

The U.P. Food and Civil Supplies (Marketing Branch) Service Rules, 1981

UTTAR PRADESH

India

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Rule

THE-U-P-FOOD-AND-CIVIL-SUPPLIES-MARKETING-BRANCH-SERVICE of 1981

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Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Food and Civil Supplies (Marketing Branch) Service Rules, 1981.(2)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Food and Civil Supplies (Marketing Branch) Service is a State service comprising Group A and B posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(i)"appointing authority" in respect of the post of Deputy Regional Marketing Officer means the Commissioner, Food and Civil Supplies and in respect of the posts of Regional Marketing Officer, Deputy Regional

Food Controller and Chief Marketing Officer means the Governor;(ii)"citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution;(iii)"Commission" means the Uttar Pradesh Public Service Commission;(iv)"Constitution" means the Constitution of India;(v)"Food Commissioner" means the Commissioner, Food and Civil Supplies, Uttar Pradesh;(vi)"Government" means the State Government of Uttar Pradesh;(vii)"Governor" means the Governor of Uttar Pradesh;(viii)"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 of in the cadre of the Service;(ix)"Secretary" means the Secretary to Government in the Food and Civil Supplies Department;(x)"Service" means the Uttar Pradesh Food and Civil Supplies (Marketing Branch) Service;(xi)"Substantive appointment" means an appointing not being an ad hoc appointment, on a post in the cadre of the Service, made after selection in accordance with rules and if there are no rules in accordance with the procedure prescribed for the time being by executive instructions issued by the Government;(xii)"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 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-

Post	Permanent	Temporary	Total
1	2	3	4
(i) Deputy Regional Marketing Officer	28	21	49
(ii) Regional Marketing Officer/Deputy Regional Food Controller	13*	8	21
(iii) Chief Marketing Officer	...	1	1

* Including two posts in the selection grade.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 permanent or temporary posts from time to time as he may consider proper.

Part III – Recruitment

5. Source of recruitment.

- No recruitment to the various categories of posts in the service shall be made from the following sources :(1)Deputy Regional Marketing Officer.-(i) Fifty per cent by promotion, in consultation with the Commission, from amongst permanent Senior Marketing Inspectors who have put in at least seven years' service on the post of Senior Marketing Inspector; and(ii)Fifty per cent by direct

recruitment on the results of the Combined Upper Subordinate Services Examination conducted by the Commission.(2)Regional Marketing Officer/Deputy Regional Food Controller.-By promotion, in consultation with the Commission, from amongst permanent Deputy Regional Marketing Officers who have put in at least five years' service on the post of Deputy Regional Marketing Officer.(3)Regional Marketing Officer/Deputy Regional Food Controller (Selection grade).-By selection from amongst permanent Regional Marketing Officer/Deputy Regional Food Controller who have put in at least five years' continuous service on the post of Regional Marketing Officer/Deputy Regional Food Controller.(4)Chief Marketing Officer.-By promotion from amongst permanent Regional Marketing Officer/Deputy Regional Food Controllers including those in the selection grade who have put in at least seven years service on the post of Regional Marketing Officer/Deputy Regional Food Controller.

6. Reservations.

- Reservations 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 the recruitment.

Part IV – Qualification

7. Nationality.

- A candidate for direct recruitment to a 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, 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 candidates 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 Deputy Regional Marketing Officer must possess a Bachelor's degree from a University established by law in India or from any other University recognised as equivalent thereto.

9. Preferential qualifications.

- A candidate who has-(i)served in the territorial army for a minimum period of two years, or(ii)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 of 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 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 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 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 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 he shall be required to pass an examination by a Medical Board :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 candidate belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6.

15. Procedure for direct recruitment.

(1) Application for permission to appear in the competitive examination shall be called by the Commission in the prescribed form, which may be obtained from the Secretary to the Commission on payment. (2) No candidate shall be admitted to the examination unless he holds a certificate of admission, issued by the Commission. (3) After the results of the written examination have been received and tabulated, the Commission shall, having regard to the need for securing due representation of the candidates, belonging to the Scheduled Castes, Scheduled Tribes and others under Rule 6, summon for interview such number of candidate as, on the result of the written examination, have come up to the standard fixed by the 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 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 name of the candidate obtaining higher marks in the written examination shall be placed higher in the list. The number of names in the list shall be larger (but not larger by more than 25 per cent) than the number of vacancies. The Commission shall forward the list to the appointing authority. Note.-The syllabus and rules for competitive Examination shall be such as may be prescribed by the Commission from time to time.

16. Procedure of recruitment by promotion in consultation with Commission.

- Recruitment by promotion to the post of Deputy Regional Marketing Officer shall be made on the basis of merit and to the post of Regional Marketing Officer and Deputy Regional Food Controller shall be made on the basis of seniority subject to the rejection of the unfit in accordance with the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time.-

17. Procedure of selection by promotion to the post of Regional Marketing Officer/Deputy Regional Food Controller (Selection Grade) and Chief Marketing Officer.

(1) Selection to the post of Regional Marketing Officer/ Deputy Regional Food Controller (Selection Grade) shall be made on the basis of seniority subject to the rejection of the unfit and recruitment to

the post of Chief Marketing Officer shall be made on the basis of merit through a selection committee comprising : (i) the Secretary to Government in the Food and Civil Supplies Department; (ii) the Secretary to Government in the Appointment Department; (iii) the Food Commissioner, Uttar Pradesh. (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 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 it necessary, it may interview the candidates also. (4) The Selection Committee shall prepare a list of Selected Candidate arranged in order of Seniority and forward the same to the appointing authority.

18. Combined Select list.

- If in any year of recruitment appointment are made both by direct recruitment and by promotion a combined select list shall be prepared by taking the names of candidates alternately from the relevant lists, the first name in the list being of the person appointed by promotion.

Part VI – Appointment, Probation, Confirmation and Seniority

19. 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, 17 or 18 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 appointment shall not be made unless selections are made from both the sources and a combined list is prepared in accordance with Rule 10. (3) 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 determined in the selection or, as the case may be, as it stood in the cadre from which they are promoted. If the appointment is made both by direct recruitment and by promotion, names shall be arranged in accordance with the order, referred to in Rule 18. (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 these rules. Such appointments shall not last for a period exceeding one year or beyond the next selection under these rules, whichever be earlier, and where the post is within the purview of the Commission the provisions of regulations 5 (a) of the U.P. Public Service Commission (Limitation of Functions) Regulations, 1954, shall apply.

20. Probation.

(1) A person on appointment to a post in the service in or against a permanent 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 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 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 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.

21. Departmental examination.

- During the period of probation all officers will be required to pass such departmental examination and to undergo such training as the appointing authority may from time to time prescribe.

22. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation if-(i)he has passed the prescribed departmental examination/ if any;(ii)he has successfully undergone the prescribed training, if any;(iii)his work and conduct is reported to satisfactory;(iv)his integrity is certified; and(v)the appointing authority is satisfied that he is otherwise fit for confirmation.

23. 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 a particular back 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 19.(2)The seniority inter se of persons appointed directly on the result of any one selection, shall be 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 reason shall be final.(3)The seniority inter se of persons appointed by promotion shall be the same as it was in the cadre from which they were promoted.

Part VII – Pay

24. Scales of pay.

(1)The scales 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 scales of pay at the time of the commencement of these rules are given as follows :

Name of post	Scale of pay*
1	2
(1) Deputy Regional Marketing Officer.	Rs. 450-25-575-E.B.-25-700-E.B.-30-850.
(2) Regional Marketing Officer/Deputy Regional Food Controller.	Rs. 550-30-700-E.B.-40-900-E.B.-50-1,200.
(3) Regional Marketing Officer/Deputy Regional Food Controller(Selection grade).	Rs. 650-30-800-E.B.-50-1,050-E.B.-50-1300.
(4) Chief Marketing Officer	Rs. 900-50-1,150-E.B.-50-1,400-E.B.-50-1,600.

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

25. 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.

26. Criteria 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, and(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

27. 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 the candidature will disqualify him for appointment.

28. 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 affairs of the State.

29. Relaxation from the conditions of Service.

- Where the State Government is satisfied that the operation of any rule regulating the condition of service of person appointed to 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 such conditions as it may consider necessary for dealing with the case in a just and equitable manner :Provided that where 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.

30. Savings.

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