

The U.P. Subordinate Excise Service Rules, 1992

UTTAR PRADESH

India

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The U.P. Subordinate Excise Service Rules, 1992Published vide Notification No. 87-E-1/13-521/72, dated January 7, 1992In 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 Subordinate Excise Service.

Part I – General

1. Short title and Commencement.

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

2. Status of the Service.

- The Uttar Pradesh Subordinate Excise Service is a Subordinate non-gazetted Service comprising 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)"Commission" means the Uttar Pradesh Public Service Commission;(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 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 and includes a person covered by the Government Order No.

6007-E/XIII-64-60, dated November 21, 1960;(h)"Secretary" means the Secretary to the Government in the Excise Department;(i)"Service" means the Uttar Pradesh Subordinate Excise 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)"Subordinate Commission" means Uttar Pradesh Subordinate Services Selection Commission;(l)"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 and of each category of post 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 post therein shall, until orders varying the same are passed under sub-rule (1), be as given in Appendix 'A'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, 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)Excise Inspector.(i)eighty per cent by direct recruitment.(ii)ten per cent by promotion from amongst the permanent Sub-Excise Inspectors, and(iii)ten per cent by promotion from amongst such persons who are substantively appointed Senior Assistants and Stenographers Grade-II of the Excise Department on the first day of the year of recruitment :Provided that if in any year of recruitment sufficient number of suitable eligible persons are not available for promotion, the field of eligibility may be extended to include, the following persons, in the order given below :(a)Substantively appointed Senior Clerks and Stenographers, Grade-III who have completed ten years service as such on the first day of the year of recruitment; and(b)Substantively appointed Junior Clerks, who have completed fifteen years service as such on the first day of the year of recruitment.Note-(i)The first nine vacancies under the promotion quota under clause (iii) of sub-rule (1) will be filled in by promotion from amongst Senior Assistants, Senior Clerks and Junior Clerks as the case may be and the 10th vacancy will be filled by the promotion from amongst the Stenographers, Grade-II and III, as the case may be.(ii)The eligibility list for promotion under clause (iii) of sub-rule (1) shall be prepared on the basis of seniority as determined under the Excise Department Ministerial Service Rules, 1980.(2)Sub-Excise Inspector.(i)Seventy seven per cent by direct recruitment;(ii)ten percent by promotion from amongst substantively appointed Tari

Supervisors who have passed High School Examination and have completed ten years service as such on the first day of the year of recruitment; and(iii)thirteen percent by promotion from amongst High School passed substantively appointed Excise Head Constables and Excise Constables who have completed ten years service including service on the post of Excise constable, on the first day of the year of recruitment :Provided that if suitable eligible persons are not available for promotion, the posts may be filled by direct recruitment.

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 a post in the service must be-(a)a citizen of India,(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 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 Qualification.

- A candidate for direct recruitment to the various posts in the service must possess the following qualifications :

Post	Qualifications
1. Excise Inspector	A Bachelors degree of a University established by law inIndia or degree recognised by the Government as equivalentthereto.
2. Sub-Excise Inspector	Intermediate Examination of the Board of High School andIntermediate Education, Uttar Pradesh, or any qualificationrecognised by the Government as

equivalent thereto.

9. Preferential Qualification.

- A candidate who has :(i)served in the territorial army for a minimum period of two years, or(ii)obtained a '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 21 years and must not have attained the age of more than 32 years on the first day of July of the calendar year in which the vacancies are advertised or announced, as the case may be :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 Authority or a Corporation or Body owned or controlled by the Union Government or 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 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.

(1)No candidate shall be appointed to a post in the service unless he be in a 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 as 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.(2)No person shall be recruited directly or by promotion to the service :(i)Whose chest measurement is less than 81.2 centimetres unexpanded and 86.2 centimetres expanded.(ii)Whose height is less than 167 centimetres or less than 162 centimetres in the case of the candidates recruited by promotion or

belonging to Kumaon Division and Dehra Dun, Chamoli, Tehri Garhwal, Pauri Garhwal and Uttar Kashi districts :Provided that physical requirements in the case of female candidate will be the same as prescribed for the female police Sub-Inspectors. The physical requirements are given in Appendix 'B'.

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 Scheduled Castes, Scheduled Tribes and other categories under rule 6.

15. Procedure for direct recruitment through subordinate Commission.

(1)Application for permission to appear in the competitive examination shall be invited by the Subordinate Commission in the prescribed Proforma published in the advertisement issued by them.(2)No candidate shall be admitted to the examination unless he holds a certificate of admission issued by the Subordinate Commission.(3)After the results of the written examination have been received and tabulated, the Subordinate Commission shall having 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 up to the standard fixed by the Subordinate Commission in this respect. The marks awarded to each candidate at the interview shall be added to the marks obtained by him in the written examination.(4)The Subordinate 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 names of the candidates obtaining higher marks in the written examination shall be placed higher in the list. The number of names in the list shall be large but not larger by more than twenty five percent that the number of vacancies. The Subordinate Commission shall forward the list to the appointing authority :Provided that direct recruitment in respect of the vacancies for which requisition have already been sent to the commission shall be made by the commission and the procedure prescribed in this rule shall mutatis mutandis apply to such recruitment.

16. Procedure for recruitment by promotion through the selection Committee.

(1)Recruitment by promotion shall be made on the basis of seniority subject to the rejection of unfit through the Selection Committee comprising -

- (i) Excise Commissioner, Uttar Pradesh .. Chairman.
- (ii) Additional Excise Commissioner, Uttar Pradesh. .. Member.
- (iii) Deputy Excise Commissioner (Headquarters) .. Member.

(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, and place the same 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 (1) and if it considers necessary, it may interview the candidates also.(4)The Selection Committee shall prepare a list of selected candidates in accordance with the orders of Government in force at the time of recruitments and forward the same to the appointing authority :Provided that while preparing eligibility list under sub-rule (1) or under this Rule, where there are two different feeding cadres-(a)bearing different pay scales the candidates belonging to the cadre bearing higher pay scale shall be placed higher in the eligibility list :(b)bearing same pay scale the names of the candidates shall be arranged in the eligibility list in order of the date of their substantive appointment in their respective cadres.

17. Combined select list.

- If in any year of recruitment appointments are to be 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 cyclic order that the prescribed percentage is maintained, the first name in the list being of the person appointed by promotion under rules 16.Note.-(i) For the purpose of preparing select list the names of promotees for the post of Excise Inspector shall be arranged in the order by taking the names of clerks or stenographers and Sub-Excise Inspectors the first name being that of the clerk or if no clerk is selected in that list, the stenographers, as the case may be.(ii)For the purpose of preparing select list the names of promotees for the post of Sub-Excise Inspector shall be arranged in the order by taking the names of Sr. Tari Supervisors, Excise head constables, Constables, the first name being that of the Tari Supervisor.

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 start in the lists prepared under rules 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 combined list is prepared in accordance with rule 17.(3)If more than one orders 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)Notwithstanding anything contained in sub-rules (1), (2) or (3) a person covered by the Government Order No. 6007-E/XIII-64-6G, dated November 21, 1960 shall be deemed to be duly appointed in the Service, in accordance with the rules

for the time being in force with effect from November 21, 1960.

19. Probation.

(1) A person substantively appointed 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 that at any time during or at the end of the period of probation or extended period of probation a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, he may be reverted to a post on which he holds lien, 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 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 - (a) his work and conduct is reported to be satisfactory; (b) his integrity is certified; and (c) the appointing authority is satisfied that he is otherwise fit for confirmation.

21. Seniority.

(1) 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. (2) Notwithstanding anything contained in the Uttar Pradesh Government Servants Seniority Rules, 1991, persons covered by Government Order No. 6007-E/XIII-64-60, dated November 21, 1960 shall be placed for seniority next below the Excise Inspectors approved for appointment by the Commission before November 21, 1960 and inter se seniority of such persons referred to in the said Government order shall be determined on the basis of continuous length of their service and where length of service of two or more such persons is the same person older in age shall be senior.

Part VIII – Pay etc.

22. Scale 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 at the time of the commencement of these rules are given as under :

Post	Scale of pay*
1. Excise Inspector	Rs. 1,400-40-1,600-50-2300-E.B.-60-2,600.
2. Sub Excise Inspector	Rs. 975-25-1150-EB-30-1660

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, 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 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-(i) his work and conduct is found to be satisfactory; and (ii) 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 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, person 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 condition 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. 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 category in accordance with the orders issued by the Government from time to time in this regard. Appendix 'A'[See Rule 4 (2)]The strength of the Uttar Pradesh Subordinate Excise Service and of each category of post is as under :

Name of post	No. of permanent posts	No. of Temporary posts	Total	Remarks
Excise Inspector	511	70	581	120 posts held in abeyance, hence
Sub-Excise Inspector	59	45	104	existing total post is 461.

Appendix 'B'[See Proviso to sub-rule (2)]Height :

(1) For Scheduled Castes, Scheduled Tribes and of hill region female candidates.	147.00 Centimetres.
(2) For other female candidates.	152.00 Centimetres.