

# **U.P. Prison Administration and Reforms Department Engineering (Gazetted) Service Rules, 2006**

UTTAR PRADESH

India

## **U.P. Prison Administration and Reforms Department Engineering (Gazetted) Service Rules, 2006**

### **Rule**

### **U-P-PRISON-ADMINISTRATION-AND-REFORMS-DEPARTMENT-ENGINEERING of 2006**

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U.P. Prison Administration and Reforms Department Engineering (Gazetted) Service Rules, 2006 Published vide Notification No. 77/22-1-2007-216-90, dated 9th January, 2007 and published in the U.P. Gazette (Extraordinary), Part 4, Section (Ka), dated 9th January, 2007 In 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 Prison Administration and Reforms Department Engineering (Gazetted) Service:

## **Part I – General**

### **1. Short title and commencement.**

(1) These rules may be called the Uttar Pradesh Prison Administration and Reforms Department Engineering (Gazetted) Service Rules, 2006. (2) They shall come into force at once.

### **2. Status of the service.**

- The Uttar Pradesh Prison Administration and Reforms Department Engineering (Gazetted) Service is a service comprising Group 'A' and Group 'B' posts.

### 3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context, -(a)"Act" means the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994; (b)"appointing authority" means the Governor; (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)"Constitution" means the Constitution of India; (e)"Government" means the State Government 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)"other backward classes of citizens" means the backward classes of citizen specified in Schedule-I of the Act, as amended from time to time; (i)"Service" means the Uttar Pradesh Prison Administration and Reforms Department Engineering (Gazetted) Service; (j)"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; (k)"year of recruitment" means a period of twelve months commencing on 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 Government, from time to time. (2)The strength of the service and of each category of posts therein shall, until orders varying the same are passed under sub-rule (1), be as given below :

Serial No.	Name of Post	Number of Posts
	Permanent Temporary	Total
1.	Executive Engineer	1 - 1
2.	Assistant Engineer	1 - 1:

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 various categories of posts in the service shall be made from the following sources : (1)Executive Engineer.-By promotion through the Selection Committee from amongst

substantively appointed Assistant Engineers who have completed five years service as such on the first day of the year of recruitment: Provided that if no suitable or eligible person is available for promotion, the post may be filled by transfer of service in accordance with the policy laid down by the Government. (2) [Assistant Engineer.-By promotion through the Selection Committee from amongst substantively appointed Junior Engineers and Computer operators who have completed ten years service as such on the first day of the year of recruitment: Provided that if suitable or eligible persons are not available for promotion, the post may be filled by transfer of service in accordance with the policy laid down by the Government.] [Substituted by Notification No. 2575/22-1-2007-216-90, dated 21st September, 2007 and published in the U.P. Gazette (Extraordinary), Part 4, Section (Ka), dated 21st September, 2007.]

## **6. Reservation.**

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

## **Part IV – Procedure For Recruitment**

### **7. Determination of vacancies.**

- The appointing authority shall determine the number of vacancies to be filled during the course of the year of recruitment as also the number of vacancies to be reserved for the candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6.

### **8. Procedure for recruitment by promotion.**

(1) Recruitment by promotion to the posts of Assistant Engineer and Executive Engineer in the service shall be made on the basis of the criterion laid down in the Uttar Pradesh Government Servants Criterion for Recruitment by Promotion Rules, 1994, as amended from time to time, through the Selection Committee constituted in accordance with the provisions of the Uttar Pradesh Constitution of Departmental Promotion Committee for Posts outside the purview of the Service Commission Rules, 1992, as amended from time to time. Note.-Nomination of officers for giving representation to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens in the Selection Committee shall be made in accordance with the order; made under Section 7 of the Act, as amended from time to time. (2) The appointing authority shall prepare eligibility lists 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 as amended from time to time, and place the same before the Selection Committee along with their character rolls and such other records, 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 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.

## **Part V – Appointment, Probation, Confirmation and Seniority**

### **9. Appointment.**

(1)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 8.(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 it stood in the cadre from which they are promoted.

### **10. 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 circumstance 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 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.

### **11. Confirmation.**

(1)Subject to 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, and(b)his integrity is certified.(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,

### **12. Seniority.**

- The seniority of persons substantively appointed in any category of posts 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.**

### **13. Scales of pay.**

(1)The scales of pay admissible to persons appointed to the various categories of posts in the service shall be such as may be determined by the Government from time to time.(2)The scales of [pay] [See now Revised Pay Scale.] at time of the commencement of these rules are given as follows :

Name of Post	Scales of pay
1. Executive Engineer	Rs. 10,000-325-15,200
2. Assistant Engineer	Rs. 8,000-275-13,500

### **14. 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.(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.(3)The pay during probation of a person already in permanent Government service shall be regulated by the relevant rules, applicable generally to Government servants serving in connection with the affairs of the State.

## **Part VII – Other Provisions**

### **15. 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.

### **16. Regulation of other matters.**

- In regard to the matters not specifically covered by these rules of 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.

### **17. 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.

## **18. Savings.**

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