

The Group 'D' Employees Service (U.P.) Rules, 1985

UTTAR PRADESH

India

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Rule THE-GROUP-D-EMPLOYEES-SERVICE-U-P-RULES-1985 of 1985

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The Group 'D' Employees Service (U.P.) Rules, 1985Published vide Notification No. 20/3382-1-Personnel - 2-85, dated 16th March, 1985In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating the recruitment to certain categories of Group 'D' posts, and the conditions of service of the persons appointed to such posts in the various departments of the Government of Uttar Pradesh.

Part I – General

1. Short title and commencement.

(1)These rules may be called the Group 'D' Employees (U.P.) Service Rules, 1985.(2)They shall come into force at once.

2. Application of these rules.

(1)These rules shall apply to all Group 'D' posts referred to in Rule 6 in all the subordinate officers as defined in clause (h) of Rule 4.(2)Whether a particular post is or not a non-technical post shall be referred to the Government in the Personnel Department and its decision shall be final.

3. Overriding effect of these rules.

- In the event of any inconsistency in between these rules and a specific rule or rules pertaining to any of the aforesaid posts in any department-(i)the provisions, contained in these rules shall prevail to extent to the inconsistency in case the specific rules were made prior to the commencement of these rules, and(ii)the provisions contained in the specific rules shall prevail in case they are made

after the commencement of these rules.

4. Definitions.

- In these rules, unless the context otherwise require-(a)"appointing authority" means the authority specified in a particular department to the appointing authority in regard to any category or categories of posts to which these rules apply;(b)"citizen of India" means a person who is or is deemed to be citizen of India under Part II of the Constitution;(c)"Constitution" means the Constitution of India;(d)"Establishment" means the Group 'D' establishment on which the posts are borne;(e)"Government" means the State Government of Uttar Pradesh;(f)"Governor" means the Governor of Uttar Pradesh;(g)"High Court" means the High Court of Judicature at Allahabad including its Bench of Lucknow;(h)"Subordinate Offices" shall refer to all the offices under the control of the Government, excluding the Secretariat, offices of State Legislature, Lok Ayukt, Public Service Commission, High Court, Subordinate Courts under the control and the superintendence of the High Court, Advocate-General and the establishments under the control of the Advocate-General;(i)"Retrenched employee" means a person-(i)who was employed on a post under the rule-making power of the Governor in permanent, temporary or officiating capacity for a total minimum period of one year, out of which at least 3 months' service must have been continuous service;(ii)whose services were or may be dispensed with due to reduction to in or winding up the establishment; and(iii)in respect of whom a certificate of being a retrenched employee has been issued by the appointing authority;but does not exclude a person employed ad hoc basis only,(j)"year of recruitment" means the period of twelve months commencing from the first day of July of a calendar year.

Part II – Cadre

5. Strength of service.

- The strength of Group 'D' Establishment in particular Department/Office and of each category of posts therein shall be such as may be determined by the Government, from time to time :Provided that the appointing authority may leave unfilled or the Governor may hold in abeyance any post or class of post without thereby entitling any person to compensation :Provided further that the Government in the Administrative Department may, in consultation with the Personnel Department and the Finance Department, create such permanent or temporary posts in any establishment, from time to time, as may be found necessary.

Part III – Recruitment

6. Source of recruitment.

- The source of recruitment to the various categories of Group 'D' posts shall be as follows :

(a)

... By direct recruitment.

Peon, Messenger, Chaukidar, Mali, Farrash, Sweeper, Waterman/Bhisti, Tindal, Thelaman, Record-lifter and every other non-technical post.

(b) Peon-Jamadar

... By promotion from amongst permanent peons.

(c) Daftri/Book Binder/Cyclostyle Operator

... By promotion from amongst qualified peons, Messengers and Farrash.

(d) Farrash Jamadar

... By promotion from amongst permanent Farrash.

(e) Sweeper Jamadar

... By promotion from amongst permanent Sweeper.

(f) Head Mali

... By promotion from amongst permanent Malies.

Provided that where no eligible suitable candidate is available for promotion to a particular post which is required to be filled by promotion, the post may be filled by direct recruitment.

Part IV – Qualification

7. 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.

8. Nationality.

- A candidate for direct recruitment to Group 'D' post 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 an 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 such candidate can be retained in service after a period of one year only if he has acquired 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 interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

9. Age.

- A candidate for direct recruitment to a Group 'D' post must have attained the age of 18 years and must not have attained the age of 30 years on the first day of July of the year of recruitment: 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 Governments from time to time shall be greater by such number of years as may be specified.

10. Academic qualifications.

(1) A candidate for recruitment to the post of peon, messenger or cyclostyle operator must have passed at least Class V, examination. (2) No educational qualifications are required for any other categories of post but preference will be given to a person who is educated or is at least able to read and write Hindi in Devnagri Script. (3) No person shall be eligible for appointment to the post of Mali unless he is found to possess requisite knowledge pertaining to the work of a Mali and has good experience of that work. (4) No person shall be eligible for appointment as Daftri, Book Binder unless he is found to possess requisite knowledge of book binding work and has good experience of that work. (5) No person shall be eligible for appointment as cyclostyle operator or any other post requiring technical knowledge, unless he is found to possess the requisite technical knowledge and has good experience pertaining to the particular job. (6) A candidate for recruitment to each category of Group 'D' post must know cycling: Provided that this condition shall not be applicable to female candidates. (7) A candidate who has served in the Territorial Army for a minimum period of two years shall, other things being equal, be given preference in the matter of direct recruitment to the establishment.

11. Relaxation for ex-servicemen and certain other categories.

- Relaxation, if any, from maximum age-limit, educational qualifications or and any procedural requirements of recruitment in favour of the Ex-Servicemen, disabled military personnel, dependants of military personnel dying in action, dependants of Uttar Pradesh Government servants dying in harness and sportsmen shall be in accordance with the general rules or orders of the Government in this behalf in force at the time of recruitment.

12. Character.

- The character of a candidate for direct recruitment must be such as to render him suitable in all respects for employment in the establishment. It shall be duty of the appointing authority to satisfy himself on this point. Note. - Person dismissed by the State Government or a Union Government or by a Local Authority or a Corporation or a Body owned or controlled by the Union Government or a State Government shall be deemed ineligible for appointment to a post in the Establishment. Persons convicted of an offence involving moral turpitude shall also be ineligible.

13. 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 the Establishment :Provided that the Government may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

14. Physical fitness.

- No candidate shall be appointed to the Establishment unless he is 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 by direct recruitment he shall be required to produce a medical certificate of fitness in accordance with the rules framed under Fundamental Rule 10 and contained in Chapter III of the Financial Hand Book, Volume II, Part III.

15.

[* * *] [Omitted by Notification No. 20/7/1986-K-2, dated 8-9-1986, published in U.P. Gazette, Part 1-Ka dated 4th October, 1986.]

Part V – Procedure for Recruitment

16. [Constitution of Selection Committee. [Substituted by Notification No. 20-7-1986, Karmik 2 (1), dated 20th June, 1992.]

- For the purpose of recruitment to any post, there shall be constituted a Selection Committee as follows :(1)Appointing Authority;(2)An officer belonging to Scheduled Castes/Scheduled Tribes, nominated by the District Magistrate if the appointing authority does not belong to Scheduled Castes or Scheduled Tribes. If the appointing authority belong to Scheduled Castes/Scheduled Tribes, an officer other than belonging to Scheduled Castes/Scheduled Tribes, Minority Community and Backward Class to be nominated by the District Magistrate;(3)Two officers nominated by the appointing authority one of whom shall be an officer belonging to Minority Community and the other Backward Class. If such suitable officers are not available in his department or organisation, such officers shall, on the request of the appointing authority, be nominated by the District Magistrate and on his failure to do so, by reason of non-availability of suitable officers, such officers shall be nominated by the Divisional Commissioner.]

17. [Recruitment to be made every year. [Substituted by Notification No. 20/7/1986-Karmik-2 (1), dated September 8, 1986 (w.e.f. 1-7-1986), published in U.P. Gazette, Part 1 (Ka), dated 4th October, 1986.]

- Selection for recruitment under these rules shall be made every year or as and when necessary.]

18.

[* * * *] [Omitted by Notification No. 20/7/1986-Karmik-2 (1), dated September 8, 1986 (w.e.f. 1-7-1986), published in U.P. Gazette, Part 1 (Ka), dated 4th October, 1986.]

19. [Procedure for Selection. [Substituted by Notification No. 20/7/1986-Karmik-2 (1), dated September 8, 1986 (w.e.f. 1-7-1986), published in U.P. Gazette, Part 1 (Ka), dated 4th October, 1986.]

(1)The appointing authority shall determine the number of vacancies to be filled during the course of the year as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories. The vacancies shall be notified to the Employment Exchange. The appointing authority may also invite application directly from the persons who have their names registered in the Employment Exchange. For this purpose, the appointing authority shall issue an advertisement in a local daily newspaper besides pasting the notice for the same on the notice board. All such applications shall be placed before the Selection Committee.(2)When the names both of the General Candidates and Reserve Candidates (for whom vacancies are required to be reserved under the orders of the Government) have been received by the Selection Committee it shall interview and select the candidate for the various posts.(3)In making selection the Selection Committee shall give weight-age to the retrenched employees awarding marks in the following manner :

- | | | |
|------|--|----------|
| (i) | For the first complete year : | 5 marks, |
| (ii) | For the next and every completed year of service : | 5 marks. |

Provided that the maximum marks awarded to a retrenched employee under this sub-rule shall not exceed. 15 marks.

(4)The number of the candidates to be selected will be larger (but not larger by more than 25 per cent) than the number of vacancies for which the selection has been made. The names in the select list shall be arranged according to the marks awarded at the interview.]

20.

[* * * *] [Omitted, by Notification No. 20/7/1986-Karmik-2 (1), dated September 8, 1986 (w.e.f. 1-7-1986), published in U.P. Gazette, Part 1 (Ka), dated 4th October, 1986.]

21. [Common list. [Substituted by Notification No. 20/7/1986-Karmik-2 (I), dated September 8, 1986 (w.e.f. 1-7-1986), published in U.P. Gazette, Part 1 (Ka), dated 4th October, 1986.]

- When the names of Selected candidates, both general and reserve have been received, the appointing authority shall arrange them in common list, the first name to be from The list of the general candidate followed by the name of the reserved candidate and so on. The select list so prepared shall hold good for a period of one year from the date of selection.]

22. Procedure for promotion.

(1) Criterion of promotion in respect of all the posts shall be seniority subject to the rejection of the unfit. (2) Promotions shall be made within the same establishment from amongst eligible candidates through selection by the Departmental Selection Committee. The constitution of the Department Selection Committee which shall consist of three members shall be in accordance with the orders of Head of the Department.

Part VI – Appointment, Probation, Confirmation and Seniority

23. Appointment.

(1) On the occurrence of substantive vacancies the appointing authority shall make appointments from the list of candidates prepared under Rule 21 or Rule 22, as the case may be, in the order in which their names appear in the list. (2) The appointing authority shall also make appointment in officiating and temporary vacancies from the said list and in the manner referred to in sub-rule (1). (3) When the list of selected candidates is exhausted or no candidate is available for appointment from out of the selected candidates ad hoc appointments may be made by the appointing authority from amongst the eligible candidates : Provided that such appointment shall not last for a period exceeding one year or beyond the next selection under these rules, whichever be earlier.

24. Probation.

(1) A person on appointment to a post in the establishment in a permanent vacancy shall be placed on probation for a period of one year : Provided that continuous service rendered in a officiating or temporary capacity in a post borne on the Establishment may be taken into account in computing the period of probation for that post: Provided further that 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 also that the period of probation shall not be extended beyond one year. (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 a post, on which he holds a lien or if he does not hold a lien on any post, his services may be dispensed with without entitling him to any compensation in either case.

25. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation, as the case may be, if his work and conduct have been found to be satisfactory, the appointing authority considers him fit for confirmation and his integrity is certified.

26. 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. (2) The seniority inter se of persons appointed directly on the result of any one selection, shall be the same as determined by the Selection Committee : 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 reasons 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 Etc.

27. Scale of pay.

(1) The scale of pay admissible to persons appointed to the various categories of posts in the Establishment 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 commencement of these rules are as follows :

(a) Peon, Messenger, Chaukidar, Mali, Farrash, Sweeper, Waterman/Bhishti, Tindal, Thelaman, Record-lifter and every other non-technical post	Rs. 305-5-330-E.B.-6-360-E.B.-6-390.
(b) Peon-Jamadar	Rs. 315-6-351-E.B.-6-363-7-384-8-400-E.B.-8-440.
(c) Daftri, Book Binder, Cyclostyle Operator	Rs. 315-6-351-E.B.-6-363-7-384-8-400-E.B.-8-440.
(d) Farrash Jamadar	Rs. 315-6-351-E.B.-6-363-7-384-8-400-E.B.-8-440.
(e) Sweeper Jamadar	Rs. 315-6-351-E.B.-6-363-7-384-8-400-E.B.-8-440.
(f) Head Mali	

Rs.

315-6-351-E.B.-6-363-7-384-8-400-E.B.-8-440.

28. 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 increment in the time scale when he has completed one year of satisfactory service, and the second increment after he is 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 the permanent Government service shall be regulated by the relevant rules, applicable to Government servants generally serving in connection with the affairs of the State.

29. Criteria for crossing the efficiency bars.

- No person shall be allowed to cross any efficiency bar unless he is found to have worked steadily and to the best of his ability, his conduct has been good and his integrity is certified.

Part VIII – Other Provisions

30. 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 or indirectly for his candidature will disqualify him for appointment.

31. Regulation of other matters.

- In regard to the matters not specifically covered by these rules or by special orders, persons appointed to the establishment shall be governed by the rules, regulations and orders applicable generally to Government servants, serving in connection with the affairs of the State.

32. 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 Establishment 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.