

The U.P. Fisheries (Gazetted) Service Rules, 1993

UTTAR PRADESH

India

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Rule THE-U-P-FISHERIES-GAZETTED-SERVICE-RULES-1993 of 1993

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The U.P. Fisheries (Gazetted) Service Rules, 1993 Published vide Notification No. 257-Matsya/92-27-3-67-(1253)-75, dated 20th July, 1993, published U. P. Gazette, Part 1, Section (Kha), dated 11th June, 1994 In 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 the conditions of service of persons appointed to the Uttar Pradesh Fisheries (Gazetted) Service rules, 1993 :

Part I – General

1. Short title and commencement.

(1) These rules may be called the Uttar Pradesh Fisheries (Gazetted) Service Rules, 1993. (2) They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Fisheries (Gazetted) Service is a Service comprising Group 'A' and Group 'B' posts. Note.-If and when orders regarding categorisation are issued by the Government the categorisation of posts included in the Service shall be deemed to have changed accordingly.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context, -(a)'appointing authority' means Director with respect to the posts of Chemist and Lecturer and the Governor with respect to the other posts in the Service; (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)'Constitution' means the Constitution of

India;(d)'Commission' means the Uttar Pradesh Public Service Commission;(e)'Director, Joint Director, Deputy Director and Assistant Director', respectively mean the Director, Joint Director, Deputy Director and Assistant Director of Fisheries, Uttar Pradesh;(f)'Government' means the State Government of Uttar Pradesh;(g)'Governor' means the Governor of Uttar Pradesh;(h)"member of the service" means a person substantively appointed under these rules or the executive instructions in force prior to the commencement of these rules to a post in the cadre of the Service;(i)"service" means the Uttar Pradesh Fisheries (Gazetted) Service;(j)'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 instruction issued by the Government;(k)'year of recruitment' means period of twelve months commencing from the first day of July of a calendar year.

Part II – Cadre

4. Cadre of service.

- (i) 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.(ii)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 :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 from time to time 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 following sources :(1)Director-By promotion from amongst substantively appointed Joint Director who have completed seven years of service as such and a total service of twenty-five years and Deputy Director, who have completed ten years of service as such and a total service of twenty-five years on the first day of the year of recruitment.(2)Joint Director-By promotion from amongst substantively appointed Deputy Directors, who have completed five years' service as such on the first day of the year of recruitment.(3)Deputy Director-By promotion from amongst substantively appointed Assistant Directors who have completed five years of service as such on the first day of the year of recruitment.(4)Assistant Director-(I) Fifty per cent by promotion through the Commission from amongst substantively appointed Senior Fisheries Inspectors, Chemists and Lecturer, who have completed five years of the service as such on the first day of the year of recruitment; Provided that for promotion to the post of Assistant Director the candidate of higher scale will be placed higher in order of seniority in the combined section list.(II)Fifty per cent by direct recruitment through the Commission.(5)Chemists and Lecturers-By promotion from amongst substantively appointed

Senior Fisheries Inspectors who have completed five years of service as such and who possess M. Sc. degree in Zoology with specialisation in Fisheries of B. Sc. Degree with Chemistry, Zoology and Botany from a University established by law in India with two years diploma from Central Institute of Fisheries Education, Bombay.

6. Reservation.

- Reservation for the candidates belonging to Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the, order of the 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)Citizen of India; or(b)Tibetan refugee who came over to India before the 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, 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 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 qualifications.

(1)A candidate for direct recruitment to the post of Assistant Director must possess the following qualifications :(i)M. Sc. in Zoology with specialisation in fisheries; or(ii)B. Sc. with Chemistry, Zoology and Botany with two years Diploma from Central Institute of Fisheries Education, Bombay.(2)A candidate for direct recruitment to the post of Assistant Director who has served under the State Government or Central Government in a Department relating to Fisheries and has acquired two years experience in the work connected with Fish Production shall, other things being equal, be given preference.

9. Preferential qualifications.

- A candidate who has-(i)served in the Territorial Army for a minimum period of two years, or(ii)obtained a '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 twenty-one years and must not have attained the age of more than thirty-two years on the 1st 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 as to render him suitable in all respects for employment in Government service.Note.-Persons dismissed by the Union Government or a State Government or by a Local Authority or 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. Person 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 rules.

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 pass an examination by the Medical Board :Provided that such medical examination 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 year of recruitment as also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories under rule 6. The vacancies to be filled through the Commission shall be intimated to them.

15. Procedure for direct recruitment.

(1) Applications for being considered for selection shall be invited by the Commission in the prescribed form published in the advertisement issued by 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 qualification, 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 interview. If two or more candidates obtain equal marks, the Commission shall arrange their names in order of merit on the basis of their seniority in age. 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 Assistant Director.

- Recruitment by promotion to the post of Assistant Director shall be made on the basis of seniority subject to the rejection of the unfit in accordance with the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time ; Provided that, if there are different feeding cadres, the candidates belonging to the cadre bearing higher pay scale shall be placed higher in the eligibility list.

17. Procedure for recruitment by promotion to the posts not covered by Rule 16.

(1) Recruitment by promotion to the post of Director shall be made on the basis of merit and to the post of joint Director, Deputy Director, Chemist and Lecturer on the basis of seniority subject to the rejection of the unfit, through a Selection Committee constituted in accordance with the Uttar Pradesh Constitution of Departmental Promotion Committee (for Posts Outside the Purview of the Service Commission) Rules, 1992. (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 alongwith 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 the records referred to in sub-rule (3) and, if it considers necessary, it may interview the candidates also. (4) The Selection Committee shall prepare a list of selected candidates in accordance

with the orders of the Government in force at the time of recruitment and forward the same to the appointing authority.

18. Combined select list.

- If in any year of recruitment, appointments are made both by direct recruitment and by promotion, 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 names in the list being of the person appointed by promotion.

Part VI – Appointment, Probation, Confirmation and Seniority.

19. 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 lists prepared under rule 15, 16, 17 or 18 as the case may be. (2) Where, in any year of recruitment, appointments are to be made both by direct recruitments and by promotion, regular appointments shall not be made unless selections are made from both the sources and combined list is prepared in accordance with rule 18. (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 18.

20. Probation.

(1) A person on 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 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 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.

21. Confirmation.

(1) Subject to the provision 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 are reported to be satisfactory; (b) his integrity is certified; and (2) 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 the order of confirmation.

22. Seniority.

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

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 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 in the Appendix.

24. Pay during probation.

(1) Notwithstanding any provisions of 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 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.

25. Criteria for crossing efficiency bar.

- No person shall be allowed to cross the Efficiency Bar unless, -(i) his work and conduct are found to be satisfactory, and (ii) his integrity is certified.

Part VIII – Other provisions

26. 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.

27. Regulation of matters.

- In regard to the matters not specifically covered by these rules or special orders, persons appointed to the services 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 condition 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 condition 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 requirements of the 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. Appendix [See Rule 4 (2) and Rule 23 (2)]

Serial No.	Name of post	Number of posts	Scale of pay*
Permanent	Temporary	Total	
1	2	3	4 5 6
1.	Director of Fisheries	1	... 1 Rs. 4,500-150-5,700.
2.	Joint Director, Fisheries	...	1 1 Rs. 3,200-100-3,500-125-4,875.
3.	Deputy Director, Fisheries	9	5 14 Rs. 3,000-100-3,500-125-4,500.
4.	Assistant Director, Fisheries	37	6 43 Rs. 2,200-75-2,800-EB.-100-4,000.

5.	Chemist	1	...	1	Rs. 1,600-50-2,300-E.B.-60-2,660.
6.	Lecturer	2	...	2	Rs. 1,600-50-2300-EB-60-2,660.

* For Latest Pay Scale, please see Current G.O.