

# U.P. Minor Irrigation Department (Drawing) Service Rules, 1992

UTTAR PRADESH

India

## U.P. Minor Irrigation Department (Drawing) Service Rules, 1992

### Rule

### U-P-MINOR-IRRIGATION-DEPARTMENT-DRAWING-SERVICE-RULES- of 1992

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U.P. Minor Irrigation Department (Drawing) Service Rules, 1992Published vide Notification No. 3074/Su-2-1299(74)-91, dated 14th July, 1992In 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 recruitment and conditions of service of persons appointed to the Uttar Pradesh Minor Irrigation Department (Drawing) Service:

## Part I – General

### 1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Minor Irrigation Department (Drawing) Service Rules, 1992.(2)They shall come into force at once.

### 2. Status of the Service.

- The Uttar Pradesh Minor Irrigation Department (Drawing) Service is a non-gazetted service comprising Groups "C" and "D" posts.

### 3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Appointing authority" in relation to the post of tracer in the office of the Chief Engineer, means the Executive Engineer-cum-Personal Assistant to the Chief Engineer, in respect of the post of tracer in Division

Office means the Executive Engineer In-charge of the concerned Division, and in respect of the post of Draftsman and Computer means the Chief Engineer, Minor Irrigation Department, Uttar Pradesh;(b)"Citizen of India" means a person who is or deemed to be a citizen of India under Part II of the Constitution;(c)"Chief Engineer" means the Chief Engineer, Minor Irrigation Department, Uttar Pradesh;(d)"Executive Engineer" means Executive Engineer of Minor Irrigation Department, Uttar Pradesh;(e)"Government" means the State Government of Uttar Pradesh,(f)"Governor" means the Governor of Uttar Pradesh;(g)"Member of the Service" means a person substantively 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 Minor Irrigation Department (Drawing) Service;(i)"Substantive appointment" means an appointment not being an ad hoc appointment, on a post in the cadre of the Service, and 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 a period of twelve months commencing from the first day of July of a calendar year.

## Part II – Cadre

### 4. Cadre of the Service.

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

Sl. No.	Name of Post	No. of posts	
	Permanent	Temporary	Total
1.	Computer	6	2 8
2.	Draftsman	31	8 39
3.	Tracer	25	... 25:

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

## Part III – Recruitments

### 5. Source of recruitment.

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

- (i) Tracer ... By direct recruitment.
- (ii) Draftsman ...

Fifty per cent by direct recruitment. Fifty per cent by promotion from amongst substantively appointed tracers who have put in at least ten years of continuous Service, as such, on the first day of the year of recruitment.

By promotion from amongst substantively appointed Draftsman who have put in  
(iii) Computer ... at least ten years of continuous Service, as such, on the first day of the year of recruitment.

## **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 1st January, 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 belonging 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 the necessary certificate being obtained by him or issued in his favour.

### **8. Academic qualification.**

(1) For direct recruitment to the post of Draftsman, a candidate must have passed High School Examination from the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the Government as equivalent thereto and have obtained a Certificate of Draftsman from Uttar Pradesh Government Technical Education Board, or a Certificate recognised by the Government as equivalent thereto. (2) For direct recruitment to the post of the Tracer, a candidate must have passed High School Examination from the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the Government as equivalent thereto with Geometrical Drawing as a subject.

## **9. Preferential qualification.**

- A candidate who has served in the Territorial Army for a minimum period of two years 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 18 years and must not have attained the age of more than 32 years on the first day of July of the calendar year in which vacancies are advertised :Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and 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 by a Local Authority or a Corporation or Body owned or controlled by the Union Government or a 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.

## **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 a post in the Service :Provided that the Government may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

## **13. Physical fitness.**

- No candidate shall be appointed to a 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 duties. Before a candidate is finally approved for appointment, he shall be required to submit a Medical Certificate of fitness in accordance with the rules framed under Fundamental Rule 10, contained in Chapter III of the Financial Hand Book, 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 the Scheduled Castes, Scheduled Tribes and other categories under Rule 6. The vacancies shall be notified to the Employment Exchange. The appointing authority may also invite application directly from the persons who have their names registered in the Employment Exchange. For this purpose, the appointing authority shall issue an advertisement in a local daily newspaper besides pasting the notice for the same on the notice board. All such applications shall be placed before the Selection Committee.

## 15. Procedure for direct recruitment.

(1) Direct recruitment to the posts of Tracer and Draftsman shall be made through a Selection Committee to be constituted as mentioned below :

- |                                                                                                                                                                                                                                                                      |                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| (i) Appointing authority                                                                                                                                                                                                                                             | ...<br>Chairman |
| An officer belonging to the Scheduled Castes or Scheduled Tribes, nominated by the District Magistrate, if the appointing authority does not belong to                                                                                                               |                 |
| (ii) Scheduled Castes/Scheduled Tribes. If the appointing authority belongs to Scheduled Castes/Scheduled Tribes, an officer other than belonging to Scheduled Castes or Scheduled Tribes, to be nominated by the District Magistrate.                               | ... Member      |
| Two officers nominated by the appointing authority, one of whom shall be an officer belonging to minority and the other of belonging to backward class community. If such suitable officers are not available in his department or organisation, such                |                 |
| (iii) suitable officers shall, on the request of the appointing authority, be nominated by the District Magistrate and on his failure to do so, by reason of non-availability of suitable officers, such officers shall be nominated by the Divisional Commissioner. | ... Member      |

(2) The Selection Committee shall scrutinize the applications and shall having regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 6, call for interview such numbers of candidates who fulfil the requisite qualifications as it considers proper. (3) The Selection Committee shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the interview. If two or more candidates obtain equal marks, the Selection Committee shall arrange their names in order of merit on the basis of their general suitability to the Service. The number of the names in the list shall be larger (but not larger by more than 25 per cent) than the number of vacancies. The Committee shall forward the list to the appointing authority.

## 16. Procedure for recruitment by promotion.

(1) Recruitment by promotion to the posts of Draftsman and Computer shall be made on the basis of seniority subject to the rejection of unfit through the Selection Committee comprising-

(i) Appointing Authority

... Chairman

(ii) Two officers nominated by the appointing authority ... Member

(2) The appointing authority shall prepare eligibility lists of the candidates and place it before the Selection Committee along with their character rolls and such other records pertaining to them as may be considered proper :Note. - The seniority list of the post of Tracer at the State level, for the purpose of promotion, shall be maintained by the Chief Engineer.(3) The Selection Committee shall consider the suitability of all eligible candidates on the basis of the 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 arranged in order of seniority as it stood in the cadre from which they are to be promoted and forward the same to the appointing authority.

## **17. Combined select list.**

- If, in any year of recruitment, appointments are made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of the candidates from the relevant lists, in such manner that the prescribed percentage is maintained, the first name in the list being of the person appointed by promotion.

## **Part VI – Appointment, Probation, Confirmation and Seniority**

### **18. Appointment.**

(1) Subject to the provisions of sub-rule (2), the appointing authority shall make appointments by taking the names of candidates in the order in which they stand in the lists prepared under Rule 15, 16 or 17, as the case may be.(2) Where, in any year of recruitment, appointments are to be made both by direct recruitment and by promotion, regular appointment shall not be made unless selections are made from both the sources and a combined list is prepared in accordance with Rule 17.(3) If more than one order of appointments 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. If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the order, referred to in Rule 17.

### **19. 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 reasons to be recorded, extend the period of probation in individual cases, specifying the date up to which the extension is made :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

posts, 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 official or temporary capacity in a post included in cadre of 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 of probation or the extended period of probation in accordance with the Uttar Pradesh State Government Servants' Confirmation Rules, 1991, if-(a)his work and conduct is reported to be satisfactory;(b)his integrity is certified;(c)the appointing authority is satisfied that he is otherwise fit for confirmation.

## 21. Seniority.

- Except as hereinafter provided, the seniority of persons in any category of posts shall be determined in accordance with the Uttar Pradesh Government Servants' Seniority Rules, 1991.

## Part VII – 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 the commencement of these rules are given as follows :

Name of post	Scale of pay	Remarks
1. Tracer	Rs. 825-15-900-E. B.-20-1,200	Those tracers who have a certificate of tracing and have put in seven years excellent services, will get Rs.950-20-1,150-E.B.-25-1,500.
2. Draftsman	Rs. 1,200-30-1,560-E.B.-40-2,040	
3. Computers	Rs. 1,400-40-1,600-E.B.-50-2,300-E.B.-2,600.	

## 23. 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 scale when he has completed one year of satisfactory Service, has passed departmental examination and undergone training, where prescribed, 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 unsatisfactory work or conduct, such extension shall

not count for increment unless the appointing authority directs otherwise.(2)The pay during probation of a person who has already holding a post under the Government shall be regulated by the relevant Fundamental Rules:Provided that, if the period of probation is extended on account of unsatisfactory work and conduct, 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 generally to Government Servants serving in connection with the affairs of the State.

## **24. Criteria for crossing efficiency bar.**

- No person shall be allowed to cross efficiency bar unless his work and conduct are found to be satisfactory and his integrity is certified.

## **Part VIII – Other Provisions**

### **25. Canvassing.**

- No recommendations, either written or oral, other than those required under the rules applicable to the post 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.

### **26. 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.

### **27. Relaxation from the conditions 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 dealing with the case in a just and equitable manner.

### **28. 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 of persons in accordance with the orders of the Government issued from time to time in this regard.