

U.P. Irrigation Department Civil Engineers (Subordinate) Service Rules, 1992

UTTAR PRADESH

India

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Rule

U-P-IRRIGATION-DEPARTMENT-CIVIL-ENGINEERS-SUBORDINATE-S of 1992

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U.P. Irrigation Department Civil Engineers (Subordinate) Service Rules, 1992 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 the recruitment and conditions of service of persons appointed to the Uttar Pradesh Subordinate Civil Engineers, Irrigation Department Rules, 1992 :

Part I – General

1. Short title and commencement.

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

2. Status of the service.

- The Uttar Pradesh Irrigation Department Civil Engineers (Subordinate) Service comprises Group "C" posts.

3. Definitions.

- In these Rules, unless there is anything repugnant in the subject or context, -(a) "Appointing

authority" means Engineer-in-Chief, Irrigation Department;(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 Subordinate Service Selection 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)"Service" means the Uttar Pradesh Irrigation Department Civil Engineers Subordinate Service;(h)"Member of the service" means a person substantively appointed under these rules or the orders in force prior to the commencement of these rules, to a post in the cadre of the service;(i)"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; and(j)"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 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 :

Name of post	Number of post		
Permanent	Temporary	Total	
Junior Engineers (Civil)	4215	2291	6506

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 post as he may consider proper.

Part III – Recruitment

5. Source of recruitment.

- Recruitment to the posts in the Service shall be made from the following sources :(1)Ninety percent by direct recruitment through the Commission.(2)Ten percent by promotion through the Selection Committee from amongst substantively appointed Tracers and Group-C employees of the Irrigation Department of Uttar Pradesh who have completed ten years service as such and who possess the qualifications prescribed under Rule 8, on the first day of the year of 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 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 Government:Provided further that a candidate belongs 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), 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 or promotion to a post in the Service must possess any of the following qualifications:(a)Diploma in Civil Engineering awarded by an Institution or University established by law in India; or(b)Diploma in Civil Engineering awarded by the Board of Technical Education, Uttar Pradesh; or(c)National Certificate in Civil Engineering awarded by All India Council of Technical Education; or(d)Three years Diploma in Civil and Rural Engineering by the Board of Technical Education, Uttar Pradesh.

9. Preferential qualification.

- A candidate who has-(1)served in the Territorial Army for a minimum period of two years; or(2)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 eighteen years and must not have attained the age of more than thirty two years on the first day of July of the calendar year in which the vacancies for direct recruitment are advertised by the Commission :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 Local Authority or a Corporation or Body owned or controlled by the Union Government or a State Government shall be ineligible for appointment 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 produce a Medical Certificate of fitness in accordance with the rules framed under Fundamental Rule 10, contained in Chapter III of the Financial Hand Book, 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 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 a candidate belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6.

15. Procedure for direct recruitment through the Commission.

(1) Application for permission to appear in the competitive examination shall be called by the Commission in the prescribed form published in the advertisement by the Commission. (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 have 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 examinations have come up to the standard fixed by the Commission in this respect. 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 in 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 percent) than the number of vacancies. The Commission shall forward the list to the appointing authority.

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 a Selection Committee to be constituted in accordance with the Uttar Pradesh Constitution of Departmental Promotion Committee (for Posts Outside the Purview of Service Commission) Rules, 1992.(2)The appointing authority shall prepare an 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 records pertaining to them as may be considered proper :Provided that while preparing eligibility lists under this sub-rule where there are two or more 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 the same pay-scale, the names of candidates shall be arranged in the eligibility lists in order of the date of their substantive appointment in their respective cadres.(3)The Selection Committee shall consider the cases of candidates on the basis of 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 candidates arranged 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.

17. Combined select list.

- If in any year of recruitment, appointments are made by direct recruitment as well as by promotion, a combined select list shall be prepared by taking the names of candidates from the relevant lists in such manner that the prescribed percentage is maintained, the first name in the list being of the person appointed by promotion.

Part VI – Appointment, Probation, Confirmation and Seniority

18. Appointment.

(1) Subject to the provisions of sub-rule (2), appointing authority shall make the appointment by taking the names of candidates in the order in which they stand in the lists prepared under Rule 15, 16 or 17, as the case may be. (2) Where, in any year of recruitment, appointments are made both by direct recruitment and by promotion, a combined list shall be 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

19. Probation.

(1) A person on substantive appointment shall be placed on probation for 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 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. (4) A probationer who is reverted or whose services are dispensed with under sub-rule (3) shall not be entitled to any compensation.

20. 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 in or the extended period of probation, if-(a) there is a permanent post available; (b) he has passed the prescribed departmental examination; (c) he has successfully undergone the prescribed training, if any; (d) his work and conduct is reported to be satisfactory; (e) his integrity is certified; and (f) 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.

21. Seniority.

- The seniority of persons substantively appointed shall be determine in accordance with the Uttar Pradesh Government Servants Seniority Rules, 1991, as amended from time to time.

Part VII – Pay etc.

22. Scale of pay.

(1)The scale of pay admissible to persons appointed to the post 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 below :

Name of post	Scale of pay
Junior Engineer (Civil)	Rs. 1400-40-1800-E.B.-50-2300.

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, including period of training, has passed departmental examination and undergone training 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.

24. Criteria for crossing efficiency bar.

- No person shall be allowed to cross efficiency bar unless-(i)his works and conduct are 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, 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.

27. 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, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary 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.

28. Savings.

- Nothing in these rules shall affect reservation 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 order of the Government issued from time to time in this regard.