

U.P. Irrigation Department Mechanical Engineers (Subordinate) Service Rules, 1992

UTTAR PRADESH

India

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Rule

U-P-IRRIGATION-DEPARTMENT-MECHANICAL-ENGINEERS-SUBORD of 1992

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U.P. Irrigation Department Mechanical Engineers (Subordinate) Service Rules, 1992Published vide Notification No. 6304/92-27-Irri-7-44 (2)-83, dated 7th January, 1993 and published in the U.P. Gazette, Part 1-Ka, dated 26th June, 1993In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in suppression of all existing rules and orders on the subject the Governor is pleased to make the following rules, regulation, the recruitment and conditions of service of persons appointed to the Uttar Pradesh Irrigation Department, Mechanical Engineers (Subordinate) Service :

Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Irrigation Department Mechanical Engineers (Subordinate) Service Rules, 1992.(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Irrigation Department, Mechanical Engineers (Subordinate) Service comprises Group 'C' Posts.

3. Definitions.

- In these rules unless there is anything repugnant in the subject or context, - (a) "Appointing Authority" means Engineer-in-Chief (Mechanical) Irrigation Department, Uttar Pradesh; (b) "Citizen of India" means a person who is deemed to be citizen of India under Part II of the Constitution; (c) "Commission" means the Uttar Pradesh Subordinate Services Selection Commission; (d) "Constitution" means the Constitution of India; (e) "Government" means the State of Uttar Pradesh; (f) "Governor" means the Governor of Uttar Pradesh; (g) "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; (h) "Service" means the Uttar Pradesh Irrigation Department, Mechanical Engineers (Subordinate) Service; (i) "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; and (j) "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 the Service.

(1) The strength of the Service 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 :

Name of post	Number of post		
Permanent	Temporary	Total	
Junior Engineer (Mechanical)	1320	960	2280

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 the posts in the service shall be made from the following sources : (1) Sixty-five per cent by direct recruitment. (2) Twenty-four per cent by promotion from amongst substantively appointed Tube-well mistris who have completed ten years service as such on the first day of the year of recruitment and have passed the qualifying examination as prescribed by the Engineer-in-Chief (Mechanical), Irrigation Department, Uttar Pradesh. (3) Ten per cent by promotion from amongst substantively appointed employees of the Irrigation Department, Uttar

Pradesh who have completed ten years service as such on the first day of the year of recruitment and who have possessed the qualifications prescribed under Rule 8.(4)One per cent by promotion from amongst substantively appointed Technicians (Working in Irrigation Workshop) who have completed ten years service as such on the first day of the year of recruitment, and who have passed High School or equivalent examination and the qualifying examination as prescribed by the Engineer-in-Chief (Mechanical), Irrigation Department, Uttar Pradesh.

6. Reservation.

- Reservation for the candidate 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.

Part IV – Qualification

7. Nationality.

- A candidate for direct recruitment to post 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 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 Government:Provided further that 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 the necessary certificate being obtained by him or issued in his favour.

8. Academic qualification.

- A candidate for direct recruitment to a post in the Service must possess any of the following qualifications :(a)Diploma in Mechanical Engineering awarded by an Institution or University established by law in India; or(b)Diploma in Mechanical Engineering awarded by the Board of Technical Education, Uttar Pradesh; or(c)National certificate in Mechanical Engineering awarded by All India Council of Technical Education.

9. Preferential qualification.

- A candidate who has-(i)served in the territorial army for a minimum period of two years; or(ii)obtained "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 eighteen years and must not have attained the age of more than thirty-two years on the first day of July of the calendar year, in which the 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 governed or controlled by the Union Government or State Government shall be ineligible for appointment 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 a 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 through direct recruitment 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 produce a Medical Certificate of fitness in accordance with the rules framed under Fundamental Rule 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 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 years as also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6. The vacancies for direct recruitment shall be intimated to the Commission.

15. Procedure for direct recruitment.

(1) Application for permission to appear in the competitive examination shall be called by the Commission in the prescribed form published in the advertisement 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 result of written examination has been received and tabulated, the Commission shall have regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories 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 in 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 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 per cent) than the number of vacancies. The Commission shall forward the list to the Appointing Authority.

16. Procedure for recruitment by promotion.

(1) Recruitment by promotion shall be made on the basis of seniority subject to rejection of unfit through a selection committee to be constituted in accordance with the Uttar Pradesh Constitution of Departmental Promotion Committee (for Posts Outside the Purview of Service Commission) Rules, 1992. (2) The Appointing Authority shall prepare eligibility lists of candidates in accordance with the Uttar Pradesh Promotion by Selection (on Posts Outside the Purview of the Public Service Commission) Eligibility List Rules, 1986 and place it before Selection Committee along with the character rolls and such other records, pertaining to them as may be considered proper. (3) The Selection Committee shall consider the cases of the candidates on the basis of records referred to in sub-rule (2) supra 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 made both by direct recruitment as well as by promotion a combined select list shall be prepared by taking names of the 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

18. 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 or 17 as the case may be. (2) 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 appointment 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 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.

20. Confirmation.

(1) Subject to the provisions of sub-rule (3) 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; (c) he has successfully undergone the prescribed training, if any; and (d) the Appointing Authority is satisfied that he is otherwise fit for confirmation.

21. Seniority.

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

Part VII – Pay etc.

22. Scale of pay.

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

Name of post	Scale of pay
Junior Engineer (Mechanical)	(a)-Rs. 1,400-40-1,800-E. B.-50-2,300. (b)-Senior grade after 5 years satisfactory service, Rs.1,640-60-2,680-E. B.-75-2,900 (75 per cent posts). (c)-Selection grade One additional increment after 10 years. (d)-On completion of 6 years service in selection grade, Rs.2,200-75-2,800- E.B.-100-4,000.

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: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 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. Criteria for crossing efficiency bar.

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

Part VIII – Other Provisions

25. Canvassing.

- No recommendations, either written or oral, other than those required under the rules applicable to the post of 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 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 for the condition 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 Rule 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.

28. 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.