

The U.P. Subordinate Excise (Audit and Accounts) Service Rules, 1992

UTTAR PRADESH

India

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Rule

THE-U-P-SUBORDINATE-EXCISE-AUDIT-AND-ACCOUNTS-SERVICE-F of 1992

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The U.P. Subordinate Excise (Audit and Accounts) Service Rules, 1992Published vide Notification No. 2284-E-1/13-66-89, dated Lucknow 30th June, 1992In exercise of the conferred by the proviso to Article 309 of the Constitution and in suppression of all existing rulers 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 Subordinate Excise (Audit and Accounts) Service.

Part I – General

1. Short title and commencement.

- (i) These rules may be called The Uttar Pradesh Subordinate Excise (Audit and Accounts) Service Rules, 1992.(ii)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Subordinate Excise (Audit and Accounts) Service is a Subordinate non-Gazetted Service comprising Group "C" posts.

3. Definitions.

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

authority" means the Excise Commissioner, Uttar Pradesh;(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 Uttar Pradesh Subordinate Service Selection Commission;(d)"Constitution" means the Constitution of India;(e)"Government" means the Government of Uttar Pradesh;(f)"Governor" means the Governor of Uttar Pradesh;(g)"member of service" means a person substantial 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;(h)"service" means the Uttar Pradesh Subordinate Excise (Audit and Accounts) 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 are no rules, in accordance with the procedure prescribed for the time being by executive instructions issued by the Government;(j)"Year of recruitment" means the period of twelve months commencing from the first day of July of a calendar year.

Part II – Cadre

4. Cadre of service.

(1)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 strength of the service and of each category of post therein shall, until orders varying the same are passed under sub-rule (i) be as given below :

Serial no.	Name of post	No. of posts		
	Permanent Temporary	Total		
(1)	(2)	(3)	(4)	(5)
1.	Assistant Accountant ...	13	13	
2.	Accountant	4	...	4
3.	Junior Auditor	4	8	12
4.	Senior Auditor	4	...	4
	Total	12	21	33

Provided that-(1)the appointing authority mat leave unfilled or the Governor may hold in abeyance any vacant post in the service without thereby entitling any person to compensation;(2)the Governor may create such additional, permanent or temporary posts as he may consider proper.

Part III – Recruitment

5. Sources of recruitment.

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

(1) Accountant ... By promotion from amongst substantively appointed AssistantAccountants

who have completed ten years service as such on the first day of the year of recruitment.

(2) Assistant Accountant. ... By direct recruitment through the Commission.

By promotion from amongst substantively appointed Junior Auditors who
(3) Senior Auditor ... have completed ten years service as such on the first day of the year of recruitment.

(4) Junior Auditor ... By direct recruitment through the Commission.

6. Reservation.

- Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other Categories shall be in accordance with the orders of the Government in force at the time of 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 January 1, 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 the 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 necessary certificate being obtained by him or issued in his favour.

8. Academic qualification.

(1) A candidate for direct recruitment to the various posts in the Service must possess the following qualifications :

Post	Qualification
1. Assistant Accountant	A Bachelors degree in Commerce with Accountancy of a University established by law in India or a Post Graduate Diploma in

Accountancy.

2. Junior Auditor A Bachelors degree in Commerce with Audit or Accountancy of a University established by law in India.

9. Preferential qualification.

- A candidate who has-(i)served in the Territorial Army for a minimum period of two years; or(ii)obtained '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 first day of July of calendar year in which the vacancies for direct recruitment are advertised by the Commission :Provided that the upper age limit in ease of candidates belonging to the Scheduled Castes, Scheduled Tribes and as 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 a Local Authority or a Corporation or Body owned or controlled by the Union Government or State Government shall be ineligible for appointment to 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 a wife living shall not be eligible for appointment to post in the services :Provided that the Governor may, if satisfied that there exist special grounds for doing so, exempt a candidate from operation of this rule.

13. Physical fitness.

- No candidate shall be appointed to a post in the service unless he be in a good mental and bodily health and free from any physical defect likely to interfere with 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.

15. Procedure for direct recruitment.

(1) Applications for permission to appear in the competitive examination shall be called by the Commission in the prescribed form published in the advertisement issued 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, 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, prepare a list of candidates who have come up to the standard fixed by the Commission in this respect. (4) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate at the written examination and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain equal marks in the written examination, the names of the candidates will be arranged viewing their general suitability i.e. academic qualification etc. The number of the names in the list shall be larger (but not larger by more than twenty-five per cent) 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 comprising :

- (i) Excise Commissioner, Uttar Pradesh .. Chairman.
- (ii) Additional Excise Commissioner, Uttar Pradesh. .. Member.
- (iii) Deputy Excise Commissioner (Headquarters) .. Member.

(2) The appointing authority shall prepare eligibility list or 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. (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 in accordance with the orders of Government in force at the time of recruitment 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 lists 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 the 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, for reason 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 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. (5) The appointing authority may allow continuous service rendered 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.

(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, or-(a) his work and conduct is reported to be satisfactory; (b) his integrity is certified; and (c) the appointing authority is satisfied that he is otherwise fit for confirmation. (2) Where, in accordance with the provisions of the Uttar Pradesh 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.

20. Seniority.

- The seniority of persons 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.

- 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 the commencement of these rules are given as under :

Name of post	Scale of pay*
1. Assistant Accountant.	1,200-30-1,560-E.B.-40-2,040.
2. Accountant	1,400-10-1,600-50-2,300-E.B.-60-2,600
3. Junior Auditor	1,200-30-1,560- E.B-40-2,040.
4. Senior Auditor	1,400-10-1,600-50-2,300-E.B.-60-2,600

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 scales 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 :For Latest Pay Scale, please see current G.O.Provided that, if the period of probation on account of failure to give satisfaction such extension shall not count for increment unless the appointing authority direct 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.

23. Criteria for crossing efficiency bar.

- No person shall be allowed to cross efficiency bar unless-(i)his work and conduct is found to be satisfactory; and(ii)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 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.

25. 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.

26. Relaxation from the condition 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.

27. Savings.

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