

U.P. Irrigation Department Research Supervisors Service Rules, 1982

UTTAR PRADESH

India

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Rule

U-P-IRRIGATION-DEPARTMENT-RESEARCH-SUPERVISORS-SERVICE of 1982

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U.P. Irrigation Department Research Supervisors Service Rules, 1982Published vide Notification No. 2696-A N/23-ID-7-169-70, dated 30th June, 1982 and published in the U.P. Gazette (Extraordinary), dated 5th July, 1982In 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 the recruitment and conditions of service of persons appointed to Uttar Pradesh Irrigation Department Research Supervisors Service :

Part I – General

1. Short title and commencement.

(1)These Rules may be called the Uttar Pradesh Irrigation Department Research Supervisors Service Rules, 1982(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Irrigation Department Research Supervisors Service is a Subordinate Service Comprising Group C posts.

3. Definitions.

- In these rules unless the context otherwise requires,-(a)"Appointing Authority" means the Chief Engineer;(b)"Engineer-in-Chief" means the Engineer-in-Chief, Irrigation Department, Uttar Pradesh;(c)"Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution;(d)"Commission" means the Uttar Pradesh Public Service Commission;(e)"Constitution" means the Constitution of India;(f)"Department" means the Irrigation Department, Uttar Pradesh;(g)"Government" means the State Government of Uttar Pradesh;(h)"Governor" means the Governor, Uttar Pradesh;(i)"Member of the Service" means a person substantially appointed under the provisions of these rules or of rules or orders in force prior to the commencement of these rules, to a post in the cadre of the Service;(j)"Service" means the Uttar Pradesh Irrigation Department Research Supervisors Service;(k)"Substantive appointment" means an appointment, not being as 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;(l)"Year of recruitment" means the period of twelve months commencing from the first day of July of as Calendar year.

Part II – Cadre

4. Cadre of 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 (i) be as follow :Permanent 74,Temporary 22:Provided that-(1)the Engineer-in-Chief may leave unfilled any post or the Governor may hold in abeyance any vacant post without entitling any person to compensation; and(2)the Governor may create such additional permanent or temporary post from time to time as he may consider proper.

Part III – Recruitment

5. Source of recruitment.

(1)Recruitment to the Service shall be made from the following sources :(i)by direct recruitment through the Commission;(ii)by promotion through the Commission from amongst permanent Scientific Assistants.(2)Recruitment shall be so arranged that, as far as may be, 25 per cent of the posts in the cadre are held by promotees and the rest by direct recruits.

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

recruitment.

Part IV – Qualifications

7. Nationality.

- A candidate for direct 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, Sri Lanka or any of the East African Countries of Kenya, Uganda or 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 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. Academic qualification.

- A candidate for direct recruitment to the service must possess the following minimum qualifications :(1)B.Sc. degree in First Division from a recognised University with Mathematics and any two of the following subjects :(i)Physics;(ii)Chemistry;(iii)Statistics;(iv)Geology.Msc. Degree at least in Second Division in Mathematics or Physics or Chemistry or Statistics from recognised University.orM.A. at least in Second Division, in Mathematics or Statistics from a recognized University with B.Sc. Degree or Statistics with B.Sc. Degree.(2)Good knowledge of Hindi Devnagri Script.

9. Preferential qualifications.

- A candidate who has-(a)served in the Territorial Army for a minimum period of two years; or(b)obtained a 'B' Certificate of the 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 28 years on January 1, for the year in which recruitment is to be made, if the posts are advertised during the period January 1 to June 30 and on July 1 if the posts are

advertised during the period July 1 to December 31 :Provided that the upper age limit in the case of candidate belonging to 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 must be such as to render him suitable in all respects for employment in Government Service. It shall be the duty of the Appointing Authority to 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 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 any 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 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 he is finally approved for appointment he shall be required to produce a certificate of fitness in accordance with the rules framed under Fundamental Rule 10 and contained in Chapter III of the Financial Handbook, 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 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 Scheduled Castes, Scheduled Tribes and other categories under Rule 6.

15. Procedure for direct recruitment.

(1) Application for being considered for selection shall be called by the Commission in the prescribed form, which may be obtained from the Secretary to the Commission on payment. (2) The Commission, shall, having regard to the need for securing due representation of the candidate

belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 6 call for interview such number of candidates, who fulfil the requisite qualifications as they consider proper.(3)The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the viva voce. If two or more candidates obtain equal marks, the Commission shall arrange their names in order of merit on the basis of their general suitability for the service. 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. The Commission shall forward the list to the Appointing Authority.

16. Procedure for recruitment by promotion.

- Recruitment by promotion shall be made on the basis of seniority subject to the rejection of unfit in accordance with Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970.

17. 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. Illustrations(i) Suppose, in a service appointment is made both by direct recruitment (D) and by promotion (P) in the ratio of 75 : 25 and in a particular year, there are 20 vacancies, in such a case, fifteen vacancies will go to the direct recruits and five vacancies to promotees. After the selections are made the Combined Select List shall be prepared in the following cyclic order :

1. P 11. D
2. D 12. D
3. D 13. P
4. D 14. D
5. P 15. D
6. D 16. D
7. D 17. P
8. D 18. D
9. P 19. D
10. D 20. D

(ii) If, in the above case, instead of recruitment, in any year (X) being in accordance with the prescribed quota, 8 persons are recruited by promotion and twelve directly and the rules or where there are no rules, the relevant orders in force for the time being do not permit the unfilled vacancies of any source being filled from other sources and the deficiency in the quota of direct recruits is made good in the next year (Y) by recruiting 18 direct recruits and 2 promotees out of twenty vacancies, the combined select list in (X) and (Y) years shall be prepared in the following

cyclic order :

(X) Year (Y) Year

- | | | | |
|-----|---|-----|------------------------------|
| 1. | P | 1. | D Unfilled Quota of (X) year |
| 2. | D | 2. | D |
| 3. | D | 3. | D |
| 4. | D | 4. | P Excess of (X)Year |
| 5. | P | 5. | D |
| 6. | D | 6. | D |
| 7. | D | 7. | D |
| 8. | D | 8. | P Excess of (X) Year |
| 9. | D | 9. | D |
| 10. | D | 10. | D |
| 11. | D | 11. | D |
| 12. | D | 12. | P. Excess of (X) year |
| 13. | P | 13. | D |
| 14. | D | 14. | D |
| 15. | D | 15. | D |
| 16. | D | 16. | P |
| 17. | P | 17. | D |
| | | 18. | D |
| | | 19. | D |
| | | 20. | P |
| | | 21. | D |
| | | 22. | D |
| | | 23. | D |

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) 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 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. (4) The Appointing Authority may make appointments in temporary or officiating capacity also from the list mentioned under sub-rule (1) if no candidate borne on these lists is available he may make appointments in such vacancy from amongst persons eligible for appointment under the rules, such appointments shall be subject to the

provisions of Legislations 5 (a) of the U.P. Public Service Commission (Limitation of Functions) Regulations, 1954 shall apply.

19. Probation.

(1) A person on appointment to a post in 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 date upto 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. (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.

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 found to be satisfactory and unless his integrity is certified and the Appointing Authority is satisfied that he is otherwise fit for confirmation.

21. Seniority.

(1) Except as hereinafter provided, the seniority of persons in any category of post shall be determined from the date of the order of substantive appointment and if two or more persons are appointed together by the order in which their names are arranged in the appointment order : Provided that if the appointment order specified in a particular date with effect from which a person is substantively appointed, that date, will be deemed to be the date of order of substantive appointment and in other case, it will mean the date of issue of the order : Provided further that, if more than one order of appointment are issued in respect of any one selection the seniority shall be as mentioned in the combined order of appointment issued under sub-rule (3) of Rule 18. (2) The inter se seniority of persons appointed directly on the result of any one selection, shall be the same as determined by the Commission : Provided that 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. (3) The inter se seniority of persons appointed by promotion shall be the same as it was in the cadre from which they were promoted. (4) Where appointments are made both by promotion and direct recruitment or from more than one source and the respective quota of the sources is prescribed the inter se seniority shall be determined by arranging the names in a cyclic order, in a combined list, prepared in

accordance with Rule 17: Provided that, - (i) where appointments from any source are made in excess of the prescribed quota, the persons appointed in excess of quota shall be pushed down, for seniority, to subsequent year or years in which there are vacancies in accordance with the quota; (ii) where appointments from any source fall short of the prescribed quota and appointment against such unfilled vacancies are made in subsequent year or years, the persons so appointed shall not get seniority of any earlier year but shall get the seniority of the year in which their appointments are made, so however, that in the combined list of that year, to be prepared under this rule, then names shall be placed at the top followed by the names, in the cyclic order of the other appointees.

Part VII – Pay etc.

22. Scale of pay.

(1) The scale of pay admissible to persons appointed to the various categories of posts 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 the commencement of these rules is Rs. 570-25-770-E.B.-30-980-E.B.-30-1100.

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 persons 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 efficiency bar.

- No person shall be allowed to cross - (i) the first efficiency bar unless his work and conduct is found to be satisfactory and unless his integrity is certified; (ii) the second 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. Convassing.

- 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 the conditions 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 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 when a rule has been framed in consultation with the Commission that body shall be consulted before the requirements of the rule are dispensed with or relaxed.

28. Savings.

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