

The U.P. Excise (Prohibition) Subordinate Service Rules, 1978

UTTAR PRADESH

India

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Rule

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The U.P. Excise (Prohibition) Subordinate Service Rules, 1978Published Vide Notification No. 6611-E/13-198(1)-70, dated July 12, 1978, published in U.P. Gazette, Extraordinary, dated 12th July, 1978In 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 Excise (Prohibition) Subordinate Service :

Part I – General

1. Short title and commencement.

(1)These Rules may be called the Uttar Pradesh Excise (Prohibition) Subordinate Service Rules, 1978.(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Excise (Prohibition) Subordinate Service comprises Group 'C posts.

3. Definitions.

- In these rules unless the context otherwise requires-(a)"Appointing authority" means the State Prohibition Officer, U.P.;(b)"citizen of India" means a person who is or is deemed to be citizen of India under Part II of the Constitution;(c)"Constitution" means the Constitution of India;(d)"direct

recruitment" means recruitment in the manner prescribed in Rule 16 of these rules;(e)"Governor" means the Governor of Uttar Pradesh;(f)"Government" means the Government of Uttar Pradesh;(g)"member of the service" means a person appointed in a substantive capacity under the provisions of these rules or of the rules or orders in force prior to the commencement of these rules to a post included in the cadre of the service;(h)"State Prohibition Officer" means the State Prohibition Officer, appointed at the headquarters of the government for the Prohibition and Social Uplift work;(i)"Service" means the Excise (Prohibition) Subordinate Service;(j)"year of recruitment" means the period of twelve months commencing from the first day of July of a calendar year.

Part II – Cadre

4. Strength of the Service.

(1)The strength of the service and of each category of posts therein shall be such as may be determined by the governor from time to time.(2)The strength of the service and of each category of posts therein shall, until orders varying the same have been passed under sub-rule (1), be as specified in Appendix "A" :Provided that-(1)the appointing authority may leave unfilled or the Governor may hold in abeyance any vacant post without thereby entitling any person to compensation;(2)the Governor may create such additional, temporary or permanent posts from time to time as may be found necessary.

Part III – Recruitment

5. Sources of Recruitment.

- Recruitment to the various categories of posts in the service shall be made as follows :

Field Staff

- | | | |
|----|--|---|
| 1. | Prohibition and Social Uplift Organizer. | By direct recruitment. |
| 2. | Technical Supervisor | By direct recruitment. |
| 3. | Chief Prohibition and Social Uplift Organizer. | By promotion from amongst Permanent Prohibition and Social Uplift Organizers and Technical Supervisors. |

Note.-For the purpose of eligibility list a commonseniority list of Prohibition and Social Uplift Organizers and Technical Supervisor shall be prepared on the basis of date of substantive appointment.

Ministerial Staff

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|----|----------------------------------|
| 4. | Junior Grade Clerks and typists. |
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|----|---------------------|--|
| | | By direct recruitment in accordance with the provisions of the Subordinate Offices Ministerial Staff (Direct Recruitment Rules, 1975). |
| 5. | Record-Keeper | By promotion from amongst Junior Grade Clerks and Typists. |
| 6. | Stenographers | By direct recruitment. |
| 7. | Noters and Drafters | By promotion from amongst permanent Record-Keeper and Junior Grade Clerks. |
| 8. | Head Clerk | By promotion from amongst Noters and Drafters. |

6. Reservation for Scheduled Castes and Scheduled Tribes, etc.

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

Part IV – Qualifications

7. Nationality.

- A candidate for 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 shall 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 such a candidate can be retained in service after a period of one year only if he has acquired 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. Age.

- A candidate for direct recruitment to a post of Junior Grade Clerk and typist must have attained the age as prescribed in Rule 11 of the Subordinate Officers Ministerial Staff (Direct Recruitment) Rules, 1975. A candidate for direct recruitment to any other posts must have attained the age of 21 years and must not have attained the age of more than 27 years on the first day of January, if the posts are notified during the period from January 1 to June 30 and on July 1, if the posts are notified 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 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.

9. Academic Qualifications.

- A candidate for direct recruitment to the various categories of posts included in the cadre of the service must possess the following qualifications :Field Staff(1)Technical Supervisor.-Must have passed the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or any examination recognised by the Government as equivalent thereto and hold a Cinematography operator permit, issued by the District Magistrate, under Rule 29 of the U.P. Cinematograph Rules, 1951.(2)Prohibition and Social Uplift Organiser.-(1) Essential Qualifications.-Must have passed the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or any other Examination recognised by the government as equivalent thereto.(b)Preferential Qualifications.-Candidates who have passed Intermediate examination with sociology as one of the subjects shall, other things being equal, be given preference.(3)Ministerial Staff.-junior Grade Clerks and Typists.-As laid down in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975.(4)Stenographers.-(a) Must have passed the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or any other Examination recognised by the Government as equivalent thereto.(b)Must possess a minimum speed of 80 words per minute and 25 words per minute respectively in Hindi Shorthand and Typewriting. Candidates knowing English Shorthand and Typewriting also will, other things being equal, be given preference.

10. Preferential Qualifications.

- A candidate-(i)who has served in the Territorial Army for a minimum period of two years, or(ii)who has obtained a "B" certificate of the N.C.C.shall, other things being equal, be given preference in the matter of direct recruitment to the service.

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 by any 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 deemed ineligible for appointment to any post in the service. A person, who has been 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 the service :Provided that the Governor may, if satisfied that there are special grounds for doing so, exempt any person from the operation of this rule.

13. Physical fitness.

- No person shall be appointed to 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 official duties. Before a directly recruited candidate is finally approved for appointment, he shall be required to produce a certificate of physical fitness in accordance with the rules framed under Fundamental Rule 10 and contained in Chapter III of the F.H.B. Vol. II, Parts II to IV.*See H.S. Nigam's Financial Hand Book, Volume II (Parts 2 to 4).

Part V – Procedure for Recruitment

14. Determination of vacancies.

- The appointing authority shall determine the number of vacancies required to be filled during the course of the year as also the number of vacancies required to be reserved in accordance with Rule 6.

15. Intimation of vacancies to the Employment Exchange.

- The vacancies, required to be filled by direct recruitment, shall be notified to the Employment Exchange in accordance with the procedure laid down by the Government from time to time. Note.-The procedure in force is given in Appendix 'E'.

16. Procedure for direct recruitment.

(1)For the purpose of selection for recruitment to the posts of Prohibition and Social Uplift Organizers, technical supervisors and Stenographers, a Selection Committee shall be constituted comprising :- (i) State Prohibition Officer. (ii) Deputy State Prohibition Officer. (iii) Prohibition and Social Uplift Officer, to be nominated by the State Prohibition Officer. (2) The Selection Committee shall scrutinize the applications and require the eligible candidates to appear in an interview. (3) The Selection Committee shall award marks in the following manner ; (a) The percentage of marks obtained at the Intermediate Examination shall be entered against the name of each

candidate.(b)For every higher examination passed an additional 10 per cent of the percentage of the marks secured in each such final examination shall be entered.Explanation.-No additional marks shall be awarded for a 'pass' in the first or second year examination of three years degree course or for Part I of the Bachelor's/the Master's Degree course.(4)The merit list so prepared shall be placed before the Selection Committee.(5)The interview shall thereafter be held by the Selection Committee and marks shall be awarded at the interview by the Selection Committee in the following manner :

(a) General Knowledge Up to 20 marks

(b) Proficiency in Sports 5 marks

Total	25 marks
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Provided that in assessing proficiency in sports allotment of marks may be as follows :

(i) If the candidate is a sportsman of international level .. 5 marks

(ii) If the candidate is a sportsman of national level .. 4 marks

(iii) If the candidate is a sportsman of State level .. 3 marks

(iv) If the candidate is a sportsman of University/College/Schoollevel .. 2 marks

(6)The marks allotted at the interview shall be added to the marks entered on the basis of academic attainments and the aggregate of the marks so arrived at shall determine the position of each candidate and the merit list shall be drawn up accordingly. If more than one candidate secure equal marks in the aggregate, the candidate, who secures more marks on the basis of academic attainments, shall be placed higher.(7)In the case of candidates to be selected for the post of Stenographer only those candidates who know Hindi Shorthand and typing will be considered and final assessment of merit shall be made only after adding the marks obtained in Hindi Shorthand and typing. The candidate shall be required to appear at a competitive test for Hindi shorthand and typing and marks shall be allotted out of the maximum marks of 50 in each. The marks obtained in Hindi Shorthand and typing shall be added in the list mentioned in sub-rule (6). The ability of the candidates in English Shorthand and typing will also be tested and the marks so obtained will be added to the list mentioned above.(8)In the case of candidates for the post of Technical Supervisor, only those candidates will be considered who possess the required technical qualification.(9)The names of candidates belonging to such categories for whom vacancies are required to be reserved in accordance with the general order of the Government shall be arranged in a separate list according to their inter se merit.(10)The number of candidates to be selected will be larger (but by not more than 25 per cent) than the number of vacancies for which the selection had been made.

17. Recruitment by promotion.

(1)Recruitment by promotion to any category of posts in the service shall be made on the basis of seniority subject to the rejection of the unfit through a Selection Committee constituted under Rule 16.(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 record, pertaining to them, as may be considered proper.(3)The Selection Committee shall consider the cases of candidates on the basis Of 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.

Part VI – Appointment

18. Appointment.

(1) On the occurrence of substantive vacancies the State Prohibition Officer shall make appointments to the various categories of post included in the cadre of the service from the lists prepared under Rule 16 or 17 as the case may be. (2) Appointments against temporary and officiating vacancies shall also be made from the lists prepared under Rule 16 or 17 as the case may be. If no candidate is available from such lists, the appointing authority may make appointments in such vacancies from amongst the persons eligible for promotion under these rules provided that the continuance on the posts of persons so appointed, shall depend on their being selected at the next selection held under these rules.

19. Probation.

(1) All persons on appointment to a post included in the cadre of the service in or against a substantive 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 exact date up to which extension is granted. (3) The State Prohibition Officer may allow continuous service rendered in an officiating or temporary capacity in a post included in the cadre of the service to be taken into account in computing the period of probation. (4) If it appears 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 he has a lien on any such post and, if he does not have a lien on any such post his services may be dispensed with. (5) A probationer whose services are dispensed with or who is reverted under sub-rule (4) shall not be entitled to any compensation.

20. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation if his work and conduct are satisfactory, his integrity is certified and the State Prohibition Officer considers him fit for confirmation.

21. Seniority.

- Seniority in any category of posts included in the cadre of the service shall be determined by the date of appointment in a substantive capacity and if two or more candidates are appointed on the same date, their inter se seniority shall be determined according to the order in which their names are arranged in the list prepared under Rule 16 or 17 as the case may be : Provided that - (1) the inter se seniority of persons directly appointed to the service shall be the same as determined at the time of selection. (2) the inter se seniority of persons appointed by promotion shall be the same as it was in the post held by them at the time of promotion. Note. - 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 the reasons will be final.

Part VII – Pay

22. Scales of pay.

(1)The scales of pay admissible to persons appointed to the various categories of posts included in the cadre of the service, whether in a substantive, officiating or temporary capacity, shall be such as may be determined by the Governor from time to time.(2)The scales of pay* applicable to the various categories of posts included in the cadre of the service at the commencement of these rules, shall, until orders varying the same have been passed under sub-rule (1) be as given in Appendix 'A'.

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, 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 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 the Efficiency Bar.

- No member of the service shall be allowed to cross-(1)the first efficiency bar unless his work and conduct are reported to be satisfactory and unless his integrity is certified.(2)the second efficiency bar unless he is found to have worked steadily with distinct ability and his integrity is certified.

Part VIII – Other Provisions

25. Canvassing.

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

26. Regulation of other matters.

- In regard to the matters not specifically converted by these rules or by 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. For Latest Pay Scale, please see current G.O.

27. Relaxation from the 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 as it may consider necessary for dealing with the case in a just and equitable manner.

28. Saving.

- Nothing in these rules shall effect reservations and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of person in accordance with the orders issued by the Government from time to time in this regard. Appendix 'A'

	Name of the post	Cadre of Service	Scale of pay*
	Permanent Temporary		
	1	2	3 4
	Field Staff		
1.	Chief Prohibition and Social Uplift Organiser.	2	5 Rs. 280-8-296-9-350-EB-10-400-EB-12-460.
2.	Technical Supervisor	3	2 Rs. 230-6-290-EB-9-335-EB-10-385.
3.	Prohibition and Social Uplift Organisers	23	7 Rs. 230-6-290-EB-9-335-EB-10-385.
	Ministerial Service		
4.	Junior Grade Clerks and Typists	7	3 Rs. 200-5-250-EB-6-280-EB-8-320.
5.	Record-Keeper	1	... Rs. 230-6-290-EB-9-335-EB-10-385.
6.	Stenographer	1	... Rs. 250-7-285-EB-9-375-EB-10-425.
7.	Noter and Drafter	3	... Rs. 280-8-296-9-350-EB-10-400-EB-12-460.
8.	Head Clerk	...	1 Rs. 300-8-324-9-360-EB-10-440-EB-12-500.

* For Latest Pay Scale, please see current G.O.