

THE UTTAR PRADESH EXCISE TECHNICAL SERVICE RULES, 2021

UTTAR PRADESH

India

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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 conditions of service of persons appointed to the Uttar Pradesh Excise Technical Services.

Part I – GENERAL

1. Short title and commencement

(1) These rules may be called “The Uttar Pradesh Excise Technical Service Rules, 2021”. (2) They shall come into force at once.

2. Status of the service

The Uttar Pradesh Excise Technical Service is a State service comprising Group 'A' and Group 'B' posts.

3. Definitions

In these rules, unless there is anything repugnant in subject of 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) 'Commission' means the Uttar Pradesh Public Service Commission; (e) 'Constitution' means the Constitution of India; (f) 'Government' means the State Government of Uttar Pradesh; (g) 'Governor' means the Governor of Uttar Pradesh; (h) '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; (i) 'other backward classes of citizens' means the backward classes of citizens specified in Schedule- I of the Act, as amended from time to time; (j) 'service' means the Uttar Pradesh Excise Technical Group 'A' and Group 'B' Service; (k) '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 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 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 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 shall, until orders varying the same are passed under sub-rule (1), be as given below: & 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/she may consider proper.

5. Source of Recruitment

Recruitment to the various categories of posts in the service shall be made from the following sources: (1) Technical Officer- By direct recruitment through the commission; (2) Senior Technical Officer- By promotion through the departmental selection committee from amongst substantively appointed Technical Officer who have completed Ten years service as such on the first day of the year of recruitment; (3) Chief Technical Officer - By promotion through the departmental selection committee from amongst substantively appointed Senior Technical Officers who have completed Five years service as such/ or who have completed total fifteen years of service including technical officer as well as senior technical officer on the first day of the year of recruitment.

6. Reservation

Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the Act, and the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighter and Ex. Service men) Act, 1993 as amended from time to time, and the orders of the Government in force at the time of the recruitment.

Part IV – QUALIFICATIONS

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 come over to India before the first 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 United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India: or 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 Competent Authority not below the rank of 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 the 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 his or issued in his favour.

8. Academic qualification

A candidate for direct recruitment to the post of Technical Officer in the service must possess the following qualification :-(1) A Bachelor's degree in Chemical Engineering or Bio-chemical Engineering or Bio-technology from a University or an institution established by law in India with qualified Graduate Aptitude Test in Engineering (GATE) in concerned branch/ discipline; or (2) Masters Degree in Chemistry or Bio-chemistry or Microbiology from a University or an institution established by law in India with qualified Graduate Aptitude Test in Engineering (GATE) in concerned subject/discipline;

9. Preferential qualification

A candidates who has: (i) served in the Territorial army for a minimum period of two years, or (ii) obtained '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 40 years on the first day of July of the calendar year in which vacancies for direct recruitment are advertised: 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 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 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 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 exists 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 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 and Procedure for Direct Recruitment

(1) 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 the Scheduled Castes, Scheduled Tribes and other categories under rule 6. (2) In case of direct recruitment for the post of Technical Officer, application for permission to appear in the selection process shall be invited by the Commission in the form prescribed in the advertisement issued by the Commission. (3) The recruitment for the post of Technical Officer shall be done by Commission through Marks given on the basis of the score obtained in the Graduate Aptitude Test in Engineering (GATE) in concerned Branch/Subject as mentioned in academic Qualification under section-8 and total marks in interview decided by commission. (4) The Commission shall have regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories, call for interview such number of candidates, in order of marks obtained by candidate in Graduate Aptitude Test in Engineering who fulfill the requisite qualification, as per Rule-8. (5) The Commission shall prepare a

list of candidates; in order of their proficiency as disclosed by the marks obtained by each candidates in the GATE score 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 GATE shall be placed higher in the list. If two or more candidates obtain equal marks in the GATE also, the name of candidate senior in age shall be placed higher in list. The Commission shall forward the list to the appointing authority.

15. Procedure for Recruitment by Promotion

(1) Recruitment by promotion to the posts 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 Uttar Pradesh Constitution of Departmental promotion committee (for posts outside the purview of the Service Commission) Rules, 1992, 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 record, 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 candidate 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 VI – APPOINTMENT, PROBATION, CONFIRMATION AND SENIORITY

16. Appointment

(1) The appointing authority shall make appointment by taking the names of the candidates in the order in which they stand in the list prepared under rules 14 and 15 as the case may be. (2) 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 it stood in the cadre from which they are promoted.

17. Probation

(1) A person on substantive appointment to a post in the service shall be placed on probation in accordance with the Uttar Pradesh Government Servants Probation Rules, 2013, as amended from time to time. (2) 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. (3) A

probationer who is reverted or whose services are dispensed with under sub rule (2) shall not be entitled to any compensation.(4)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.

18. 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 the extended period of probation if-(a)his work and conduct are reported to be satisfactory.(b)his integrity is certified.(c)the appointing authority is satisfied that he is otherwise fit for confirmation.(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.

19. 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 VII – PAY ETC.

20. 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 at the time of the commencement of these rules are given as follows:

Sl. No.	Name of Post	Scale of pay
1	Technical Officer	Pay Matrix Level – 10 (Rs.56100-177500)
2	Senior Technical Officer	Pay Matrix Level – 11 (Rs.67700-208700)
3	Chief Technical Officer	Pay Matrix Level – 12 (Rs.78800-209200)

21. 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 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 generally to Government servants serving in connection with the affairs of the State.

Part VIII – OTHER PROVISIONS

22. Canvassing

No recommendations, either written or oral, other than those required under these rules applicable to the post or service will be taken into consideration. Any attempt on the part of a candidate to enlist support directly/indirectly for his candidature will disqualify him for appointment.

23. 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.

24. Regulation of other matters

Where the State Government is satisfied that the operation of any rules 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: 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.

25. 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 of persons in accordance with the orders of the Government issued from time to time in this regard.