

The U.P. Excise (Prohibition) Group 'D' Service Rules, 1978

UTTAR PRADESH

India

The U.P. Excise (Prohibition) Group 'D' Service Rules, 1978

Rule

THE-U-P-EXCISE-PROHIBITION-GROUP-D-SERVICE-RULES-1978 of 1978

- Published on 12 July 1978
- Commenced on 12 July 1978
- [This is the version of this document from 12 July 1978.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Excise (Prohibition) Group 'D' Service Rules, 1978Published Vide Notification No. 6610-E/13-199-76, dated July 12, 1978, published in U.P. Gazette, Extraordinary, dated 12th July, 1978In 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 to, and conditions of service of persons appointed to the Uttar Pradesh Excise (prohibition) Group 'D' Service :

Part I – General

1. Short title and commencement.

(a)These rules may be called the Uttar Pradesh Excise (Prohibition) Group 'D' Service Rules, 1978.(b)They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"appointing authority" means the authority specified in Rule 15;(b)"Constitution" means the Constitution of India;(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)"Government" means the Government of Uttar Pradesh;(e)"Governor" means the Governor of Uttar Pradesh;(f)"Member of the Service" means a person appointed in a substantive capacity under the provisions of these rules or of any rules or orders in force prior to the commencement of these rules to a post in the cadre of the service;(g)"Prohibition and Social Uplift

Officer" means an officer appointed as such to be incharge of the prohibition and social uplift work at the regional level;(h)"Service" means the Excise (Prohibition) Group 'D' Service;(i)"State Prohibition Officer" means the officer appointed by the Governor as State Prohibition Officer, to be incharge of the Prohibition and Social Uplift work at the State level;(j)"Year of recruitment" means the period of twelve months commencing from the first day of July of a Calendar year.

Part II – Cadre

3. Strength of the service.

(1)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.(2)The permanent and temporary strength of the Service and of each category of posts therein shall, until orders varying the same have been passed under sub-rule (1), be as under :

Name of posts		Number of Posts		
Permanent	Temporary			
(i)	Peon, Chowkidar and Van Attendant	...	23	2
(ii)	Driver (Light Vehicles)	...	3	2
(iii)	Driver (Heavy Vehicles)	...	3	...

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

Part III – Recruitment

4. Sources of recruitment.

- Recruitment to the various categories of posts in the Service shall be made from the sources mentioned below :

- (1) Peon, Chowkidar and Van Attendant ... By direct recruitment.
- (2) Driver (Light Vehicles) ... Ditto.
- (3) Driver (Heavy Vehicles) ... By promotion from amongst confirmed drivers of light vehicles who hold a driving licence for heavy vehicles and in case a qualified person is not available for promotion then by direct recruitment.

5. Reservation for Scheduled Castes, etc.

- Reservation for Scheduled Castes, Scheduled Tribes and other categories shall be made in accordance with the orders of the Government in force at the time of recruitment.

Part IV – Qualifications

6. 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 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 shall 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 a candidate may 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 an examination or interview conducted by the recruiting authority and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

7. Age.

- A candidate for direct recruitment to the Service must have attained the age of 18 years and must not have attained the age of 30 years on the first day of January following the year in which applications for recruitment are invited : Provided that the upper age limit shall, in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and 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.

8. Academic qualifications.

(1) A candidate for direct recruitment to a post in the Service must have passed Class V. (2) A candidate for the post of driver (Light Vehicles) must, in addition, hold a driving licence for a light vehicle and also have at least three years experience of driving light vehicles. (3) If the post of Driver (Heavy Vehicles) is sought to be filled by direct recruitment a candidate must in addition to the qualification referred to in sub-rule (1) hold a driving licence for a heavy vehicle and also have at least three years experience of driving heavy vehicles.

9. Preferential qualifications.

- A candidate shall, other things being equal, be given preference over other candidates in the matter of direct recruitment if he-(a)has served in the Territorial Army for a minimum period of two years; or(b)has obtained a 'B' certificate of the National Cadet Corps.

10. Character and conduct.

- The character of a candidate for direct recruitment must be such as to render him suitable in all respects for employment in the Service. The appointing authority shall satisfy itself on this point.
Note.-Persons dismissed by the Union Government or by any State Government or by a Local Authority or by a Body or Corporation or a public sector undertaking owned or controlled by the Union Government or a State Government shall be deemed to be ineligible for appointment. A person who has been convicted by a Court of Law for offences involving moral turpitude shall also be deemed ineligible.

11. Physical fitness.

- No person shall be appointed to any 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 official duties. Before a candidate is finally approved for appointment to the Service by direct recruitment he shall be required to produce a certificate of fitness in accordance with the rules framed under Fundamental Rule 10 And contained in Chapter III of the Financial Handbook, Volume II, Parts II to IV.

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 recruitment to 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.

Part V – Procedure for Recruitment

13. Direct recruitment.

(1)Whenever it is required to fill up any vacancy by direct recruitment, the appointing authority shall ascertain the number of vacancies to be so filled up and also determine the number of vacancies, if any, to be reserved for Scheduled Castes candidates and others under Rule 5.(2)Recruitment to the posts of Peon, Chowkidar and Van Attendant shall be made in accordance with the provisions of the Class IV Employees Service Rules, 1975.(3)Recruitment to the post of Driver (Light Vehicles) shall be made as follows :(i)The appointing authority shall invite applications through Employment Exchange in accordance with the procedure prescribed by the

Government in this behalf.(ii)A selection committee shall be appointed by the State Prohibition Officer for the selection of drivers for direct recruitment. The selection committee shall consist of the following :

1. State Prohibition Officer, U.P.

2. Deputy State Prohibition Officer.

3. Prohibition and Social Uplift Officer (Nominated by State Prohibition Officer, U.P.)

(iii)The applications received from the Employment Exchange shall be scrutinised by the selection committee and such persons as seem qualified under these rules shall be called for interview at a date and time to be fixed for the purpose.(iv)The selection committee shall interview the candidates and select such candidates as in its opinion are most suitable for the post. In making assessment of the suitability, regard shall be had to the educational qualification, health, temperament and past experience of the candidates having bearing on the post and the fact that they know cycling. The names of the selected candidates shall be arranged in order of preference in a select list. The number of the names in the list shall be larger but not larger by more than 25 per cent of the number of vacancies.

14. Recruitment by promotion.

- Whenever it is required to make selection for promotion to the post of driver (Heavy Vehicles) a selection on the basis of seniority subject to the rejection of the unfit shall be made by the selection committee mentioned in Rule 13 in accordance with the procedure laid down below ;(i)A list to be called the eligibility list of all the eligible candidates, i.e. drivers (Light Vehicles) shall be prepared according to their seniority.(ii)The selection committee shall consider the cases of all the candidates eligible for promotion with reference to the character rolls and other relevant records with a view to judging their suitability for the post of driver (Heavy Vehicles). If necessary, the committee may also interview all or any of the candidates.(iii)The names of the selected candidates shall be arranged in order of their seniority in the lower posts of driver (Light Vehicles). The number of the names in the select list so prepared shall, as far as possible, be larger (but not larger by more than 25 per cent) than the number of vacancies.(iv)If no suitable candidate is available for promotion to the post of driver (Heavy Vehicles), direct recruitment to the post will be made in the manner prescribed in Rule 13.

Part VI – Appointment, Probation and Confirmation

15. Appointing authority.

- The appointing authority for the various categories of posts in the Service shall be as under :

- | | |
|---|--|
| (1) For posts in the Office of the State Prohibition Officer. | The State Prohibition Officer. |
| (2) For posts in the Office of Prohibition and Social Uplift Officer. | The Prohibition and Social Uplift Officer concerned. |

16. Appointment.

(1) Appointment to the various categories of posts shall be made by the appointing authority on the occurrence of substantive vacancies, by taking candidates in the order in which their names stand in the respective lists received in accordance with Rule 13 (2) or prepared under Rules 13 (3), 14 (iii), as the case may be. (2) The appointing authority may make appointments against temporary or officiating vacancies also from the respective lists referred to in sub-rule (1).

17. Probation.

(1) Every 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 appointing authority may allow continuous service, rendered in an officiating or temporary capacity on an 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 for a period ordinarily not exceeding one year, specifying the exact date up to which the extension is granted. (4) If it appears to the appointing authority at any time during or at the end of the period of probation or the extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction in respect of his work or conduct, he may be reverted to his substantive post, if any, or if he does not hold a lien on any post, his services may be dispensed with. (5) A person whose services are dispensed with under sub-rule (4) shall not be entitled to any compensation.

18. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation if his work and conduct have been found to be satisfactory, he is considered fit for confirmation and his integrity is certified.

19. Seniority.

- Seniority in the various categories of posts shall be determined by the date of substantive appointment and if two or more candidates are appointed on the same date, their seniority inter se shall be determined according to the order in which their names appear in the order of appointment : Provided that - (i) the inter se seniority of persons directly appointed shall be the same as determined at the time of selection; (ii) the inter se seniority of persons appointed by promotion shall be the same as it was in the substantive appointment held by them at the time of the promotion. Note. - 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 the reasons

will be final.

20. Transfer.

- Ordinarily the persons recruited for an office shall continue to serve there but the State Prohibition Officer may transfer a person from one office to another on mutual requests or on some special or administrative grounds.

Part VII – Pay

21. Scales of pay.

(1)The scales of pay admissible to persons appointed to the posts included in the cadre of 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 in force at the commencement of these rules are given below :

Name of posts	Scales of pay*
1. Peon/Chowkidar/Van Attendant	.. Rs. 165-2-185-EB-3-215.
2. Driver (Light Vehicles)	.. Rs. 175-3-205-EB-4-225-EB-5-250
3. Driver (Heavy Vehicles)	.. Rs. 185-3-215-EB-4-235-EB-6-265

* For Latest Pay Scale, please see current G.O.

22. Pay during probation.

(1)Notwithstanding any provisions in the Fundamental Rules to the contrary, a person on probation if he is not already in permanent Government service, shall draw, during the period of probation increments on the condition that his work is reported to be satisfactory ;Provided that if the period of probation is extended on account of failure to give satisfaction, the extended period shall not count for increment unless the appointing authority directs otherwise.(2)The pay during probation of a person already in the permanent service of the government shall be regulated by the relevant rules referred to in Rule 25.

23. Criteria for crossing efficiency bars.

- No member of the service shall be allowed to cross-(i)the first efficiency bar unless his work and conduct have been satisfactory and his integrity is certified;(ii)the second efficiency bar unless he has worked steadily and efficiently with devotion to duty and his integrity is certified.

Part VIII – Other Provisions

24. Canvassing.

- No recommendations, either written or oral, other than those required under these rules will be taken in consideration. Any attempt on the part of candidate to enlist support directly or indirectly for his candidature by other means 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 conditions of service.

- Where the governor is satisfied that the operation of any rule regulating the conditions of Service causes undue hardship in any particular case, he 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 he may consider necessary for dealing with the case in a just and equitable manner.