

The Uttarakhand Co-operative Service Rules, 2016

UTTARAKHAND

India

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Rule

THE-UTTARAKHAND-CO-OPERATIVE-SERVICE-RULES-2016 of 2016

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The Uttarakhand Co-operative Service Rules, 2016 Published vide Notification No. 136/14-1/2017-7/(1)/2015 T.C., dated February 6, 2017 published in the Uttarakhand Gazette, Part-1, dated 25th March, 2017, pp. 410-417, No. 12 Notification No. 136/XIV-l/2017-7/(1)/2015 T.C., dated February 6, 2017 published in the Uttarakhand Gazette, Part-I, dated 25th March, 2017, pp. 410-417, No. 12. - In exercise of the power conferred by provision to Article 309 of the "Constitution of India" and in supersession of all existing rules and order on the subject, the Governor is pleased to make the rules regulating recruitment and the conditions of service of persons appointed to the Uttarakhand Cooperative Service.

Part One – General

1. Short title and commencement.

(1) These rules may be called the Uttarakhand Cooperative Service Rules, 2016. (2) It shall come into force at once.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context -(a) "Appointing Authority" means the Governor; (b) "Citizen of India" means a person, who is or is deemed to be citizen of India under Part II of the Constitution; (c) "Commission" means the Uttarakhand Public Service Commission; (d) "Constitution" means, the Constitution of India; (e) "Government" means, State Government of Uttarakhand; (f) "Governor" means, the Governor of Uttarakhand; (g) "Member of Service" means, a person appointed in a substantive capacity, under the provision of these rules or of 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 Uttarakhand Cooperative 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 executing instruction issued by the Government; and(j)"Year of Recruitment" means, the period of twelve months commencing from the first day of July of a calendar year.

Part Two – Cadre

3. Cadre 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 Government from time to time.(2)The strength of the service and of each category of the posts shall, until order varying the same are passed under sub-rule (1), be as given in Appendix A-(i)provided that the Appointing Authority may leave unfilled any vacant post or the Governor may hold it in abeyance, without thereby entitling any person to compensation;(ii)the Governor may create such additional permanent or temporary posts as may be found necessary.

Part Three – Recruitment

4. Source of Recruitment.

- Recruitment to the various categories of posts in the service shall be made from the following sources-(1)Additional Registrar.- By promotion on the basis of eligibility merit from amongst substantively appointed Joint Registrar, who have completed five years service as such in the post on the first day of the year of recruitment.(2)Joint Registrar.- By promotion on the basis of seniority subject to the rejection of unfit from amongst substantively appointed Deputy Registrars, who have completed six years as such in the post on the first day of the year of recruitment.(3)Deputy Registrar.- By promotion on the basis of seniority subject to the rejection of unfit from amongst substantively appointed Assistant Registrars, who have completed five years service as such in the post on the first day of the years of recruitment.(4)Assistant Registrar.- (i) 50% posts by promotion on the basis of seniority from amongst substantively appointed Cooperative Inspector Group I (Additional District Cooperative Officers) of subordinate cooperative service, who have completed five years service as such in the post on the first day of the year of recruitment.(ii)50% posts by direct recruitment through Commission.

5. Reservation.

- Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Class and other categories shall be in accordance with the orders of the Government in force at the time of recruitment.

Part Four – Qualifications

6. 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 the 1st January, 1962, with a intention of permanently setting in India, or(c)a person of Indian origin, who has migrated from Pakistan, Burma, Sri Lanka or any East African Country of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) with an 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 person belonging to category (b) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttarakhand: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 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/she may also be provisionally appointed subject to the necessary certificate being obtained by him/her or issued in his/her favour.

7. Academic Qualification.

- A candidate for direct recruitment for the post of Assistant Registrar must have Bachelor's Degree of a University established by law in India.

8. Preferential Qualifications.

- Other things being equal, a candidate who has served in the Territorial Army for a minimum period of two years or who has obtained a 'B' and 'C' certificate of the National Cadet Corps, shall be given preference in the matter of direct recruitment.

9. Age.

- A candidate for direct recruitment to any post in the service must have attained the age of 21 years on January 1, of the year in which recruitment is to be made, if the posts are advertised during the period January 1 to June 30th and on July 1, if the posts are advertised during the period July 1 to December 31 and the maximum age limit shall not be greater than as notified by Government, from time to time;Provided that the upper age limit in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and otehr categories, as may be notified by the Government, from time to time, shall be greater by such number of years as may be specified.

10. 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 himself on this point. Note. - Persons dismissed by the Union Government or any State Government or by local authority or a corporation or body owned or controlled by the Union Government or 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.

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 alive 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. Physical Fitness.

- No candidate shall be appointed to a post in the service unless he/she 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 will not be required from a candidate recruited by promotion.

Part Five – Procedure for Recruitment

13. Determination of Vacancies.

- The Appointing Authority shall determine the number of vacancies to be filled during the course of the year and also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories under Rule 6 and shall intimate to the Commission the vacancies which are to be filled through them.

14. Procedure for direct recruitment through Commission.

(1) Applications through the Commission for permission to appear in the competitive examination shall be called by the Commission in the prescribed form, which may be obtained from the Secretary to the Commission on payment. (2) No candidate shall be admitted to the examination unless he holds a certificate of admission granted by the Commission. (3) After the result 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 backward classes and other under Rule 6, call for interview such number of candidates as, on the result of the written examination, have come up to the standard fixed by the Commission in

this respect. The marks awarded to each candidate at the interview shall be added to the marks obtained by him/her 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 obtained 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 lists shall be larger (but not larger by more than 25 per cent) than the number of vacancies. The Commission shall forward the list to the appointing authority. Note. - The particulars of syllabus related to competitive examination shall be such, as prescribed by the Commission and approved by the State Government.

15.

Procedure for recruitment by promotion through Commission.-r- Recruitment by promotion to the post of Assistant Registrar shall be made on the basis of seniority in accordance with the Uttarakhand Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 2003, as amended from time to time.

16. Procedure for recruitment by promotion through Selection Committee.

(1)Recruitment by promotion to the posts not within the purview of Commission shall be made through a Selection Committee comprising-(i)For the post of Additional Registrar:

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| (a) Chief Secretary, Government of Uttarakhand | - Chairman |
| (b) Secretary, Personnel, Government of Uttarakhand | - Member |
| (c) Principal Secretary/Secretary, Cooperative, Government of Uttarakhand | - Member |

(ii)For the post of Joint Registrar and Deputy Registrar:

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| (a) Principal Secretary/Secretary, Cooperative, Government of Uttarakhand | - Chairman |
| (b) Principal Secretary/Secretary, Personnel, Government of Uttarakhand or a personal nominated by him, who shall not be below the rank of Joint Registrar | - Member |
| (c) Registrar Cooperative Societies | - Member |

(2)The Appointing Authority shall prepare an eligibility list of the candidates in accordance with Uttarakhand (Not within the Purview of Commission) Promotion by Selection Eligibility List Rules, 2003, and place it before the Selection Committee, along with their character rolls and such record, pertaining to them, as may be considered proper.(3)The Selection Committee shall consider the cases of the candidates on the basis of the record, 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 Government Orders prevailing at the times of recruitment, and forward the same to Appointing Authority.

17. Combined Selection List.

- Combined select list prepared as per The Uttarakhand Government Servants Seniority Rules, 2002'.

Part Six – Appointment, Probation, Confirmation and Seniority

18. Appointment.

(1) On the occurrence of substantive vacancies, the appointing authority shall make appointments by taking candidates in the order in which they stand in the list prepared under Rules 15, 16, 17 or 18. (2) Appointing Authority may make appointment in temporary and officiating vacancies also from the list, referred to in sub-rule (1). If no candidate borne on these lists is available, he may make appointments in such vacancies from amongst person eligible for appointment under these rules, such appointments shall not be made for a period exceeding one year or beyond the next selection, whichever is earlier and whereof a post falls under the purview of Commission then provisions of Regulation 5(a) and 6(c) of Uttarakhand Public Service Commission (Delimitation of acts) Regulations, 1954 shall apply.

19. Probation.

(1) A person on appointment to the post in service in or against a substantive vacancy shall be placed on probation for a period of two years. (2) The Appointing Authority may, for reasons to be recorded in writing, extent 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 circumstances beyond two years. (3) 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.

20. Confirmation.

(1) A probationer shall be confirmed in his appointment at the end of the period or probation or the extended period of probation, if-(a) he has passed the prescribed departmental examination, if any, (b) he has successfully undergone the prescribed training, if any, (c) his work and conduct is reported to be satisfactory, (d) his integrity is certified, and (e) the Appointing Authority is satisfied that he/she is otherwise fit for confirmation. (2) Determination of Confirmation in accordance with the Uttarakhand State Government Servants Confirmation rules, 2002.

21. Seniority.

- Seniority in any category of posts in the service shall be determined from the date of substantive appointment and if two or more persons are appointed together from the order in which their names are arranged in the said order: Provided that-(1) the inter se seniority of persons directly appointed to the service shall be the same as determined at the time of selection; (2) 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.- (1) Where the appointment order specifies a particular back date with effect from which a person is to be appointed substantively 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. (2) 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 appointing authority as to the validity of reasons which shall be taken in consultation with the Commission shall be final. (3) Determination of seniority in accordance with the Uttarakhand Government Servants Seniority Rules, 2002.

Part Seven – Pay, Etc.

22. Scale of Pay.

(1) The scale 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. (2) The scales of pay at the time of commencement of these rules are given in appendix 'A'.

23. 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 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/she has completed the period of probation, has passed the prescribed departmental examination 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 person who was already holding a post under the Government, shall be regulated by the relevant Fundamental Rules: Provided that, if 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.

Part Eight – Other Provisions

24. Canvassing.

- No recommendations, either written or oral than those required under the rules applicable to the post or service will be taken into consideration. Any attempt on 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 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 the conditions of service.

- Where the State Government is satisfied that the operation of any rule regulation the conditions of service of person appointed to the service caused 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 requirement 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 where a rule was made in consultation with the Commission then the body shall be consulted before the requirements of that rule are relaxed or dispensed with.

27. Saving.

- Nothing in these rules shall effect the reservation and other concessions required to be given to the candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and other special categories in accordance with the orders of the Government issued from time to time.