

The U.P. Food and Civil Supplies (Weights and Measures) Service Rules, 1981

UTTAR PRADESH

India

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Rule

THE-U-P-FOOD-AND-CIVIL-SUPPLIES-WEIGHTS-AND-MEASURES-SERVICE-RULES-1981

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The U.P. Food and Civil Supplies (Weights and Measures) Service Rules, 1981Published vide Notification No. RA-2077/29-Section-1-W.-7-69, dated March 30, 1981

Part I – General

1. Short title and commencement.

(1)These rules may be called "The Uttar Pradesh Food and Civil Supplies (Weights and Measures) Service Rules, 1981."(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Food and Civil Supplies (Weights and Measures) Service is a State Service comprising Group 'A' and 'B' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a)'appointing authority' in respect of the post of Assistant Controller, Weights and Measures, Grade I and Deputy Controller, Weights and Measures means the Governor and, in respect of the post of Assistant Controller, Weights and Measures, Grade II means the Controller Weights and Measures;(b)'citizen

of India' means a persons who is or is deemed to be a citizen of India under Part II of the Constitution;(c)'Commission' means the Uttar Pradesh Public Service Commission;(d)'Committee' means the Selection Committee constituted under rule 17 (1) of these rules;(e)'Constitution' means the Constitution of India;(f)'Controller' means an officer appointed by the Government under Section 14 of the Uttar Pradesh Weights and Measures (Enforcement) Act, 1950 as Controller of Weights and Measures;(g)'Government' means the State Government of Uttar Pradesh;(h)'Governor' means the Governor of Uttar Pradesh;(i)'member of the service' means a person substantively appointed under these rules or the rules or orders in force prior to the commencement of these rules to a post in the cadre of the Service;(j)'Secretary' means the Secretary to the Government in the Food and Civil Supplies Department;(k)'Service' means the Uttar Pradesh Food and Civil Supplies (Weights and Measures) Service;(l)'Substantive appointment' means an appointment, not being an ad hoc appointment, on a post in the Cadre of the service, made after selection in accordance with the rules and if there are no rule in accordance with the procedure prescribed for the tune being by executive instruction by the Government;(m)'year of recruitment' means a period of twelve months commencing from the day of July of calendar year.

Part II – Cadre

4. Cadre of service.

(1)The strength of the service and of each category of posts therein shall be such as may be determined by the Government from time to time.(2)The strength of the service and of each category of posts therein shall, until orders varying the same are passed under sub-rule (1) be as given in appendix.Provided that-(i)the appointing authority may leave unfilled or the Governor may hold in abeyance any vacant post, without thereby entitling any person to compensation;(ii)the Governor may,create such additional, permanent or temporary posts as he may consider proper.

Part III – Recruitment

5. Source of Recruitment.

- Recruitment to the various categories of posts in the Service shall be made from the following sources :

1	2
Assistant Controller,	Fifty per cent by promotion from amongst permanent Senior
(1) Weights and	Inspector of Weights and Measures who have been put in at least
Measures, Grade II.	(i) seven years' continuous service on the post of Senior Inspector of
	Weights and Measures.
	Fifty per cent by direct recruitment on the results of the combined
	(ii) Upper Subordinate Services Competitive Examination conducted by
	the Commission.

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|---|--|
| <p>Assistant Controller,
(2) Weights and Measures, Grade I.</p> | <p>(i) Fifty per cent by promotion from amongst permanent Assistant Controllers, Weights and Measures, Grade II, who have put in at least five years' continuous service on the posts of Assistant Controller, Weights and Measures, Grade II.</p> <p>(ii) Fifty per cent by direct recruitment on the results of the combined State Services Examination conducted by the Commission.</p> |
| <p>Assistant Controller,
(3) Weights and Measures, Grade I (Selection Grade).</p> | <p>By selection from amongst permanent Assistant Controllers, Weights and Measures, Grade I who have put in at least five years' continuous service on the posts of Assistant Controllers, Weights and Measures, Grade I.</p> |
| <p>Deputy Controller,
(4) Weights and Measures.</p> | <p>By promotion from amongst permanent Assistant Controllers, Weights and Measures, Grade I, including those in the selection Grade : Provided that if no suitable candidate is available for promotion the post may be filled by temporary transfer of an officer of the U. P. Civil Service (Executive Branch) in the senior scale.</p> |

6. Reservation.

- Reservation for the candidates belonging to Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the orders of the Government in force at the time of recruitment.

Part IV – Qualifications

7. Nationality.

- A candidate for direct recruitment to the service must be-(a) a citizen of India; or (b) a Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India; or (c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon or any of the East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India : Provided that a candidate belonging to category 'B' or 'C' above must be a person in whose favour a certificate of eligibility has been issued by the State Government : Provided further that a candidate belonging to category 'B' will also be required to obtain a certificate of eligibility granted by the Deputy Inspector-General of Police, Intelligence Branch, Uttar Pradesh : Provided also that if a candidate belongs to category 'C' above, no certificate of eligibility will be issued for a period of more than one year and the retention of such a candidate in service beyond a period of one year, shall be subject to his acquiring Indian Citizenship. Note.-A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused may be admitted to an examination or interview and he may also be provisionally appointed subject to necessary certificate being obtained by him or issued in his favour.

8. Academic Qualification.

- A candidate for direct recruitment to the various posts in the service must possess the following qualifications :

Post 1	Qualification 2
(1) Assistant Controller, Weights and Measures, Grade II :	(i) A degree in Science with physics or mechanical engineering as one of the subjects from-
(2) Assistant Controller, Weights and Measures, Grade I :	(a) a University established by law in India, or (b) an Institution other than a University recognised or declared under any law to be University, or (c) foreign University recognised by the Central Government, and (ii) working knowledge of Hindi written in Devnagri Script.

9. Preferential Qualification.

- A candidate who has-(i)served in the territorial army for a minimum period of two years,(ii)obtained a 'B' certificate of National Cadet Corps, other things being equal, shall be given preference in the matter of direct recruitment.

10. Age.

- A candidate for direct recruitment must have attained the age of 21 years and must not have attained the age of more than 28 years on January 1 of the year in which recruitment is to be made, if the posts are advertised during the period January 1 to June 30 and on the first day of July if the posts are advertised during the period from July 1 to December 31 :Provided that the upper age-limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and such other categories as may be notified by the Government from time to time shall be greater by such number of years as may be specified.

11. Character.

- The character of a candidate for direct recruitment to a post in the service must be such as to render him suitable in all respects for employment in Government Service. The appointing authority shall satisfy itself on this point. Note.-Persons dismissed by the Union Government or a State Government or by a local Authority or Corporation or body owned or controlled by the Union Government or a State Government shall be ineligible for appointment to any post in the service. Persons convicted of an offence involving moral turpitude shall also be ineligible.

12. Marital Status.

- A male candidate who has more than one wife living or a female candidate who has married a man already having a wife living shall not be eligible for appointment to a post in the service :Provided that the Government may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

13. Physical Fitness.

- No candidate shall be appointed to a post in the service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment he shall be required to pass an examination by a Medical Board :Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotion.

Part V – Procedure For Recruitment

14. Determination of vacancies.

- The appointing authority shall determine the number of vacancies to be filled during the course of the year as also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under rule 6.

15. Procedure for Direct Recruitment.

- The vacancies to be filled through the Commission shall be intimated to the Commission.(1)Applications for permission to appear in the competitive examination shall be called by the Commission in the prescribed form which may be obtained from the Secretary to the Commission on payment.(2)No candidate shall be admitted to the examination unless he holds a certificate of admission, issued by the Commission.(3)After the results of the written examination have been received and tabulated, the Commission shall having regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and others under rule 6, summon for interview such number of candidates as, on the result of the written examination, have come upto the standard fixed by the Commission in this respect. The marks awarded to each candidate at the interview shall be added to the marks obtained by him in the written examination.(4)The Commission shall prepare a list of candidates in order of their I proficiency as disclosed by the aggregate of marks obtained by each candidate at the written examination and interview and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain equal marks in the aggregate, the name of the candidate obtaining higher marks in the written examination shall be placed higher in the list. The number of names in the list shall be larger (but not larger by more than 25 percent) than the number of vacancies. The Commission shall forward the list to the appointing authority.Note.-The syllabus and rules for competitive examination shall be such as may be prescribed by the Commission from

time to time.

16. Procedure for recruitment by promotion, to the post of Assistant Controller, Grade I and Assistant Controller, Grade II.

- Recruitment by promotion to the posts of Assistant Controller, Weights and Measures, Grade II shall be made on the basis of merit, and to the posts of Assistant Controller, Weights and Measures, Grade I on the basis of seniority subject to the rejection of unfit in accordance with the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time. Note.-The Uttar Pradesh Promotion by Selection in Consultation with the Public Service Commission (Procedure) Rules, 1970, are given in Appendix B*.

17. Procedure for recruitment by selection to the posts of Assistant Controller, Grade I (Selection Grade) and for promotion to the post of Deputy Controller.

(1) Selection to the posts of Assistant Controller, Weights and Measures, Grade I (Selection Grade) and promotion to the post of Deputy Controller, Weights and Measures, shall be made on the basis of seniority subject to the rejection of the unfit through a Selection Committee constituted as follows : (i) Secretary; (ii) Secretary to Government in the Appointment Department; and (iii) Controller, (2) The appointing authority shall prepare an eligibility list of the candidates, arranged in order of seniority, and place it before the Selection Committee along with their character rolls and such other records pertaining to them as may be considered proper. (3) The Selection Committee shall consider the cases of candidates on the basis of the records, referred to in sub-rule (2), and, if it considers necessary, it may interview the candidates also. (4) The Selection Committee shall prepare a list of selected candidates arranged in order of seniority and forward the same to the appointing authority.

18. Combined select list.

- If in any year of recruitment appointments are made i both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of candidates alternately from the lists prepared under rules 15 and 16, the first name in the list being of the person appointed by promotion.

Part VI – Appointment, Probation, Confirmation and Seniority

19. Appointment.

(1) Subject to the provisions of sub-rule (2) the appointing authority shall make appointment by taking the names of candidates in the order in which they stand in the lists prepared under Rule 15,

16, 17 or 18 as the case may be.(2)Where in any year of recruitment, appointments are to be made both by direct recruitment and by promotion, regular appointments shall not be made unless selections are made from the sources and a combined list is prepared in accordance with Rule 18.(3)If more than one order of appointment are issued in respect of any one selection, a combined order shall also be issued, mentioning the names of the persons in order of seniority as determined in the selection or, as the case may be, as it stands in the cadre from which they are promoted. If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the order, referred to in Rule 18.(4)The appointing authority may make appointments in temporary or officiating capacity also from the list referred to in sub-rule (1). If no candidate borne on these lists is available, he may make appointments in such vacancy from amongst persons eligible for appointment under these rules. Such appointments shall not last for a period exceeding one year or beyond the next selection under these rules, whichever be earlier, and where the posts is within the purview of the Commission, the provisions of Regulation 5 (a) of the U.P. Public Service Commission (Limitation of Functions) Regulations, 1954, shall apply.

20. Probation.

(1)A person on appointment to a post in the services in or against a permanent vacancy shall be placed on probation for a period of two years.(2)The appointing authority may, for reasons to be recorded, extend the period of probation in individual cases, specifying the date up to which the extension is granted :Provided that, save in exceptional circumstances, the period of probation shall not be extended beyond one year and in no circumstances beyond two years.(3)If it appears to the appointing authority at any time during or at the end of the period of probation or extended period of probation that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive posts, if any, and if he does not hold lien on any post, his services may be dispensed with.(4)A probationer who is reverted or whose services are dispensed with under sub-rule (3) shall not be entitled to any compensation,(5)The appointing authority may allow continuous service rendered in an officiating or temporary capacity in a post included in the cadre or any other equivalent or higher post, to be taken into account for the purpose of computing the period of probation.

21. Departmental examination.

- During the period of probation all officers will be required to pass such departmental examinations and to undergo such training as. the appointing authority may from time to time prescribe.

22. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation if-(a)he has passed the prescribed departmental examination, if any,(b)he has successfully undergone the prescribed training, if any,(c)his work and conduct is reported to be satisfactory,(d)his integrity is certified, and(e)the appointing authority is satisfied that he is otherwise fit for confirmation.

23. Seniority.

(1) Except as hereinafter provided, the seniority of persons in any category of post shall be determined from the date of the order of substantive appointment and if two or more persons are appointed together by the order in which their names are arranged in the appointment order : Provided that if the appointment order specifies a particular back date with effect from which a person is substantively appointed, that date, will be deemed to be the date of order of substantive appointment and, in other case, it will mean the date of issue of the order : Provided further that, if more than one order of appointment are issued in respect of any one selection the seniority shall be as mentioned in the combined order of appointment issued under sub-rule (3) of Rule 10. (2) The seniority inter se of persons appointed directly on the result of any one selection, shall be the same as determined by the Commission : Provided that a candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacancy is offered to him. The decision of the appointing authority as to the validity of reasons shall be final. (3) The seniority inter se of persons appointed by promotion shall be the same as it was in the cadre from which they were promoted. (4) Where appointments are made both by promotion and direct recruitment or from more than one source and the respective quota of the sources is prescribed, the inter se seniority shall be determined by arranging the names in a combined list, prepared in accordance with Rule 18; Provided that- (i) Where appointments from any source are made in excess of the prescribed quota, the persons appointed in excess of quota shall be pushed down, for seniority, to subsequent year or years in which there are vacancies in accordance with the quota. (ii) Where the appointments for any fall short of the prescribed quota and appointments against such unfilled vacancies are made in subsequent year or years the persons so appointed shall not get seniority of any earlier year but shall get the seniority of the year in which their appointments are made, so however, that in the combined list of that year, to be prepared under this rule, their names shall be placed at the top followed by the names in the cyclic order, of the other appointees. (iii) Where, in accordance with the rule or prescribed procedure, the unfilled vacancies from any source could, in the circumstances mentioned in the relevant rule or procedure be filled from the other source and appointment in excess of quota are so, made, the persons so appointed shall get the seniority of that very year as if they are appointed against the vacancies at their quota.

Part VII – Pay, etc.

24. [Scales of pay] [For Latest Pay Scale, please see Current G.O.].

(1) The scales of pay admissible to persons appointed to the various categories of posts in the service, whether in a substantive or officiating capacity or as a temporary measure, shall be such as may be determined by the Government from time to time. (2) The scales of pay at the time of the commencement of these rules are given as follows : ,

Name of post	Scale of pay
1	2
(1)	Rs. 400-15-475-E.B.-20-575-E.B.-25-750.

Assistant Controller, Weights and Measures,
Grade II.

- | | |
|--|--|
| (2) Assistant Controller, Weights and Measures,
Grade I. | Rs. 550-30-700-E.B.-10-900-E.B.-50-1,200. |
| (3) Assistant Controller, Weights and Measures,
Grade I (Selection Grade) | Rs.
650-30-800-E.B.-50-1,050-E.B.-50-1,300. |
| (4) Dy. Controller, Weights and Measures | Rs.
650-30-800-E.B.-50-1,050-E.B.-50-1,300. |

25. Pay during probations.

(1) Notwithstanding any provision in the Fundamental Rules to the contrary a person on probation if he is not already in permanent Government service, shall be allowed his first increment in the time scale when he has completed one year of satisfactory service, has passed departmental examination and undergone training, where prescribed, and second increment after two years' service when he has completed the probationary period and is also confirmed : Provided that if the period of probation is extended on account of failure to give satisfaction such extension shall not count for increment unless the appointing authority directs otherwise. (2) The pay during probation of person who was already holding a post under the Government, shall be regulated by the relevant Fundamental Rules : Provided that, if the period of probation is extended on account of failure to give satisfaction such extension shall not count for increment unless the appointing authority directs otherwise. (3) The pay during probation of a person already in permanent Government service shall be regulated by the relevant rules, applicable to Government servants generally serving in connection with the affairs of the State.

26. Criterion for crossing efficiency bar.

- A person shall be allowed to cross-(i) the first efficiency bar unless his work and conduct is found to be satisfactory and unless his integrity is certified; and (ii) the second efficiency bar unless he has worked diligently and to the best of his ability his work and conduct is found to be satisfactory and unless his integrity is certified.

Part VIII – Other Provisions

27. Canvassing.

- No recommendations, either written or oral, other than those required under the rules applicable to the post or service will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature will disqualify him for his appointment.

28. Regulation of other matters.

- In regard to the matters not specifically covered by these rules or special orders, persons appointed to the service shall be governed by the rules, regulations and orders applicable generally to Government serving in connection with the affairs of the State.

29. Relaxation from conditions of service.

- Where the State Government is satisfied that the operation of any rule regulating the conditions- of service of person appointed to the service causes undue hardship in any particular case, it may, notwithstanding anything contained in the rules applicable to the case, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :Provided that where rule has been framed in consultation with the Commission that body shall be consulted before the requirements of the rule are dispensed with or relaxed.

30. Savings.

- Nothing in these rules shall effect reservations and other concessions required to be provided for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders of the Government issued from time to time in this regard. Appendix A[Part II, Rule 4]The Strength of Service

Sl. No.	Post	Permanent	Temporary	Total
1.	Assistant Controller, Weights and Measures, Grade II.	8	...	8
2.	Assistant Controller, Weights and Measures, Grade I.	8(including 1 post in the Selection Grade.)	...	8
3.	Assistant Controller, Weights and Measures, Grade I(Selection Grade I)	
4.	Deputy Controller, Weights and Measures.	1	...	1