

U.P. Minor Irrigation Department Survey Service Rules, 1993

UTTAR PRADESH

India

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Rule

U-P-MINOR-IRRIGATION-DEPARTMENT-SURVEY-SERVICE-RULES-1993 of 1993

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U.P. Minor Irrigation Department Survey Service Rules, 1993Published vide Notification No. 3228/38-7-98-1288 (22)-92, dated 16th June, 1993 and published in the U.P. Gazette, Part 1-Ka, dated 7th August, 1993In 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 Survey Services :

Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Minor Irrigation Department Survey Services Rules, 1993.(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Minor Irrigation Department Survey Service Comprises Group 'C' Posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Appointing Authority" means Executive Engineer, Minor Irrigation of the Division concerned in Uttar Pradesh;(b)"Chief Engineer" means the Chief Engineer, Minor Irrigation Department of Uttar

Pradesh;(c)"Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution;(d)"Constitution" means the Constitution of India;(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 Minor Irrigation Department Survey Service;(i)"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 were no rules in accordance with the procedure prescribed for the time being by executive instructions issued by the Government; 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. 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 :

| Name of post | Number of post | | |
|--------------|----------------|-------|----|
| Permanent | Temporary | Total | |
| Amin | 89 | ... | 89 |
| Patrol | 39 | ... | 39 |

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 of service shall be made as follows :(1)Amin. - (a) Forty per cent by promotion from amongst substantively appointed Patrol, who have completed five years Service, as such, on the first day of the year of recruitment;(b)sixty per cent by direct recruitment.(2)Patrol. - By direct recruitment.

6. Reservation.

- Reservation 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 a post in the Service must be-(a)a citizen of India; or(b)a Tibetan refugee who came over to India before the January 1st, 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 or 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 a 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 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.

- A candidate for direct recruitment to the post of Amin must have passed Intermediate Examination from the Board of High School and Intermediate Education, Uttar Pradesh or an equivalent examination recognised by the Government or must have passed two years Diploma course from any institution recognised by the State Government.(2)A candidate for direct recruitment to the post of Patrol must have passed High School Examination with Agriculture as a subject from the Board of High School and Intermediate Education, Uttar Pradesh, or an equivalent examination recognised by the Government.

9. Preferential qualifications.

- A candidate who has-(a)served in the Territorial Army for a minimum period of two years; or(b)obtained 'B' Certificate of the 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 more than 32 years on 1st day of July of the calendar year in which vacancies are advertised :Provided that the upper age-limit in the case of candidate 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 respect 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 a Body, owned or controlled by the Union Government or 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 and contained in Chapter III of the Financial Handbook, 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 Scheduled Castes, Scheduled Tribes and other categories under Rule 6. The vacancies to be filled by direct recruitment shall be notified to the Employment Exchange in accordance with the rules and orders in force at that time.

15. Procedure for direct recruitment.

(1) For the purpose of recruitment there shall be constituted a Selection Committee comprising-(a) Appointing Authority.....Chairman;(b) An officer belonging to Scheduled Castes/Scheduled Tribes nominated by District Magistrate; and(c) Two officers nominated by the

Appointing Authority, one of whom shall be an officer belonging to minority community and other to backward class.(2)The Selection Committee shall scrutinize the applications and prepare a list of eligible candidates and require them to appear in a competitive examination.(3)The Selection Committee shall prepare a list of candidates in order of merit as disclosed by aggregate of marks obtained by them in the written test. If two or more candidates obtain equal marks the candidates senior in age shall be placed higher. 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.

16. Procedure for recruitment by promotion.

(1)Recruitment by promotion shall be made on the basis of seniority subject to the rejection of unfit through a Selection Committee comprising -(i)Appointing Authority.....Chairman;(ii)Two officers nominated by Appointing Authority.(2)The Appointing Authority shall prepare an eligibility list of the candidates in accordance with the provisions of the Uttar Pradesh Promotion by Selection (on Posts Outside the Purview of the Public Service Commission) Eligibility List Rules, 1986 and shall 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 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 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 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 the status in the lists prepared under Rule 15, 16 or 17 as the case may be.(2)Where, in any year of recruitments, 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 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 cyclic order.

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 upto which the extension is granted : Provided that, save in exceptional circumstances, the period of probation shall not be extended 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 as 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.

(1) Subject to the provisions of sub-rule (2) 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. (2) Where, in accordance with the provisions of the Uttar Pradesh State Government Servant 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 the order of confirmation.

21. Seniority.

- The seniority of persons substantively appointed in the Service shall be determined in accordance with the Uttar Pradesh State Government Servant Seniority Rules, 1991 as amended from time to time.

Part VII – Pay etc.

22. Scale of pay.

(1) The scale of pay admissible to persons appointed to the Service shall be such as may be determined by the Government from time to time. (2) The scale of pay at the time of the commencement of these rules are given below:

| Sl. No. | Name of post | Scale of pay |
|---------|--------------|----------------------------|
| 1. | Amin | 950-20-1,150-E.B.-25-1,500 |
| 2. | Patrol | 825-15-900-E.B.-20-1,200 |

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 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 give satisfaction such extension shall not count for increment unless the Appointing Authority directs otherwise.(2)The pay during probation of or 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 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 to Government servants generally serving in connection with the affairs of the State.

24. Criteria for crossing efficiency bar.

- No person shall be allowed to cross the 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 or Service 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 in 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 for 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 order of the Government issued from time to time in this regard.