

The U.P. Food and Civil Supplies (Marketing Branch) Group 'D' (Kamdar) Service Rules, 1993

UTTAR PRADESH

India

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Rule

THE-U-P-FOOD-AND-CIVIL-SUPPLIES-MARKETING-BRANCH-GROUP of 1993

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The U.P. Food and Civil Supplies (Marketing Branch) Group 'D' (Kamdar) Service Rules, 1993Published vide Notification No. 2944/29-2-93-M-130/76-T.C.-I., dated 20th October, 1993, published in U.P. Gazette, Part 1, Kha, dated 1st October, 1994In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating recruitment and conditions of service of persons appointed to the Uttar Pradesh Food and Civil Supplies (Marketing Branch) Group 'D' (Kamdar) Service.

Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Food and Civil Supplies (Marketing Branch) Group 'D' (Kamdar) Service Rules, 1993.(2)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Food and Civil Supplies (Marketing Branch) Group 'D' (Kamdar) Service comprises Group 'D' posts.

3. Definitions.

- In these rules unless there is anything repugnant in the subject or context, -(a)'appointing authority' means the Regional Food Controller of the concerned region; (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)'Constitution' means the Constitution of India; (d)'Government' means the State Government of Uttar Pradesh; (e)'Governor' means the Governor of Uttar Pradesh; (f)'Member of the Service' means a person substantively appointed under these rules or orders in force prior to the commencement of these rules to a post in the cadre of the service; (g)'Service' means Uttar Pradesh Food and Civil Supplies (Marketing Branch) Group 'D' (Kamdar) Service; (h)'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 rules, in accordance with the procedure prescribed for the time being by executive instructions issued by the Government; (i)'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 of the posts therein shall be such as may be determined by the Government from time to time. (2) The strength of the service shall until orders varying the same are passed under sub-rule (1), be as given below :

Category of Post	Number of Post	Total
Permanent	Temporary	
1. Kamdar	1215	- 1215

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, or (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 a post in the Service shall be made as follows : (i) 50 per cent by direct recruitment; (ii) 50 per cent by promotion on the basis of seniority subject to rejection of unfit from amongst substantively appointed Peon, Orderly, Dak Messenger, Water Man, Helper, Sweeper, and Chaukidar who have completed five years' service, as such, on the first day of July of the year of recruitment, and who have passed High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an Examination declared by the Government as equivalent thereto.

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 the recruitment.

7. Nationality.

- A candidate for direct recruitment in 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 permanent 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 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 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 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 the necessary certificate being obtained by him or issued in his favour.

8. Academic Qualification.

- A candidate for direct recruitment must have passed the High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination declared 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 18 years and must not have attained the age of more than 32 years on July 1st of the year in which recruitment is to be made :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 a body owned or controlled by the Union Government or 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 is 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 produce a medical certificate of fitness in accordance with the rules framed under Fundamental Rules 10 contained in Chapter III of the Financial Hand Book, Volume II, Part III :Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotion.

Part IV – Procedure for recruitment

14. Determination of vacancies.

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

15. Procedure for direct recruitment.

(1) For the purpose of direct recruitment, there shall be constituted a Selection Committee as follows : (i) Appointing Authority. (ii) An officer belonging to Scheduled Caste or Scheduled Tribe, nominated by the appointing authority if the appointing authority does not belong to Scheduled Caste or Scheduled Tribe, if the appointing authority belongs to Scheduled Caste or Scheduled Tribe an officer other than belonging to Scheduled Caste or Scheduled Tribe nominated by the appointing authority. (iii) Two officers nominated by the appointing authority, one of whom shall be an officer belonging to minority community and the other belonging to backward class. (2) The Selection

Committee shall require the eligible candidates to appear in interview.(3)The Selection Committee shall prepare a list of candidates in order of merit as disclosed by marks obtained in the interview. If two or more candidates obtained equal marks the Selection Committee shall arrange their names in order of merit on the basis of their general suitability for the post.(4)The number of the names in the list shall be larger (but not larger by more than 25 per cent) than the number of the vacancies.

16. Procedure for recruitment by promotion.

- (i) Appointing Authority.(ii)Two officers nominated by the appointing authority, one of whom shall be an officer belonging to the Scheduled Castes or Scheduled Tribes.(2)The appointing authority shall prepare an eligibility list or lists of the candidates in accordance with the provisions of the Uttar Pradesh Promotion by Selection (on Posts Outside the Purview of the Public Service Commission) Eligibility List Rules, 1986, and place the same before the Selection Committee along with the character rolls and such other record 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 as it stood in the cadre from which they are to be promoted and forward the same to the appointing authority.

17. Combined select list.

- If in any year of recruitment appointments are to be 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 V – Appointment, Probation, Confirmation and Seniority

18. Appointment.

(1)Subject to the provisions of sub-clause (2) the appointing authority shall make appointments, by taking the names of the candidates in the order in which they stand in the list prepared under rules 15, 16 and 17, 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 both the sources and a combined list is prepared in accordance with rule 17.(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 cyclic order, referred to in rule 17.

19. Probation.

(1) A person on substantive appointments to a post in the Service shall be placed on probation for a period of one year : Provided that 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 further that the period of probation shall not be extended beyond one year. (2) If it appears to the appointing authority at any time during or at the end of the 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 post, if any, and if he does not hold a lien on any post, his services may be dispensed without entitling him to any compensation in either case.

20. 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 is 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 those rules declaring that the person concerned has successfully completed the probation shall be deemed to be the order of confirmation.

21. Seniority.

- The seniority of persons substantively appointed in the service shall be determined in accordance with the Uttar Pradesh Government Servants Seniority Rules, 1991, as amended from time to time.

Part VI – Pay etc.

22. Scale of pay.

(1) The [scale of pay] [For Latest Pay Scale, please see Current G.O.] admissible to persons appointed 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 scale of pay at the time of commencement of these rules is as follows : (a) Kamdar - Rs. 775-12-871-E.B.-14-1,025.

23. 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 the second increment after two years when he is 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 direct otherwise. (2) The pay during probation of a 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.

24. Criterion for crossing the efficiency bar.

- No person shall be allowed to cross efficiency bar unless he is found to have worked diligently and to the best of his ability, his conduct has been found good and unless his integrity is certified.

Part VII – Other Provisions

25. 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.

26. 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.

27. Relaxation from conditions of service.

- Where the State Government is satisfied that the operation of any rule regulating the conditions of service of persons 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 it may consider necessary for dealing with the case in a just and equitable manner.

28. Savings.

- Nothing in these rules shall affect reservations and other concessions required to be provided for the candidates belonging to Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.