

U.P. Industries (Directorate of Handloom and Textiles) Service Rules, 1993

UTTAR PRADESH

India

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Rule

U-P-INDUSTRIES-DIRECTORATE-OF-HANDLOOM-AND-TEXTILES-SERVICE-RULES-1993

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U.P. Industries (Directorate of Handloom and Textiles) Service Rules, 1993Published vide Notification No. 534-Ka/18-10-627(S)-83, dated 26th May, 1993In exercise of the powers conferred by 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 Industries (Directorate of Handloom and Textiles) Service.

Part I – General

1. Short title and commencement.

- These rules may be called the Uttar Pradesh Industries (Directorate of Handloom and Textiles) Service Rules, 1993.(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Industries (Directorate of Handloom and Textiles) Service is State Service comprising of Group "A" and Group "B" posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Appointing authority" in respect to a post means the authority mentioned as such in the Appendix to these rules;(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)"Degree" or "Diploma" means a degree or diploma from a recognised University established by Law in India or from a Government Institution or any other University or Institution recognised by the Governor in this behalf;(f)"Director" means the Director of Handloom and Textiles, Uttar Pradesh;(g)"Government" means the State Government of Uttar Pradesh;(h)"Governor" means the Governor of Uttar Pradesh;(i)"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 a cadre of the service;(j)"Practical experience" for direct recruitment means practical experience in any State Government or Central Government or Public Undertaking or Private Undertaking of repute concerned with relevant subject; and for promotion it means practical experience in the Directorate of Handloom and Textiles;(k)"Service" means the Uttar Pradesh Industries (Directorate of Handloom and Textiles) Service;(l)"Subordinate Industries Service" means the service comprising the posts included in the Uttar Pradesh Industries Department (Directorate of Handloom and Textiles) Subordinate Service Rules, 1992.(m)"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 are no rules, in accordance with the procedure prescribed for the time being by executive instructions issued by the Government;(n)"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 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 posts therein shall, until orders varying the same are passed under sub-rule (1), be as given in the Appendix to these rules 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; or(ii)the Governor may create such additional permanent or temporary posts as he may consider proper.

Part III – Recruitment

5. Source of recruitment.

- Recruitment to the various categories of posts in the Service shall be made from the sources as shown in the Appendix to these rules.

6. Reservation.

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

Part IV – Qualifications

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 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 the 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 the retention of such a 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 may also be provisionally appointed subject to necessary certificate being obtained by him or issued in his favour.

8. Academic Qualifications.

- A candidate for direct recruitment to the various posts in the service must possess-(1) the minimum academic qualification and experience as indicated against each in Appendix to these rules, and (2) knowledge of Hindi written in Devnagri script.

9. Preferential qualifications.

- A candidate who has-(1) served in the Territorial Army for a minimum period of 2 years; or (2) obtained 'B' certificate of National Cadet Corps, 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 21 years and must not have attained the age of 32 years on the first day of July of the calendar year in which vacancies for direct recruitment are advertised by the Commission: 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 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 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.

13. Physical fitness.

- No candidate shall be appointed to a post unless he is 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 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 of recruitment as also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6. The vacancies to be filled through the Commission shall be intimated to them.

15. By direct recruitment.

(1) Application for permission to appear in the competitive examination shall be called by the Commission in the form published in the advertisement issued by the Commission. (2) No candidate shall be admitted to the examination unless he holds a certificate of admission issued by the Commission. (3) After the results of the written examination have been received and tabulated, the Commission shall, having regard to the need for securing the representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and others under Rule 6, summon for interview such number of candidates as, on the results 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 in the written examination. (4) The Commission shall prepare a list of candidate in order of their proficiency as disclosed by the aggregate of marks obtained by each candidates at the written examination and interview and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain 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 list 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.

16. [Procedure for recruitment by promotion. [Substituted by Notification No. 1589/18-10-627(S)-83, dated 7th January, 1994.]

- (1-A) Recruitment by promotion to the post of Joint Director of Industries (Handloom) shall be made on the basis of merit and to the posts of Deputy Director of Industries (Handloom), Deputy Director of Industries (Enforcement), Deputy Registrar (Handloom) and Wool Specialist (Hill) on the basis of seniority subject to the rejection of unfit, through the Selection Committee comprising : (i) Principal Secretary/Secretary to the Government in industries Department; (ii) Principal Secretary/Secretary to the Government, Personnel Department or an officer nominated by him, who must not be of the rank below than Joint Secretary to the Government; (iii) Director. Note.-The Senior Principal Secretary/Secretary shall be the Chairman of the Selection Committee. (1-B) Recruitment by promotion to the post of Assistant Controller Textiles, Incharge Project Officer (Kashipur), Statistical Officer, and Personal Assistant to Director shall be made on the basis of seniority subject to the rejection of unfit, through the Selection Committee comprising :

- (i) Director ... Chairman
An officer nominated by the Principal Secretary/Secretary to the Government in
- (ii) Personnel Department who must not be of the rank below than Joint Secretary to ... Member
the Government.
- (iii) Joint Director of Industries (Handloom) ... Member

(1-C) Recruitment by promotion to the post of Assistant Director of Industries (Handloom). Assistant Director of Industries (Marketing), Assistant Director Industries (Enforcement), Assistant Director of Industries (Powerloom), Assistant Registrar (Handloom), Project Executive Officer, Research Officer, Design Manager, Technical Officer Dyeing and Weaving (Hill) and Junior Field

Officer (Hill) shall be made on the basis of seniority subject to rejection of unfit in accordance with the Uttar Pradesh Promotion by Selection in Consultation with the Public Service Commission (Procedure) Rules, 1970, as amended from time to time.(2)The appointing authority shall prepare eligibility lists of the candidates in accordance with the Uttar Pradesh Promotion by Selection (on Posts outside the purview of the Public Service Commission) Eligibility List Rules, 1986, and place the same 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 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 accordance with the orders of the Government in force at the time of recruitment.]

17. Combined select list.

- If in any year of recruitment appointments are to be made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of candidates from the relevant lists in such a manner that the prescribed percentage is maintained, the first name in the list being of the person to be 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 appointment by taking the names of candidates in the order in which they stand in the list 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 appointments 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 appointment are issued in respect of any one selection, a combined order shall also be issued mentioning the names of 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 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)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 period of probation.

20. 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 are reported to be satisfactory, and.(b)his integrity is certified.Where, in accordance with the provisions of the Uttar Pradesh State Government Servants Confirmation Rules, 1991, confirmation is not necessary, the order under sub-rule (3) of Rule 5 of those rules declaring that the person concerned has successfully completed the probation shall be deemed to be order of confirmation.

21. Seniority.

- The seniority of persons substantively appointed in any category of posts shall be determined in accordance with the Uttar Pradesh Government Servants Seniority Rules, 1991, as amended from time to time.

Part VII

Pay Etc.

22. Scales of pay.

(1)The scales of pay admissible to persons appointed to the various categories of posts in the service shall be such as may be determined by the Government from time to time.(2)The scales of pay admissible at the commencement of these rules are given in the Appendix.

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 and 2nd increment after two years service when he has completed the probationary period and is also confirmed.(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 generally to Government servants serving in connection with the affairs of the State.

24. Criterion for crossing the efficiency bar.

- No person shall be allowed to cross the efficiency bar unless-(1)his work and conduct are found to be satisfactory; and(2)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 or service, will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly will disqualify him for appointment.

26. Regulation of other matters.

- In regard to the matters not specifically covered by these rules or special order, 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 in 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 for dealing with the case in a just and equitable manner :Provided that where a rule has been framed in consultation with the Commission, that body shall be consulted before the provisions of the rule are relaxed.

28. Saving.

- Nothing in these rules shall affect reservation and other concession required to be provided for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders of the Government issued from time to time in this regard.