

The U.P. Excise Department Ministerial Service Rules, 1980

UTTAR PRADESH

India

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Rule

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The U.P. Excise Department Ministerial Service Rules, 1980Published vide Notification No. 4568 E/13-1983, dated July 14, 1983, published in U.P. Gazette, Extraordinary, Part 4, Section (Ka), dated July 14, 1980In 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 the conditions of service of persons appointed to the Uttar Pradesh Excise Department Ministerial Service.

Part I – General

1. Short title and commencement.

(1)These rules may be called the Excise Department Ministerial Service Rules, 1980.(2)They shall come into force at once.

2. Status of Service.

- The Uttar Pradesh Excise Department Ministerial Service comprises Group 'C' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a)"appointing authority" means the Excise Commissioner, Uttar Pradesh;(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 service" means a person appointed in a substantive capacity under the provisions of these rules or rules and orders in force prior to the commencement of these rules to a post in the service;(g)"Service" means the Uttar Pradesh Excise Department Ministerial Service; and(h)"year of recruitment" means the 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 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 the 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, temporary or permanent posts from time to time 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 :(i)Junior Clerk - By direct recruitment :Provided that up to fifteen per cent of the vacancies may be filled by the appointing authority by promotion from amongst High School pass group 'D' employees in accordance with the orders of Government issued from time to time.(ii)Senior Clerk - By promotion from amongst substantively appointed Junior Clerks.(iii)Senior Assistant - By promotion from amongst substantively appointed Senior Clerks :Provided that if suitable number of Senior Clerks are not available for promotion, the field of eligibility may be extended to include such substantively appointed Junior Clerks who have completed five years of service as such on the first day of the year of recruitment.(iv)Office Superintendent, Grade II - By promotion from amongst substantively appointed Senior Assistants :Provided that if suitable number of Senior Assistants are not available for promotion, the field of eligibility may be extended to include such substantively appointed Senior Clerks who have completed ten years of service as such on first day of the year of recruitment.(v)[Deleted],(vi)Administrative Officer - (a) By promotion from amongst substantively appointed Office Superintendent, Grade II :Provided that if suitable number of Office Superintendent, Grade II are not available for promotion, the field of eligibility may be extended to include such substantively appointed Senior Assistants, who have completed ten years of service as such on the first day of the year of the recruitment.(b)Senior Administrative Officer - By promotion amongst substantively appointed administrative officer :Provided that if suitable number of Administrative Officers are not available for promotion, the field of eligibility may be extended to include substantively appointed Office Superintendent, Grade II.(vii)Stenographers, Grade I - (a) By

promotion from amongst substantively appointed Stenographers, Grade II.(b)Stenographers, Grade II - By promotion from amongst substantively appointed Stenographers, Grade III.(c)Stenographers, Grade III - By direct recruitment.

6. Reservation.

- Reservations for the candidates belonging to the 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 – Qualifications

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, Ceylon or any of the East African Countries of Kenya Uganda and the United Republic of Tanzania (formerly Taniganyika and Zanjibar) 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 the necessary certificate being obtained by him or issued in his favour.

8. Academic qualifications.

- A candidate for direct recruitment to the post of Junior Clerk must possess the qualifications as prescribed in the Subordinate Officers, Ministerial Staff (Direct-Recruitment) Rules, 1985, as amended from time to time and a candidate for direct recruitment to the post of Stenographer must have passed the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or any other Examination recognised as equivalent thereto by the Government :Provided that a candidate for the post of the Typist must have a minimum typing speed of twenty five words per minute in Hindi typewriting :Provided further that a candidate for the post of Stenographer must have a speed of eight words per minute in shorthand and thirty words per minute in Hindi typewriting.

9. Preferential qualifications.

- A candidate who has-(i)served in the Territorial Army for a minimum period of two years; or(ii)obtained 'B' certificate of the National Cadet Corps 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 are advertised :Provided that the upper age limit shall in case of the candidates belonging to Scheduled Castes, Scheduled Tribes and such other categories as may be notified by the Government from time to time 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 governor 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 by direct recruitment, 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 Financial Hand-book, Volume II, Part III :Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotions.

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 the Scheduled Castes, Scheduled Tribes and other categories under the Employment Exchange. Appointing Authority shall notify the vacancies for direct recruitment to the Employment Exchange and may also invite applications directly through publication of notice in one or more newspapers having wide circulation in the area, besides pasting a notice on the Notice Board from persons whose names are registered in the Employment Exchange. All such applications shall be placed before the Selection Committee.

15. Procedure for direct recruitment to the post of Junior clerks.

(1) Direct recruitment to the post of Junior Clerk shall be made through a Selection Committee comprising : (i) Excise Commissioner, Uttar Pradesh. (ii) An officer of the Excise Department, Uttar Pradesh, who will be a member of Scheduled Castes or Scheduled Tribes, to be nominated by the Excise Commissioner. (iii) An officer of the Excise Department, Uttar Pradesh who will be member of minority community to be nominated by the Excise Commissioner. (iv) An Officer of the Excise Department, who will be a member of Backward Community, to be nominated by Excise Commissioner. (v) A Deputy Excise Commissioner to be nominated by the Excise Commissioner : (2) The Selection Committee under sub-rule (1) shall make selection in accordance with the procedure prescribed in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1985, as amended from time to time.

16. Procedure for direct recruitment to the post of Stenographer.

(1) Direct recruitment to the post of Stenographer shall be made by the Selection Committee constituted under sub-rule (1) of rule 15.

17. Procedure of recruitment by promotion.

(1) Recruitment by promotion shall be made on the basis of seniority subject to the rejection of the unfit through a Selection Committee comprising : (i) Excise Commissioner, Uttar Pradesh. (ii) An officer of the Excise Department, to be nominated by the appointing authority. (iii) Officer-in-charge of Personnel and Establishment at the Head quarters of Excise Commissioner. (2) The appointing authority shall prepare eligibility list of the 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 the Selection Committee along with their character rolls and such other records pertaining to them as may be considered necessary.

18.

[Omitted].

Part VI – Probation, Confirmation and Seniority_

19. Probation.

(1) A person substantively appointed to a post in the service shall be placed on probation for a period of two years.

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 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 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 any category of posts shall be determined in accordance with the Uttar Pradesh Government Servants Seniority Rules, 1991, as amended from time to time. Notes. - (i) 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. (ii) Where the appointing order specifies a back date with effect from which a person is to be appointed substantively that date will be deemed to be the date of the order of substantive appointment. In other cases, it will mean the date of issue of order.

Part VII – Pay, etc.

22. Scales of pay.

- The [scales of pay] [For Latest Pay Scale, please see current G.O.] at the time of commencement of these rules are given as follows :

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|-------------------------------------|--|
| (1) Senior Administrative Officer | -- Rs. 2,000--60--2,300--E.B.--75--3,200. |
| (2) Administrative Officer | -- Rs. 1,640--60--2,600--E.B.--75--2,900. |
| (3) Office Superintendent, Grade II | -- Rs. 1,400--40--1,600--50--2,300--E.B.--60--2,600. |
| (4) Senior Assistant | -- Rs. 1,400--40--1,800--E.B.--50--2,300. |

(5) Senior Clerk	-- Rs. 1,200--30--1,560--E.B.--40--2,040.
(6) Junior Clerk	-- Rs. 950--20--1,150--E.B.--25--1,500.
(7) Stenographer, Grade I	-- Rs. 1,400--40--1,600--502,300--E.B.--60--2,600.
(8) Stenographer, Grade II	-- Rs. 1,400--40--1,800--E.B.--50--2,300.
(9) Stenographers, Grade III	-- Rs. 1,200--30--1,560--E.B.--40--2,040.

23. Efficiency Bar.

- Notwithstanding any provisions 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 the prescribed departmental examination, if any, and the 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 inability to give satisfaction such extension shall not count for increment unless 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 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

25. Canvassing.

- No recommendation, either written or oral, other than those required under the rules applicable to the posts 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. Transfer.

- The services of persons appointed to the service shall be transferable to the same scales of pay from Headquarters to subordinate offices and vice versa.

27. Regulation of other matters.

- In regard to the matters not specifically covered 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.

28. 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 hardships 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.

29. Saving.

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

Serial no.	Name of post	Permanent	Temporary	Total
1.	Senior Administrative Officer	...	1	1
2.	Administrative Officer	3	...	3
3.	Office Superintendent Grade II	6	1	7
4.	Senior Assistants	15	1	16
5.	Senior Clerks	38	4	42
6.	Junior Clerks	171	26	197
7.	Stenographer Grade I	1	...	1
8.	Stenographer Grade II	4	...	4
9.	Stenographer Grade III	12	15	27
	Total	250	48	298