

Bihar Engineering Service Class I Rules, 1939

JHARKHAND

India

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Rule BIHAR-ENGINEERING-SERVICE-CLASS-I-RULES-1939 of 1939

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Bihar Engineering Service Class I Rules, 1939 Rules for the Regulation of Recruitment to and the Conditions of Service, Pay, Allowances and Pension of the Bihar Engineering Service, Class I for P.W.D. (B.& R.) and Irrigation Department which is a provincial service constituted for the purpose of gradually replacing the Indian Service of Engineers. -

Part I – General

Class-1

1. Short title.

- These Rules may be called the Bihar Engineering Service Class I Rules, 1939. They shall come into force on the 1st of October,-

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"The service" means the Bihar Engineering Service, Class I.(b)"Member of the Service" means a Government servant appointed to a post in the cadre of the service, but does not include a member of the Indian Service of Engineers;(c)"Direct Recruitment" means recruitment in the manner prescribed in rules 9 to 16 of these rules;(d)"Inferior Post" means any post in the service other than a superior post;(e)"Promoted Officer" means an officer promoted to the Service from the Bihar Engineering Service, Class II, either substantively or on an officiating basis;(f)"Superior Post" means the post of Chief Engineer, Deputy Chief Engineer, Superintending Engineer, Executive Engineer, undersecretary to the Provincial Government In the Public Works Department and such other posts as may be specially classed as superior by the Governor;(g)"The Commission" means the Public

Service Commission, Bihar.

3. Strength of cadre.

- The sanctioned strength of the service shall be as follows :-

	Permanent.	Temporary.
Chief Engineer	1	...
Deputy Chief Engineer	...	1
Superintending Engineers	4	6
Executive Engineers including Under-Secretary.	21	17
Total	26	24

Provided that:-(a)the Governor may leave unfilled or hold in abeyance post, without thereby entitling any member of the service to compensation, and may increase or decrease the cadre by creating or reducing permanent or temporary posts from time to time, as may be found necessary; and(b)the number of members of the service shall not at any time exceed the difference between the number of posts sanctioned for the time being and the sum total of the number of officers of the Indian Service of Engineers borne on the provincial cadre for the time being holding such posts plus the number of officers appointed against any such posts held in abeyance.

Part III – Recruitment

4. Sources of recruitment.

- Recruitment to the Service shall be made-(i)by direct recruitment, and(ii)by promotion from the Bihar Engineering Service, Class II. Not less than one-third of the total number of superior posts shall be filled by promotion, provided that when no officer in the service who is fit to hold charge of a division is available, the proportion of superior posts filled by promotion may temporarily exceed one-third of the total number of superior posts;Provided further that the operation of this rule may be held in abeyance, if necessary, by order of the Governor for such time as he thinks fit, with a view to make outside recruitment of men of properly graded ages and experience to make up the strength of the Service in the initial stage.

5.

The Governor shall decide the number of vacancies to be filled by direct recruitment and by promotion whenever vacancies occur.

Part IV – Qualifications

6. Nationality and domiciles.

- No person shall be appointed to the Service unless he is-(a)a citizen of the Indian Union;(b)of good character;Provided that as between two or more candidates of Indian domicile-(i)preference shall be given to candidates who are natives of the State of Bihar or whose parents are permanently domiciled therein according to such definition of domicile as may be laid down by the Governor from time to time ;(ii)as between two or more candidates of the class referred to in proviso (i) who are graduates of Indian Engineering Colleges, preference shall be given to candidates who are graduates of the Bihar College of Engineering;(iii)if a candidate claims to be eligible by domicile, he shall produce a certificate of domicile in Bihar from the District Officer of the District in which he claims to be domiciled and shall attach it to his application.

7. Age.

- A candidate for direct recruitment must be under 27 and over 25 years of age on the 1st day of August of the year in which the applications are invited:Provided further that in the case of candidates belonging to the scheduled castes and the backward tribes, the upper age limit shall be 30 years.Explanation. - For the purposes of this rule and rule 15-(i)"Scheduled Castes" shall have the same meaning as in the Constitution of India;(ii)"Backward Tribes" shall have the same meaning as in the Constitution of India.Note. - Persons who hold posts in Government service in a temporary or officiating capacity on probation are eligible to apply for direct appointment provided that they are within the age limits prescribed in this rule. Persons who have been confirmed in government service are not eligible except that members of the Bihar Engineering Service, Class II are eligible for appointment by promotion in accordance with rules 17 and 18 of these rules.

8. Technical Qualifications.

- No person shall be appointed to the Service unless he holds a degree or diploma from an Indian Engineering College or is an Associate Member of the Institution of Engineers (India) or holds a degree from one of the Universities in the United Kingdom enumerated in the Annexure to these rules, or has passed the examinations mentioned therein.

Part V – Procedure for Direct Recruitment

9. Procedure for direct recruitment.

- The Commission shall advertise, in such manner as they think fit, the number of vacancies in the Service to be filled by direct recruitment and shall invite applications from candidates eligible for appointment to the Service.

10.

(a) Every candidate shall submit his application in his own hand-writing in the prescribed form to the Secretary to the Commission so as to reach the Secretary not later than on such date as may be notified by the Commission in this behalf in each year. Note. - The prescribed form and a copy of these rules are obtainable from the Secretary to the Commission. (b) the application shall be accompanied by a Treasury Challan of Rs. 10 as application fee, which will in no circumstances be refunded. When the fee has been paid on a first application no fee will be payable on a subsequent application for the Service. (c) With his application a candidate must submit - (i) evidence that he holds one of the educational qualifications referred to in rules; (ii) certificates of character and conduct from the heads of all the colleges at which he has studied since he passed the Matriculation Examination; (iii) evidence, in the form of an acknowledgement from the District Officer of the district in which he ordinarily resides, or in which he claims to be domiciled, that he has, not later than fourteen days before the date fixed under rule 10(2), requested that officer to report to the Commission before the said date whether his character and antecedents are such as to render him suitable for appointment to the Service; Note. - A candidate shall, when requesting the District Officer to furnish a report to the Commission on his character and antecedents under sub-clause (iii) of clause (c), furnish as references the names of two persons who know him in private life and are not near relatives. Such references should not include College Professors or Principals unless they know the candidate at his home. A candidate must not file written testimonials. (iv) evidence of age, which shall ordinarily be the original matriculation certificate or its equivalent in original, and (v) if he claims to be eligible for appointment under proviso (iii) of rule 6, certificate of domicile granted by the District Officer of the district in which he claims to be domiciled; (vi) a certificate of health and physical fitness from a registered medical practitioner in the prescribed form. Note. - The certificate and other documents required to be sent by a candidate shall be submitted in original. If any certificate or other document required cannot for any reason be submitted in original, a true copy of it may be sent, but in that case copy should bear a certificate from a gazetted officer stating (a) that he has seen the original and that the copy is a true copy and (b) the reasons why the original cannot be sent with the application.

11.

Any attempt on the part of a candidate to enlist support for his applications through persons of influence or in any other manner will disqualify him for appointment.

12.

The Commission shall consider all applications received and shall interview such candidates as they consider likely to be suitable for appointment; Provided that the Governor may, if he thinks fit, appoint an officer to represent the Department. If an officer is so appointed, he shall be present at the interview and shall advise the Commission on the fitness of the candidates with reference to the special qualities required in the Service but he will not be responsible for the selection of the candidates. He shall have the right to submit his views to the Governor if they differ from those of the Commission.

13.

The Commission shall prepare a list of selected candidates the number of whom shall be such as may be fixed by the Governor.

14.

The Commission shall submit their list to the Governor with the applications of the selected candidates, by such date the Governor may direct.

15.

The Commission shall while submitting recommendation under rule 14, consider the claims of qualified candidates belonging to the scheduled castes, backward classes, backward tribes and Muhammedan. If the list of nominees submitted under rule 14 does not contain a reasonable number of candidates belonging to the aforesaid castes, tribes and communities, a supplementary list shall be submitted nominating a sufficient number of such candidates, as in the opinion of the Commission, attain the required standard of qualifications and are fit for appointment. The Commission shall further state how the candidates on the supplementary list compare with the candidates who are the lowest on the main list submitted under rule 14.

16.

(a)The final selection of candidates shall be made by the Governor from amongst those who have been included in the list submitted by the Commission under rule 14 or in respect of whom a report has been submitted in accordance with rule 15 after considering the views, if any, submitted by the officer representing the department in accordance with rule 12.(b)Every candidate so selected shall be examined by a Medical Board. A candidate who fails to satisfy the Medical Board shall not be appointed.Promotion of Officers already in Government Service

17. Procedure for recruitment by Promotion.

(a)When the Governor has decided that any vacancy or vacancies in the service shall be filled by promotion, the Chief Engineer will nominate for promotion officers from the Bihar Engineering Service, Class II. The nomination will be made by seniority and merit combined but more importance will be attached to merit. The officers nominated by the Chief Engineer shall be arranged in order of preference and the number should ordinarily be 50 percent in excess of the number of vacancies to be filled.(b)The Chief Engineer shall submit the list of such candidates to the Governor who will direct such list to be sent to the Commission with all relevant papers including those for any officers whose supersession is proposed. After examination of the papers, the Commission shall submit their recommendations to the Governor.

18.

The final selection of officers to be promoted shall be made by the Governor after considering the recommendations made by the Commission under rule 17(b) and the officers so selected shall be promoted to superior posts.

Part VI – Training and Probation

19. Period of probation.

- (i) Officers recruited directly to the Service shall be on probation for two years and officers promoted from the Bihar Engineering Service, Class II, shall be on probation for one year. At any time during the probationary period the Governor may dispense with the services of an officer recruited directly after giving him one month's notice and may revert a promoted officer to his substantive appointment in the Bihar Engineering Service, Class II. (ii) An officer whose services are dispensed with or who is reverted under clause (i) shall not be entitled to any compensation.

20. Confirmation.

- (i) A probationer shall be confirmed in his appointment provided there is a permanent vacancy and (a) he has completed the prescribed period of probation; (b) he has passed the prescribed professional and departmental examinations; provided that nothing in this clause shall apply to promoted officer; (c) the Governor is satisfied that he is fit for confirmation. (ii) All confirmations under this rule will be notified in the Bihar Gazette.

Part VII – Pay

21. Scale of pay.

(a) The pay of members of the Service shall be on the following scale, subject to modification by the Governor:- [Basic Grade : 1000-50-1700-E.B-60-1820. Junior Selection Grade: 1350-50-1700-75-2000. Executive Engineers-Rs. 1575-50-1775-75-2300. Superintending Engineers and Sr. Superintending Engineers-Rs. 1,990- 75-2,500. Chief Engineer-Rs. 2,600-100-3,200. Engineer in Chief cum Spl. Secretary -Rs. 3000-100-3500.] [Now see new scale of Pay.] Note. - Officers of the Indian Service of Engineers holding posts in the service will draw pay at the rates sanctioned for the Indian Service of Engineers in the Superior Services Rules, 1924, as amended from time to time by the Secretary of State. (b) Pay in the senior scale shall only be drawn by a person who holds a superior post either substantively or as an officiating measure; a holder of an inferior post shall draw pay in the Junior scale.

22. Date from which pay and service for increments will commence.

- Pay and service for increments shall commence from the date of joining the service. The period of probation will count for increments, but if it is extended on account of failure to give satisfaction no increments shall be drawn during the extended period of probation.

23. Promotion to Executive Engineer's grade.

- No Assistant Executive Engineer shall be promoted to the rank of Executive Engineer until a vacancy occurs in a superior post and it is decided to fill it by the promotion of a directly recruited officer and he is declared by the Governor to be fit for the charge of a division.

24. Promotion to administrative grade.

- Promotion to the posts of Superintending Engineer and Chief Engineer shall be made by selection and seniority alone shall confer no claim.

25. Special pay for Under-Secretary to Government.

- The Under-Secretary to Government shall receive a special pay at the rate of 1Rs. 200 a month or such amount as may be fixed by the Governor in addition to his substantive pay.

26.

The initial pay of promoted officer shall be governed in accordance with Appendix 6 of the Bihar Service Code.

27. Seniority.

- Seniority in the service shall be determined by the date of the officer's substantive appointment to the Service irrespective of the pay drawn by him provided that a member of the service who holds a superior post substantively shall always be deemed senior to an officer who holds an inferior post substantively. The seniority of officers appointed on the same date shall be determined according to the order of merit in which they were placed at the time of their selection for appointment.

28. Leave, Pensions etc.

- The rules framed from time to time governing the leave, pension, travelling allowance and other conditions of services relating to officers of the provincial services in Bihar shall apply to the members of the service in so far as they are not inconsistent with those rules.

29. Special provision.

- Subject to the provisions of rule 30 the post of Chief Engineer may be filled by the Governor or by an officer of the Indian Service of Engineers or of the Service.

30.

(1) So long as an officer of the Indian Service of Engineers is available for appointment thereto no person who is not a member of the Indian Service of Engineers shall be appointed to any of the following posts in the Service, namely:-(i) Chief Engineer; (ii) Deputy Chief Engineer; (iii) Superintending Engineer; (iv) Under-Secretary to Government; except with the approval of the Governor. (2) Where by reason of absence on leave or deputation no member of the Indian Service of Engineers is for the time being available for appointment to any of the posts to which the provisions for sub-rule (1) apply, the provision of the sub-rule shall be in abeyance until a member of that Service becomes available. Annexure List of Engineering degrees from Universities of the United Kingdom and examinations which will be accepted by the Government of Bihar as qualifying for appointment to the B.E.S. Class I, vide rule 8. (1) Engineering Degrees

Oxford	B.A. with Honours in the Engineering Science. Final Honours School.
Cambridge	B.A. with Honours in Mechanical Science Tripos.
St. Andrews	B.Sc. in Engineering.
Glasgow	B.Sc. in Engineering.
Edinburgh	B.Sc. in engineering.
Dublin	B.A I (ordinary or with Honours in Engineering).
Durham	B.Sc. in Civil or Mechanical Engineering or in Naval Architecture (Honours or ordinary degree). B.Sc. (internal degree) in Engineering, ordinary or with Honours (not including the B.Sc. in Engineering (Metallurgy)). The external degrees is also accepted to the same extent provided it is recognized by the Institution of Civil Engineers as exempting from Section A and B of the A.M.I.C.E. Examination.
London	
Victoria University (Manchester)	B.Sc. with Honours in Engineering, B.Sc., Technical in Mechanical or Electrical Engineering (Honours division in the final Examination).
Birmingham	B.Sc. in Civil, Mechanical or Electrical Engineering (Honours or ordinary degrees).

Liverpool	B.Sc. Engineering in Civil, Mechanical or Electrical Engineering or Naval Architecture (Honours or ordinary degrees).
Leeds	B.Sc. in Civil, Mechanical or Electrical Engineering (Honours or ordinary degree).
Sheffield	B.Sc. Engineering in Civil, Mechanical or Electrical Engineering (Honours degree or ordinary degree) with a first class in the final examination.
Bristol	B.Sc. in Civil or Mechanical Engineering (Honours or ordinary degree).
University of Wales	B.Sc. (in Civil Mechanical or Electrical Engineering).
National University of Ireland	... B.E.	
Queen's University, Belfast	... B.Sc. in Engineering.	

Note. - The above degrees will be accepted only if taken after three years' study and the passing of the regular examination in the several Universities. The rule requiring three years' study will not, however, apply to Indians, who having taken an Indian Degree which exempts them from part of the University course, shall have taken one of the above degrees in less than 3 years in accordance with the regulations of the University concerned. (2) A pass in Sections A and B at the Associate Membership Examination of the Institute of Civil Engineers, or (3) Associateship Examination of the City and Guilds Institute (Imperial College of Science and Technology, South Kensington) in Civil Engineering.