

The U.P. Forest Service Rules, 1993

UTTAR PRADESH

India

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Rule THE-U-P-FOREST-SERVICE-RULES-1993 of 1993

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The U.P. Forest Service Rules, 1993Published vide Notification No. 4797/14-1993-15-79-C.T., dated November 5, 1993, published in U.P. Gazette, Part 1, Section (Ka), dated 16th March, 1996In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing rules and orders on this subject, the Governor is pleased to make the following rules regulating recruitment and conditions of service of persons appointed to the Uttar Pradesh Forest Service.

Part I

General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Forest Service Rules, 1993.(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Forest Service is a State Service Comprising Group 'B' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a)'appointing authority' means the Governor.(b)'citizen of India' means a person who is or is deemed to be a citizen of India under Part II of the Constitution;(c)'College' means the State Forest Service College, Burnihat or Coimbatore or Dehra Dun or any other institution recognised as such;(d)'Commission' means the Uttar Pradesh Public Service Commission;(e)'Constitution' means the Constitution of India;(f)'Government' means the State Government of Uttar Pradesh;(g)'Governor' means the

Governor of Uttar Pradesh;(h)'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;(i)'service' means the Uttar Pradesh Forest Service;(j)'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 were no rules, in accordance with the procedure prescribed for the time being by executive instructions issued by the Government;(k)'Year of recruitment' means a period of twelve months commencing from the first day of July of a 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.(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 below :

Number of posts	Name of the Post	
	Permanent	Temporary
Assistant Conservator of Forests.	97	63
		160

Provided that :(i)the appointing authority may leave unfilled or hold in abeyance any vacant post without thereby entitling any person to compensation;(ii)The Governor may create such additional, permanent or temporary posts from time to time as he may consider proper.

Part III – Recruitment

5. Source of recruitment.

- Recruitment to the posts in the Service shall be made from the following sources :(i)Fifty per cent by direct recruitment.(ii)Fifty per cent by promotion from amongst substantively appointed as Forest Rangers of the Subordinate Forest Service who have put in at least eight years service as such on the first day of the year of recruitment.

6. Reservation.

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

Part IV – Qualifications

7. Nationality.

- A candidate for direct recruitment to a post in the Service must be-(a)a citizen of India; or(b)a Tibetan refugee who came over to India before January 1, 1962 with the intention of permanently settling in India; or(c)a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka 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 the period of one year shall be subject to his acquiring Indian citizenship.Note - A candidate in whose case 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 the necessary certificate being obtained by him or issued in his favour.

8. Academic qualification.

- No person shall be recruited to the Service under the provisions of clause (i) of Rule 5 unless he holds a Bachelor's degree with at least one of the subject, namely Botany, Zoology, Chemistry, Physics, Mathematics, Geology, Forestry, Statistics or Bachelor's degree in Agriculture or Bachelor's degree in Engineering of any university incorporated by an Act of the Central or the State Legislature in India or other educational institutions established by an Act of Parliament or of State Legislature or declared to be deemed as universities under Section 3 of the University Grants Commission Act, 1956 (Act No. 3 of 1956) or a Foreign University approved by the Central Government from time to time or possesses a qualification which has been recognised by the Government as equivalent thereto.

9. Preferential qualification.

- A candidate who has-(i)served in the Territorial Army for a minimum period of two years; or(ii)obtained a 'B' certificate of National Cadet Corps, shall, other things being equal, 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 32 years on the first day of July of the calendar year in which vacancies for direct recruitment are advertised by the Commission :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 a 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. Minimum physical standard.

(1) No candidate for direct recruitment shall be appointed to the Service unless he possesses the minimum standard for height and chest girth as specified below :

Sex	Height	Chest girth (Fully expanded)	Expansion
Male	163 Cms.	84 Cms.	5 Cms.
Female	150 Cms.	79 Cms.	5 Cms.

Provided that the minimum height standard in case of candidates belonging to Scheduled Tribes and to races such as Gorkhas, Nepales, Assamese, Maghalayan Tribal, Laddakhese, Sikkimese, Bhutanese, Garhwalies, Kumaunies, Nagas and Arunachal Pradesh candidates, shall be as follows :

Male 152.5 Cms.

Female 145.0 Cms.

(2) The male candidates will be required to qualify in walking test of 25 kilometres to be completed in four hours and female candidates of 14 kilometres to be completed in four hours. The arrangement for conducting this test will be made by the Chief Conservator of Forests, Uttar Pradesh so as to synchronise with the sitting of the Medical Board.

14. Physical fitness.

(1) 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 by direct recruitment he shall be required to pass an examination by a Medical Board :Provided that examination by a Medical Board shall not be required in respect of a candidate recruited by promotion.(2)A female candidate who has a result of test is found to be pregnant of twelve weeks duration or more should be declared temporarily unfill. She should be re-examined for fitness after six weeks from the date of confinement.

Part V

Procedure for recruitment

15. Determination of vacancies.

- The appointing authority shall determine and intimate to the Commission 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 the Scheduled Castes, Scheduled Tribes and other categories under Rule 6.

16. Procedure for direct recruitment.

(1)Applications for permission to appear in the competitive examination shall be invited by the Commission in the form published , in the advertisement, issued by the Commission.(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 up to 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 proficiency 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 per cent) than the number of vacancies. The Commission shall forward the list to the appointing authority.

17. Procedure for recruitment by promotion.

- Recruitment by promotion shall be made on the basis of seniority subject to 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.

18. Combined Select List.

- If in any year of recruitment appointments are made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of candidates from the relevant lists, in such manner that the prescribed percentage is maintained, 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 Rules 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 appointment shall not be made unless selection are made from both 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 stood 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 preferred to in Rule 18. (4) A candidate recruited directly shall be required to undergo a course of instruction and practical training in Forestry and Allied subjects as prescribed from time to time for two years at the college and obtain a diploma therefrom.

20. Probation.

(1) A person substantively appointed to a post in the service 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 failed to obtain a diploma from the college or has otherwise failed to give satisfaction, he may be reverted to his substantive post, if any, and if he does not hold a 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. Confirmation.

(1) Subject to the provisions of sub-rule (2) a probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation, if-(a) his work and conduct are reported to be satisfactory; (b) his integrity is certified; and (c) the appointing authority is satisfied that he is otherwise fit for confirmation. (2) Where, in accordance with the provisions of the Uttar Pradesh State Government Servants Confirmation Rules, 1991, confirmation is not necessary, the order under sub-rule (3) of Rule 5 of these rules declaring that the person concerned has successfully completed the probation shall be deemed to be the order of confirmation.

22. Seniority.

- The seniority of persons substantively appointed in any category of a posts shall be determined in accordance with the Uttar Pradesh Government Servant Seniority Rules, 1991, as amended from time to time.

Part VII – Pay Etc.

*23. Scale of pay. (1) The scale of pay admissible to persons appointed to in the Service shall be such as may be determined by the Government from time to time. (2) The scale of pay at the time of the commencement of these rules is Rs. 2,200-75-2,800-EB-100-4,000.

24. Pay during probation.

(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 and has passed departmental examination and second increment after two years 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 a person, who has 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 generally to Government Servants serving in connection with the affairs of the State.* For Latest Pay Scale, see Current G.O.

25. Criterion for crossing efficiency bar.

- No person shall be allowed to cross the efficiency bar unless his work and conduct are found to be satisfactory and his integrity is certified.

Part VIII – Other Provisions

26. 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 appointment.

27. 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 servants serving in connection with the affairs of the State.

28. Relaxation from the condition of service.

- Where the State Government is satisfied that the operation of any rule regulating the conditions of service of a 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 the Commission shall be consulted before the requirements of the rule are dispensed with or relaxed.

29. Savings.

- Nothing in these rules shall affect 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.