

The U.P. Excise Service (Class II) Rules, 1970

UTTAR PRADESH

India

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Rule THE-U-P-EXCISE-SERVICE-CLASS-II-RULES-1970 of 1970

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Part I – General

1. Short title and commencement.

(1) These Rules may be called the Uttar Pradesh Excise Service (Class II) Rules, 1970. (2) They shall come into force at once.

2. Status of Service.

- The Uttar Pradesh Excise Service is a Class II Gazetted Service.

3. Definitions.

- In these Rules, unless the context otherwise requires, - (a) "Commission" means the Uttar Pradesh Public Service Commission or Lok Sewa Ayog, Uttar Pradesh; (b) "Commissioner" means the Excise Commissioner or Abkari Ayukt, Uttar Pradesh; (c) "Government" means the Government of Uttar Pradesh or Uttar Pradesh Shasan; (d) "Governor" means the Governor or Rajyapal of Uttar Pradesh; (e) "Member of the Service" means a person appointed in a substantive capacity to a post in the cadre of the Service under the provisions of these Rules or of the Rules in force previous to the introduction of these Rules; (f) "Secretary" means the Secretary to the Government in the Excise Department or Sachiv, Uttar Pradesh Shasan, Abkari Vibhag; (g) "Service" means the Uttar Pradesh Excise Service (Class II) or Uttar Pradesh Abkari Seva; (h) "Superintendents of Excise Service" means the service consisting of the post of Superintendents of Excise in Uttar Pradesh.

Part II – Cadre

4. Strength of the Service.

(1)The strength of the Service shall be such as may be determined by the Governor from time to time.(2)The permanent strength of the Service shall, until orders varying the same are made under sub-rule (1), be as given in Appendix T :Provided that the Governor may from time to time, increase the cadre by creating additional,permanent or temporary posts as he may think necessary or may leave unfilled or hold in abeyance any vacant post without thereby entitling any person to compensation.

Part III – Recruitment

5. [Sources of Recruitment. [Substituted by U.P. Excise Service (Class II) (First Amendment) Rules, 1975.]

- Recruitment to the service shall be made by promotion from amongst confirmed Superintendents of Excise in the manner prescribed in Rule 7 :Provided that if any year a sufficient number of confirmed Superintendents of Excise are not available for promotion the field of eligibility may be extended to include-(i)Persons appointed to the posts of Superintendent of Excise after regular selection in officiating or temporary capacity; and(ii)Permanent Excise Inspectors who have put in at least fifteen years of service on the first day of July of the year in which the vacancy has occurred :Provided further that the Governor may fill any post in the service by temporary transfer of an officer of the Uttar Pradesh Civil Service (Executive Branch) in the Junior Scale for a period ordinarily not exceeding three years.Explanation.-"Fifteen years of service" referred to in clause (ii) of the first proviso above shall mean fifteen years service commencing from the date of regular appointment in consultation with the Commission].

6. [[Deleted by U.P. Excise Services (Class II) (First Amendment) Rules, 1975.]

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7. [Recruitment by promotion. [Substituted by U.P. Excise Services (Class II) (First Amendment) Rules, 1975.]

- For purposes of recruitment to the service by promotion, a selection on the basis of merit shall be made from amongst the officers eligible for promotion under Rule 5, in accordance with the procedure which may be prescribed by the Government for making such selection in consultation with the Commission by general rules or order, from time to time.Note.-The procedure prescribed at present is given in the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970, promulgated with Notification No. 42/4/66-Apptt. (b), dated

October 5, 1970, as amended by Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure Amendment) Rules, 1972, promulgated with Notification No. 42/4/66-Appptt.-3, dated July 4, 1972].

Part V – Appointment, Probation and Confirmation

8. Appointment.

- The Governor shall make appointments to the Service on the occurrence of substantive vacancies by taking candidates in the order in which they have been selected under Rule 7.(2)The Governor shall make appointments in temporary and officiating vacancies also by taking candidates in the order in which they are selected under Rule 7 :Provided that if no candidate is available out of the selected candidates under Rule 7, the Governor may, without consultation with the Commission, make appointments in such vacancies for a period not exceeding one year, from amongst persons eligible for promotion under these Rules. In any such case an intimation thereof shall be sent to the Commission forthwith.(3)All appointments made under these Rules shall be notified in the official Gazette.

9. Seniority.

- Seniority in the Service shall be determined by the date of appointment on probation in a substantive vacancy :Provided that if two or more candidates are appointed to the service on the same date, their seniority inter se shall be determined according to the order in which their appointment has been made under Rule 8 (1).Explanation.-A person appointed by transfer from the U.P. Civil Service (Executive Branch) shall not be granted with other members of the Service for purposes of seniority but shall be shown under a separate category.

10. Probation.

(1)All persons shall, on appointment to the Service in or against a substantive vacancy, be placed on probation for a period of two years :Provided that officiating or temporary service rendered in a post included in the cadre of the Service in some equivalent or higher post outside the cadre of the Service for a continuous period may be counted towards the period of probation :Provided further that the Governor may for reasons to be recorded extend the period of probation in any individual case. Any such order of extension shall specify the exact date up to which the extension is granted.(2)If it appears at any time during or at the end of the period of probation that an officer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction he may be reverted to the post from which he was promoted.

11. Departmental examination.

- All persons appointed to the Service shall, during the period of probation, be required to pass such departmental examinations as the Government may, from time to time, prescribe.

12. Confirmation.

(1) A probationer will be confirmed in his appointment at the end of his period of probation or extended period of probation if—(1) he has passed the prescribed Departmental examination completely; and (2) the Governor is satisfied that he is fit for confirmation and that his integrity is certified. (2) All confirmations made under this Rule shall be notified in the official Gazette.

Part VI – Pay

13. Scale of pay.

(1) The scale of pay* admissible to a person appointed to the Service, under these Rules in force previous to the introduction of these Rules, whether in a substantive or officiating capacity or as a temporary measure shall be Rs. 550-30-700-EB-40-900-EB-50-1,200. (2) The pay admissible during probation of a person appointed under Rule 8 will be regulated by the relevant Rules referred to in Rule 17. (3) An Officer appointed to any post in the Service by transfer under the proviso to Rule 5 shall draw the pay admissible to him in the time scale of pay of the U.P. Civil (Executive) Service. A special pay at the rate of Rs. 75 per mensem shall also be admissible when such officer is appointed to the post of Personal Assistant to the Excise Commissioner, Uttar Pradesh. For Latest Pay Scale, please see current G.O.

14. Special pay.

- In addition to the pay admissible under Rule 13 (i) the post of Personal Assistant to the Excise Commissioner, shall carry the special pay of Rs. 75 per month.

15. Criteria for crossing Efficiency Bars.

(1) No person shall be allowed to cross the first efficiency bar unless he is bound to have worked steadily and to the best of his ability and unless his integrity is certified. (2) No person shall be allowed to cross efficiency bar at the stage of Rs. 550 unless his integrity is certified and unless he has proved his capacity for holding charge of every branch of departmental administration. (3) No person shall be allowed to cross the efficiency bar at the stage of Rs. 700 unless he has fully maintained his integrity and efficiency and has also kept up the tone of administration.

Part VII – Other Provision

16. Canvassing.

- No recommendations for recruitment either written or oral other than those as required under these Rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature shall make him liable to disqualification.

17. Regulation to pay, allowances, leave, pension and other conditions of service.

- In regard to matters not satisfactorily covered by these Rules or orders made or issued thereunder, 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 Uttar Pradesh.

18. Relaxation from the conditions of service.

- Where the 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, in consultation with the Commission, 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. Appendix 'I' (See Rule 4 (2)) Permanent Strength of the Service Assistant Excise Commissioner (including a Personal Assistant to the Excise Commissioner)

17 (Including one post held in abeyance)

Total 17 (Seventeen)