

The U.P. Dental Surgeons Service Rules, 1979

UTTAR PRADESH

India

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Rule THE-U-P-DENTAL-SURGEONS-SERVICE-RULES-1979 of 1979

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Part I – General

1. Short title and commencement.

- (i) These rules may be called "The Uttar Pradesh Dental Surgeons Service Rules, 1979". (ii) They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Dental Surgeons Service is a State Service comprising Group 'A' posts.

3. Definitions.

- In these rules, unless the context otherwise requires-(a)"appointing authority" means the Governor;(b)"citizen of India" means a person who is or deemed to be a citizen of India under Part II of the Constitution;(c)"Commission" means the Uttar Pradesh Public Service Commission;(d)"Constitution" means the Constitution of India;(e)"Director" means the Director of Medical and Health Service, Uttar Pradesh;(f)"Government" means the Government of Uttar Pradesh;(g)"Governor" means the Governor of Uttar Pradesh;(h)"member of the Service" means a person appointed in a substantive capacity under the provision of these rules or of rules or orders in force before the commencement of these rules to a post in the cadre of the service;(i)"Secretary" means the Secretary to Government, Medical Department;(j)"Service" means the Uttar Pradesh

Dental Surgeons Service; and(k)"year of recruitment" means the period of twelve months commencing from the first day of July of a calendar year.

Part II – Cadre

4. Strength of the Service.

- (i) The strength of the Service and of each category of posts therein, shall be such as may be determined by the Governor from time to time.(ii)The strength of the service and of each category of posts therein shall until order varying the same are passed under sub-rule (1) shall be as follows :

Name of Post	Permanent	Temporary
1	2	3
(a) Dental Surgeon (Ordinary Grade)	51	13
(b) Dental Surgeon (Selection Grade)	6

Provided that the Governor may-(1)leave unfilled or hold in abeyance any vacant post without thereby entitling any person to compensation; or(2)create such additional permanent or temporary posts from time to time, as may be considered necessary.

Part III – Recruitment

5. Source of recruitment.

- Recruitment to the various categories of post in the Service shall be made from the following sources :

1	2
(a) Dental Surgeon (Ordinary Grade).	By direct recruitment through the Commission.
(b) Dental Surgeon (Selection Grade).	By selection from amongst permanent Dental Surgeons (Ordinary Grade) who have put in at least 10 years service as such on the first day of the year of recruitment.

6. Reservation for Scheduled Castes etc.

- Reservation for the Scheduled Castes, Scheduled Tribes and others shall be made in accordance with the orders issued by the Government from time to time.

Part IV – Qualification

7. Nationality.

- A candidate for recruitment to the Service must be-(a)a citizen of India; or(b)a Tibetan refugee who came over to India before January 1, 1962, with the intention of permanently settling in India; or(c)a person of Indian origin who has migrated from Pakistan, Burma, Ceylon 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 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 to the Service must possess at least B. D. S (Bachelor of Dental Surgery) degree from a recognised university or an equivalent qualification recognised by the Indian Dental Council.

9. Preferential qualification.

- A candidate who has-(i)served in the Territorial Army for a maximum period of two years, or(ii)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 22 years and must not have attained the age of more than 32 years on January 1 of the year of recruitment, 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, Backward Classes 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. 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 Governor may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

12. Character.

- The character of a candidate for direct recruitment to the service must be such as to render him suitable in all respects for employment in the service. The appointing authority shall satisfy himself on this point. Note. - Persons dismissed by the Union Government or a State Government or by a local Authority or a Corporation or undertaking 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.

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 for a candidate recruited by promotion.

Part V – Procedure for Recruitment

14. Determination of Vacancies.

- The Secretary shall determine and, in case of the vacancies in the post of Dental Surgeon (ordinary grade), 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 Scheduled Castes, Scheduled Tribes, Backward Classes and other categories under Rule 6.

15. Procedure for Direct Recruitment to the post of Dental Surgeon (Ordinary Grade).

(1) Applications for being considered for selection shall be called by the Commission in the prescribed form, which may be obtained from the Secretary to the Commission on payment. (2) The Commission, shall, having regard to the need for securing due representation to the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 6, call for interview such candidates as fulfil the requisite qualifications. (3) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the viva voce. If two or more candidates obtain equal marks the Commission shall arrange their names in order of merit on the basis of their general suitability for the service. The number of the names in the list shall be larger, but not larger by more than 25 per cent than the number of the vacancies. The Commission shall forward the list to the appointing authority.

16. Procedure for selection to the post of Dental Surgeon (Selection Grade).

(1) Selection by promotion to the post of Dental Surgeon (Selection Grade) shall be made on the basis of seniority subject to the rejection of the unfit through a Selection Committee comprising-(a) Secretary, (b) Director, (c) Any other Secretary to Government to be nominated by the Chief Secretary. Note. - The Senior Secretary to Government shall be the Chairman of the Selection Committee. (2) The Secretary shall prepare an eligibility list of 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 records referred to in sub-rule (2) and, if it considers necessary, it may interview the candidate also. (4) The Selection Committee shall prepare a list of selected candidates arranged in order of seniority and forward the same to the appointing authority.

Part VI – Appointment, Promotion, Confirmation and Seniority

17. Appointment.

- On the occurrence of substantive vacancies the Governor shall make appointments by taking the names of the candidates in the order, in which their names stand in the list prepared under Rule 15 or 16, as the case may be.

18. Probation.

(1) A person on appointment to the Service in or against a substantive vacancy shall be placed on probation for a period of two years. (2) The Governor may, for reasons to be recorded, extend the period of probation in individual cases specifying the date up to which extension is granted : Provided that, save in exceptional circumstances the period of probation shall not be extended for more than one year and in no case 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. (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.

19. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or extended period of probation if-(i) his work and conduct are reported to be satisfactory, (ii) his integrity is certified, and (iii) the Governor is satisfied that he is otherwise fit for confirmation.

20. Seniority.

- Seniority in any category of post in the Service shall be determined from the date of order of substantive appointment and when two or more persons are appointed together from the order in which their names are arranged in the appointment order; Provided that-(i) the inter se seniority of persons directly appointed to the Service shall be the same as determined by the Commission at the time of selection, (ii) the inter se seniority of persons appointed to the service by promotion shall be the same as it was in the substantive post held by them at the time of promotion. Note. - (i) When the appointment order specifies a particular back date with effect from which a person is to be appointed substantively (which has to be made on probation against a clear vacancy on a permanent post) that date will be deemed to be the date of order of substantive appointment. In other cases it will mean the date of issue of the order. (ii) A candidate recruited directly may lose his seniority if he fails to join without valid reason when vacancy is offered to him. The decision of the appointing authority as to the validity of reasons will be final.

Part VII – Pay and Allowances

21. Scale of pay.

- 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. The scales of pay in force at the time of commencement of these rules as follows :

Name of Post	Scale of Pay*
1	2
(a) Dental Surgeon (Ordinary Grade) Rs. 550-30-700-E.B.-40-900-E.B.-50-1,200.
(b) Dental Surgeon (Selection Grade) Rs 800-50-1,950-E.B.-50-1,300-E.B.-50-1,450.

* For latest Pay Scale, please see current Govt Order.

22. Free residence.

- Persons appointed to the service will also be entitled to free unfurnished residence or house allowance in lieu thereof at such rates as may be sanctioned by the Government from time to time in case of P.M.H.S. Officers. Note. - The sanctioned rates on the date of commencement of these rules are as follows: (i) In five KAVAL, towns having population of five lakh or above, viz. Kanpur, Allahabad, Varanasi, Agra and Lucknow 17½ per cent of the pay. (ii) In 17 towns having population of one lakhs or above but less than five lakhs viz. Meerut, Bareilly, Moradabad, Saharanpur, Aligarh, Gorakhpur, Jhansi, Dehra Dun, Rampur, Mathura, Sahajahanpur, Mirzapur, Firozabad, Ghaziabad, Muzaffamagar, Furrukhabad and Faizabad 12½ per cent of the pay, and (iii) In other places 10 per cent of the pay.

23. Pay during probation.

- 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 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- (i) the first efficiency bar unless his work and conduct is found to be satisfactory and unless his integrity is certified; (ii) the second efficiency bar unless he has worked steadily and to the best of his ability and unless his integrity is certified.

Part VIII – Other Provision

25. Liability for Military Service.

- Members of the Service shall, if so required, be liable to serve in any of the Defence Services or on a post connected with the Defence Services: Provided that no person shall be required to go on Military duty after the age of 45 years.

26. Canvassing.

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

27. 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 State.

28. Relaxation from 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 for dealing with the case in a just and equitable manner :Provided that when a rule was framed in consultation with the Commission, that body shall be consulted before the requirements of the rule are relaxed or dispensed with.

29. Saving.

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