the Legal Services Authorities Act, 1987 (39 of 1987);
- b) 'direct recruitment' means recruitment otherwise than by promotion or transfer and it includes recruitment by absorption;
- c) 'Executive Chairman' means the Executive Chairman of the Tripura State Legal Services Authority nominated under clause (b) of sub-section (2) of section 6 of the Legal Services Authorities Act, 1987;
- d) 'Gazette' means the Tripura Gazette;
- e) 'Member-Secretary' means the Member-Secretary of the Tripura State Legal Services Authority appointed under sub-section (3) of section 6 of the Legal Services Authorities Act, 1987;
- f) "Officers and other employees" mean the officers and other employees appointed to the service including the existing Legal Services Workers of Grade-I & Grade-II &



Group-D, whether temporary or permanent, included in such service before or after the commencement of these rules excluding the officers of Tripura Judicial Service posted on deputation.

Existing Legal Services Workers Grade-I corresponds to UDC and Legal Services Workers Grade-II corresponds to LDC - cum Typist respectively.

- h) 'section' means a section of the Act;
- i) 'Service' means service under the Tripura State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authorities, and the Sub-Divisional Legal Services Committees;
- j) "Schedule" means the schedule annexed to this rules.
- k) 'State Government' means the Government of Tripura.

(2) All other words and expressions used and not defined herein but defined in the Act shall have the same meaning respectively assigned to them in the Act.

4. Interpretation - Unless the context otherwise requires, the General Clauses Act, 1897 with its all subsequent amendments shall apply for the interpretation of these rules.

5. Officers and other employees - The Officers and other employees of the Tripura State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authorities and Sub-Divisional Legal Services Committees shall be as specified in the first schedule.

6. Appointing Authority - All appointments to the service and promotions therein shall be made by the Member-Secretary in consultation with the Secretary, High Court Legal Services Committee in case of High Court Legal Services Committee, the concerned District Secretary in case of District Legal Services Authority and the concerned Chairman of the Sub-Divisional Legal Services Committee in case of the Sub-Divisional Legal Services Committee, with the approval of the Executive Chairman.

8. Method of recruitment, age limit and other qualifications, etc -

- (i) The method of recruitment, age limit, qualifications and other matters relating to the appointment and promotion in the service shall be as specified in the Second Schedule.
- (ii) The syllabus and rules for the competitive examination for appointment to the service shall be as specified in the Third Schedule.
- (iii) The applications for such examinations shall be invited by the Member Secretary by advertising the posts in such manner as he may deem fit and the applications shall be as in 'Form -A' annexed to the Fourth Schedule.

9. Disqualification for appointment - No person shall be eligible for appointment to the service -

- (a) unless he / she is a citizen of India; or

- (b) if he / she has been dismissed from service by the Government, High Court, Statutory or Local Authority; or
- (c) if he / she has been convicted of an offence involving moral turpitude; or
- (d) if he / she has more than one spouse living unless permitted by law governing him / her.

10. Probation, officiation and confirmation.- (1) Every person appointed to the service by absorption from amongst the existing officers and other employees or by other modes of direct recruitment shall be on probation for a period of two years as indicated against each post in the Second Schedule.

(2) Every person appointed to the service by promotion shall be on officiating basis for a period of two years.

(3) At the expiry of the period of probation or officiation, as the case may be, the Executive Chairman shall consider the suitability of the person to hold the post to which he / she is absorbed and or appointed or promoted, and

(i) if he / she is found suitable to hold the post, the Member-Secretary, with the approval of the Executive Chairman, shall issue an order confirming his / her service in the post, and;-

(ii) if he / she is not found suitable to hold the post to which he / she is absorbed and / or appointed or promoted, the Member-Secretary, with the approval of the Executive Chairman, shall,

(a) if he / she is a promotee, revert him / her to the post held by him / her prior to his / her promotion; and

(b) if he / she is a probationer, discharge him / her from service:-

Provided that no person shall be discharged from service on such ground without providing him / her a reasonable opportunity of hearing.

11. Promotion - Promotion to all posts shall be made on the basis of seniority-cum-merit unless promotion of a member has been withheld as a penalty.

12. Absorption of existing officers and other employees -

(i) The existing Legal Services Workers of Grade-I & II and Group-D shall be absorbed in the corresponding posts they may be holding in the capacity of Legal Services Workers of Grade - I or Grade - II or Group- D on the commencement of these rules and shall be eligible for pay and allowances and other facilities as admissible to the State Government employees holding equivalent posts provided they fulfill the criteria regarding the age of retirement for such posts. In case the staff concerned employed does not complete 10 years continuous service in the corresponding posts on the date of absorption, he/she will have to be absorbed as a Fixed Pay employee and he/she will get regular scale on completion of further 5 years in the post. However, the staff concerned who has completed 10 years service in the corresponding posts will be absorbed under regular scale in the post.

(ii) The criteria regarding minimum age and qualification prescribed in the second schedule shall not apply for such recruitment by absorption.

(iii) For the purpose of absorption, Post of LD Clerk cum Typist in Group-C of the State Government shall be treated as the corresponding post of LSW- Grade- II and the post of UD Clerk shall be treated as the corresponding post of LSW-I.

(iv) after filling up the posts by absorption as above, the employees remaining unabsorbed shall continue till creation of further posts and their absorption unless their services are dispensed with by the State Authority by this time.

13. Seniority- For the purpose of direct recruitment through absorption to the various posts of officers and other employees from amongst the existing persons their seniority shall be determined as per merit list maintained by the State Legal Services Authority during their appointment and where no such merit list is maintained the seniority shall be determined on the basis of the date of joining and where the date of joining is same, it shall be determined on the basis of the seniority of the candidate in terms of age.

14. The conditions of service and the Salary and Allowances of Officers and other Employees:-

(i) The officers and other employees shall be entitled to draw pay and allowances in the scale of pay at par with the State Government employees holding equivalent posts;

(ii) In all matters like age of retirement, pension, Death-cum-Retirement Gratuity, pay and allowances, leave, other benefits and entitlements the officers and other employees shall be governed by the State Government rules as are applicable to persons holding equivalent posts.

(iii) The officers and other employees shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government, from time to time.

15. Transfer - Except as otherwise provided in these rules, the Tripura State Legal Services Authority shall have the exclusive power to transfer its officers and other employees including the officers and other employees of the District Authority, High Court Legal Services Committee and the Sub-Divisional Committee on its own establishment or on the establishments of the District Authority or High Court Legal Services Committee or Sub-Divisional Committee, as the case may be. The Member Secretary, with the approval of the Executive Chairman, may make such transfer of the officers and other employees.

16. Disciplinary Authority.- The members of the service shall be under the disciplinary control of the Executive Chairman; and disciplinary proceedings, except as otherwise provided in these rules, may be drawn up against them in accordance with the relevant rules

applicable to the officers and other employees of the State Government holding equivalent posts.

17. **Power to relax** - Where the State Government is of the opinion that it is necessary or expedient so to do, it may, by order and for reasons to be recorded in writing, relax any of the provisions of these rules or schedule thereto with respect to any class or category of persons or posts.

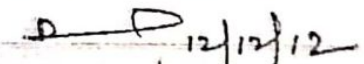
18. **Reservation**- Except as otherwise provided in these rules, all appointments by absorption or by the other modes of direct recruitment to the service and promotion under these rules shall be subject to the provisions of the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 as amended in 2005 and rules made thereunder. In case of direct recruitment or promotion on initial absorption, all the existing staff concerned will be absorbed irrespective of whether required SC/ST Candidates have been appointed or not, but roster is to be prepared showing the short fall for future appointment from those categories.

Provided that the officers appointed by transfer on tenure basis or on deputation shall be governed by the special and other rules applicable to their parent service.

19. **Other conditions of service**.- Other conditions of service of the officers and other employees, for which no specific provisions have been provided, shall be regulated in accordance with such rules as are, from time to time, applicable to such officers and other employees of the State Government drawing the pay and allowances in corresponding scales of pay.

20. **Interpretation** - If any question arises as to the interpretation of these rules, the decision of the State Government thereon shall be final.

By order of the Governor,


[D.M. Jamatia]
L.R. & Secretary, Law
Government of Tripura