

# **The U.P. Fisheries Department Ministerial Service Rules, 1994**

UTTAR PRADESH

India

## **The U.P. Fisheries Department Ministerial Service Rules, 1994**

### **Rule**

### **THE-U-P-FISHERIES-DEPARTMENT-MINISTERIAL-SERVICE-RULES-1994 of 1994**

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The U.P. Fisheries Department Ministerial Service Rules, 1994Published vide Notification No. 4927/57-Matsya-93-27(2)-66 (1330)-75, dated March 9, 1994, published in U. P. Gazette, Part 1 (Kha), dated 2nd July, 1994In 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 Fisheries Department Ministerial Service.

## **Part I – General**

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

(1)These rules may be called the Uttar Pradesh Fisheries Department Ministerial Service Rules, 1994.(2)They shall come into force at once.

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

- The Uttar Pradesh Fisheries Department Ministerial Service is a Service comprising Group 'C' posts.

### **3. Definitions.**

- In these rules, unless there is anything repugnant in the subject or context,-(a)'appointing authority' in relation to a post means the authority mentioned as such in Column 7 of the appendix

against such post;(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)'Constitution' means the constitution of India;(d)'Commission' means the Uttar Pradesh Subordinate Service Selection Commission; ,(e)'Director' means the Director of Fisheries, Uttar Pradesh;(f)'Deputy Director' means the Deputy Director of Fisheries posted of Divisional Headquarters;(g)'Government' means the State Government of Uttar Pradesh;(h)'Governor' means the Governor of Uttar Pradesh;(i)"Joint Director (Administration)" means the Joint Director (Administration), Fisheries, Uttar Pradesh, Lucknow;(j)"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;(k)"service" means the Uttar Pradesh Fisheries Department Ministerial Service;(l)'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;(m)'year of recruitment' means period of twelve months commencing from the first day of July of 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 in the Appendix :Provided that-(a)the appointing authority may leave un-filled or the Governor may hold in abeyance any vacant post, without thereby entitling any person to compensation;(b)the Governor may create such additional permanent or temporary post 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:

Post	Source of Recruitment
1	2
Junior Clerk, Typist, Store Keeper and Stenographer (JuniorClerk).	By direct recruitment through the Commission.
Senior Clerk	By promotion through Selection Committee from amongstsubstantively appointed Junior Clerks, Typists and StoreKeepers.
Senior Assistant	

	By promotion through Selection Committee from amongst substantively appointed Senior Clerks.
Stenographer (Senior Scale)	By promotion through Selection Committee from amongst substantively appointed Stenographers (junior Scale).
Office Superintendent.	By promotion through Selection Committee from amongst substantively appointed Senior Assistants.
Administrative Officer.	By promotion through Selection Committee from amongst substantively appointed Office Superintendents.
Personal Assistant.	By promotion through Selection Committee from amongst substantively appointed Stenographers (Senior Scale).

## **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 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 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 qualifications.**

- A candidate for direct recruitment to the following qualifications :

- |      |   |   |   |
|------|---|---|---|
| (i)  | Junior Clerk/Typist<br>and Store Keeper | Must have passed the Intermediate<br>Examination of Board of High School and<br>Intermediate Education, Uttar Pradesh<br>or an examination recognised by the<br>Government as equivalent thereto. |   |
| (ii) | Stenographer<br>(Junior Scale)          | (i)   | Must have passed the<br>Intermediate Examination<br>of the Board of High School<br>and Intermediate Education,<br>Uttar Pradesh or<br>an examination recognised<br>by the Government as<br>equivalent thereto, and<br>Must possess minimum<br>speed of 30 words and 80<br>words per<br>minute respectively in Hindi<br>Typewriting and Shorthand. |
|      |   | (ii)  |   |

Note.-Preference shall be given to candidates having knowledge of English Shorthand and Typewriting.

## 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 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 1st 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 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 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 produce a Medical Certificate of fitness in accordance with the rules framed under Fundamental Rule 10, 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 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 and notify to the Employment Exchange in accordance with the rules and orders for the time being in force.

### **15. Procedure for direct recruitment.**

(1)Applications for permission to appear in the competitive examination for direct recruitment shall be invited by the Commission in the form published in the advertisement of vacancies issued by them.(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 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 other categories under rule 6 summon for interview such number of candidates as, on the result of the written examination have come upto the standard fixed by the Commission in this regard. The marks awarded to each candidate in 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 names of 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%) than the number of vacancies. The Commission shall forward the list to the appointing authority.

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

(1) Recruitment by promotion shall be made on the basis of seniority subject to the rejection of unfit through the Selection Committee to be 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. (2) The appointing authority shall prepare eligibility lists 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 it before the Selection Committee along with the Character rolls and such other records pertaining to them, as may be considered proper : Provided that where promotion to any category of posts is to be made from more than one feeder cadres, eligibility lists shall be prepared by arranging the names of the persons in the field of eligibility in order of seniority as determined by the dates of their substantive appointments on their respective posts and where two or more persons were appointed as such on the same date, the persons older in age shall be placed higher in the list. In so arranging the names, the inter se seniority of persons holding the same post shall not be disturbed. (3) The Selection Committee shall consider the cases of candidates on the basis of records referred to in sub-rule (2) and if it consider necessary, it may interview the candidates also. (4) The Selection Committee shall prepare a list of selected candidates arranged in order of their seniority as 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**

### **17. 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 list prepared under rule 15 or 16 as the case may be. (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 determined in the selection or as case may be, as it stood in the cadre from which they are promoted.

### **18. 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 be allowed 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. (3) 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. (4) 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.(5)A probationer who is reverted or whose services are dispensed with under sub-rule (4) shall not be entitled to any compensation.

## **19. 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 is 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 Uttar Pradesh State Government Servant 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.

## **20. Seniority.**

- The seniority of person 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.

## **Part VII – Pay etc.**

### **21. 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 commencement of these rules are given in Appendix.

### **22. 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 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 generally to Government servants serving in connection with the affairs of the State.

## 23. Criteria for crossing efficiency bar.

- No person shall be allowed to cross efficiency bar unless his work and conduct are found to be satisfactory and unless his integrity is certified.

## Part VIII – Other provisions

### 24. Canvassing.

- No' recommendations, either written or oral, other than those required under the rules applicable to the post of 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.

### 25. Regulation of other matters.

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

### 26. 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, dispensed 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.

### 27. Savings.

- Nothing in these rules shall affect 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 from time to time in this regard. Appendix [See Rule 4 and Rule 21 (2)]

Serial No.	Name of post	Scale of pay*	Number of posts	Remarks
Permanent	Temporary	Total		
1	2	3	4	5 6 7
In the Office				
of Director				
of				
Fisheries Department,				



U.P.

1	Personal Assistant	Rs. 1640-60-2600-EB-75-2900.	1	...	1	Director
2	Administrative Officer	Rs. 1640-60-2600-E.B.-75-2900. 4 4				
3	Office Superintendent	Rs. 1400-40-1600-50-2300-E.B.-60-2600.	1	...	1	Do
4	Stenographer (Senior Scale)	Rs. 1400-40-1600-50-2300-E.B.-60-2600.	1	...	1	Do
5	Stenographer (Junior Scale)	Rs. 1400-40-1800-E.B.-50-2300.	4	2	6	Do
6	Senior Assistant	Rs. 1400-40-1800-E.B.-50-2300.	10	2	12	Do
7	Senior Clerk	Rs. 1200-30-1560-E.B.-40-2040.	15	1	16	
8	Junior Clerk/Typist	Rs. 950-20-1150-E.B.-25-1500	17	2	19	
9	Store Keeper	Rs. 950-20-1150-E.B.-25-1500.	2	...	2	

In the Office  
of Deputy  
Director of  
Fisheries

1	Senior Clerk	Rs. 1200-30-1560-E.B.-40-2040.	27	9	36	Deputy Director of the Director concerned.
2	Junior Clerk/Typist	Rs. 950-20-1150-E.B.-25-1500	24	9	33	Deputy Director of the Director concerned.

In the  
Offices of  
the  
Assistant  
Directors  
of Fisheries

1	Senior Clerk	Rs. 1200-30-1560-E.B.-40-2040.	35	6	41	Ditto.
2	Junior Clerk	Rs. 950-20-1150-E.B.-25-1500.	75	6	81	Ditto.

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