

# U.P. Inspectors of Drugs Service Rules, 1980

UTTAR PRADESH

India

## U.P. Inspectors of Drugs Service Rules, 1980

### Rule U-P-INSPECTORS-OF-DRUGS-SERVICE-RULES-1980 of 1980

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## Part I – General

### 1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Inspectors of Drugs Service Rules, 1980.(2)They shall come into force at once.

### 2. Status of the service.

- The Uttar Pradesh Inspectors of Drugs Service is a Gazetted service comprising Group 'B' posts.

### 3. Definitions.

- In these rules, unless there is anything repugnant on the subject or context.-(a)"Appointing Authority" in respect of the posts of Inspector 'means the Director and in respect of the post of Senior Drug Inspector means the Governor;(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 the Uttar Pradesh Public Service Commission;(d)"Constitution" means the Constitution of India;(e)"Director" means the Director of Medical Health Service and Family Welfare, Uttar Pradesh;(f)"Government" means the Government of Uttar Pradesh;(g)"Governor" means the Governor of Uttar Pradesh;(h)"Member of the Service" means a person appointed in a substantive capacity under the provisions of these rules or of the rules and orders in force prior to the commencement of these rules to a post in the cadre of the Service;(i)"Service" means the Uttar Pradesh Inspectors of Drugs

Service; and(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. Strength 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 Governor from time to time.(2)The strength of the Service shall, until orders varying the same have been passed under sub-rule (1), be as follows :

Name of the post	Permanent	Temporary
1	2	3
1. Senior Inspector of Drugs.	3	2
2. Inspector of Drugs.	18	20

Provided that-(a)the appointing authority may leave unfilled or the Government may hold in abeyance any vacant posts in the cadre of the service without thereby entitling any person to compensation; and(b)the Governor may create such additional permanent or temporary posts from time to time as he may consider proper.

## Part III – Recruitment

### 5. Source of recruitment.

- Recruitment to the posts in the service shall be made from the following sources:(i)Senior Inspector of Drugs.-By promotion from amongst permanent Inspector of Drugs.(ii)Inspector of Drugs.-By direct recruitment through the Commission.

### 6. Reservation.

- Reservations for the candidates belonging to 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 – Qualifications

### 7. Nationality.

- A candidate for direct recruitment to 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, Ceylon 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 shall be 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 such a candidate may be retained in service after a period of one year only if he has acquired 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 conducted by the commission or other recruiting authority and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

## **8. Age.**

- A candidate for direct recruitment to the service must have attained the age of 21 years and must not have attained the age of 35 years on the first day of January, if the selection is held between January 1 to June 30 and on the first day of July, if the selection is held between July 1 and December 31 : 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.

## **9. Academic qualifications.**

- A candidate for direct recruitment to the Service must possess the following qualifications and experience : (i) A Degree in Pharmacy or Pharmaceutical Chemistry or a Post-graduate Degree in Chemistry with pharmaceuticals as a special subject from a recognised University for this purpose by the appointing authority or the Associateship Diploma of the Institution of Chemists (India) obtained by passing the examination with 'Analysis of Drugs and Pharmaceuticals' as one of the subject; or Pharmaceutical Chemist Diploma granted by the Pharmaceutical Society of Great Britain; or a Graduate in Medicine Science (excluding Veterinary Science) of a University recognised for this purpose by the appointing authority and has had at least one years' Post-graduate training in a laboratory under (i) a Government Analyst appointed under the Act, or (ii) a Chemical Examiner, or (iii) a Fellow of the Royal Institute of Chemistry of Great Britain (Branch E), or (iv) the Head of an institution specially approved for the purpose by the appointing authority. (ii) At least three years' experience in the manufacturing and testing of substances specified in Schedule C in a laboratory approved for the purpose by the Licensing Authority: Provided that if sufficient number of candidates having the prescribed experience are not available the Governor may, in consultation with the Commission, relax the qualifications contained in the said sub-rule.

## **10. Preferential qualification.**

- A candidate, who- (i) has served in the Territorial Army for minimum period of two years; or (ii) has obtained a 'B' certificate of the National Cadet Corps, shall, other things being equal, be given

preference in the matter of direct recruitment to the Service.

## **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 appointment in Government service. The appointing authority shall satisfy himself on this point. Note.-Persons dismissed by the Union Government or by 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 any 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.

## **13. Physical fitness.**

- No person shall be appointed to 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 as a member of the service. 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 shall not be required from a candidate selected by promotion.

## **Part V**

### **Procedure For Recruitment**

## **14. Determination of vacancies.**

- The appointing authority shall determine and, in case of vacancies in the post of Inspector of Drugs, intimate to the Commission, 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 being considered for selection shall be called by the Commission in the prescribed form which may be obtained from the Secretary to the Commission. (2) 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 in accordance with Rule 6, call for

interview such number of candidates, who fulfil the requisite qualifications, as they consider proper.(3)The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the viva voce. If two or more candidates obtain equal marks, the Commission shall arrange their names in order of merit on the basis of their general suitability for 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 the vacancies. The Commission shall forward the list to the appointing authority.

## **16. Procedure for recruitment by promotion to the post of Senior Inspector of Drugs.**

(1)Recruitment by promotion shall be made on the basis of seniority subject to the rejection of unfit through a Selection Committee comprising :(i)Secretary to Government, Medical and Health Department;(ii)Director;(iii)Drug Controller, Uttar Pradesh, Lucknow.(2)The appointing authority shall prepare an eligibility list of the candidates arranged in order of seniority and place it 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 the 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 arranged in order of seniority and forward the same to the appointing authority.

## **17. Restriction to the appointment of persons having financial interest.**

- No person who has any financial share or interest in the manufacture, purchase and sale (including import and export) of any drug in Uttar Pradesh shall be appointed to the service.

## **18. Restriction in regard to share or interest in the business of Drugs.**

(1)Before a candidate is finally approved for appointment to any post in the Service, he shall be required to submit a detailed declaration about his share or interest in the manufacture, purchase and sale (including import and export) of any drug in Uttar Pradesh.(2)If a member of the service or his relation has or acquires any share or interest in the manufacture, purchase or sale (including export and import) of any drug in Uttar Pradesh, he (member of service) shall forthwith submit a detailed declaration about the same to the Government.

## **Part VI**

Appointment, Probation, Confirmation and Seniority

## **19. 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 Rule 14 or 15 or 16, as

the case may be.(2)The appointing authority may make appointments in temporary and officiating vacancies also from the lists, referred to in the sub-rule (1). If no candidate borne on these lists is available, he may make appointments in such vacancies from persons eligible for appointment under these rules. Such appointments in the post of Drugs Inspector shall not continue for a period exceeding one year without the Commission being consulted and in the post of Senior Drugs Inspector, shall not last for a period exceeding one year.

## **20. Seniority.**

- Seniority in any category of posts in the service shall be determined from the date of order of substantive appointments and if two or more persons are appointed together, their inter se seniority shall be determined from the order in which their names are arranged in the appointment 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; and(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.-(i) A candidate recruited directly may lose his seniority if he failed to join without valid reasons when vacancy is offered to him. The decision of the appointing authority as to the validity of reasons will be final.(ii)Where the order of appointment specifies a particular back date with effect from which a person is substantively appointed, that date will be deemed to be the date of order of substantive appointment. In other case, it will mean the date of issue of the order.

## **21. Probation.**

(1)A person on appointment to a post in the service in or against a substantive vacancy shall be placed on probation in 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 granted :Provided that, save in exceptional circumstances, 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 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 probation.

## **22. Confirmation.**

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation, if-(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.

## Part VII – Pay, Etc.

### 23. Scales of Pay.

(1)The scales 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
1. Senior Inspector of Drugs	Rs. 550-40-700-E.B. 40-900-E.B.-50-1,200.
2. Inspector of Drugs	Rs. 400-15-475-E.B.-20-575 E.B.-25-750.

### 24. 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 has completed the probationary period and is also confirmed ;Provided that if the period of probation is extended on account of failure to given 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 :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.(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.

### 25. Criterion for crossing efficiency bar.

- No person shall be allowed to cross-(1)the first efficiency bar unless his work and conduct is found to be satisfactory and unless his integrity is certified; and(2)the second efficiency bar unless he has worked steadily and to the best of his ability, his work and conduct is found to be satisfactory and unless his integrity is certified.

## Part VIII – Other Provisions

### 26. Canvassing.

- No recommendations, either written or oral, other than those 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 by other means will disqualify him for appointment.

## **27. 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.

## **28. 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 the rule to such extent and subject to such conditions as it may consider necessary :Provided that if a rule was framed in consultation with the Commission that body shall be consulted before the requirements of that rule are dispensed with or relaxed.

## **29. 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.