

U.P. Janhit Guarantee Rules, 2011

UTTAR PRADESH

India

U.P. Janhit Guarantee Rules, 2011

Rule U-P-JANHIT-GUARANTEE-RULES-2011 of 2011

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U.P. Janhit Guarantee Rules, 2011Published Vide Notification No. 2413/1-14-2011-33(08)2011, dated 23.12.2011, published in the U.P. Gazette, Extraordinary, Part 4, Section (Kha), dated 23.12.2011.In exercise of the powers conferred by Section 10 of the Uttar Pradesh Janhit Guarantee Adhiniyam, 2011 (U.P. Act No. 3 of 2011), the Governor is pleased to make the following rules for laying down the procedure for application, appeal, revision, recovery of penalty and payment of compensation -

1. Short title and commencement. -

(1)These rules may be called the Uttar Pradesh Janhit Guarantee Rules, 2011.(2)They shall be deemed to have come into force on January 14,2011.

2. Definitions. -

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the Uttar Pradesh Janhit Guarantee Adhiniyam, 2011 (U.P. Act No. 3 of 2011);(b)"Form" means a form appended to these rules;(c)"Revision Officer" means an officer nominated by the State Government for the purpose of revision under Section 8 of the Act; and(d)"Section" means a section of the Act.(2)Words and expressions used in these rules but not defined shall have the same meaning as assigned to them in the Act.

3. Authorisation by designated officer for receiving the application. -

The designated officer may, by order, authorise any of his subordinate officer or employee to receive the applications and to issue the acknowledgement thereof.

4. Issuing of acknowledgement to applicant. -

The person authorised under Rule 3 shall give acknowledgement to the applicant in Form-1 and if necessary documents have not been annexed with the application, then it shall be clearly mentioned in the acknowledgement and in such acknowledgement the stipulated time limit shall not be mentioned :Provided that if the necessary documents are annexed with the application then the last date of the stipulated time limit shall be mentioned in the acknowledgement.

5. Public holidays not included in the stipulated time limit. -

In computing the stipulated time limit in providing the services, the public holidays shall not be included.

6. Display of information on the notice board. -

The designated officer shall cause to exhibit the relevant information of the services on a notice board in Form-2 installed at a conspicuous place of his office for the convenience of general public. The necessary documents to be attached with an application for obtaining notified services shall be displayed on the notice board.

7. Exemption of Court Fees. -

No Court fees shall be payable along with an application for appeal or revision.

8. Contents of application for appeal and revision. -

The following information shall be included in an application for appeal or revision, as the case may be, filed to the First Appeal Officer, Second Appellate Authority or the Revision Officer, namely -(i)name and address of the appellant and the person seeking revision;(ii)the name and address of the designated officer, first appeal officer or second Appellate Authority as the case may be, against the decision of which the appeal or revision is filed;(iii)particulars of the order against which the appeal or revision is made;(iv)if the appeal is against the refusal of acknowledgement of the application by the designated officer, then the date of application and the name and address of the designated officer to whom the application was presented;(v)the grounds for appeal or revision;(vi)the relief sought; and(vii)any other relevant information which is necessary for the disposal of appeal or revision.

9. Documents to be annexed with appeal or revision. -

The following documents shall be annexed with every application for appeal or revision, namely -(i)self-attested copy of the order against which the appeal or revision is made;(ii)the copies of the documents mentioned in the application for appeal or revision;(iii)the index of. the documents annexed with the application for appeal or revision;(iv)the proof of depositing penalty, in case of

application for revision and without such proof no application for revision shall be admitted for hearing.

10. Procedure for deciding appeal or revision. -

In deciding the application for appeal or revision -(i)the relevant documents, public documents or copies thereof shall be inspected;(ii)any officer may be authorised for appropriate inquiry, if required;(iii)designated officer or first appeal officer, as the case may be, may be heard in revision.

11. Service of notice of hearing. -

The notice of hearing of an application for appeal or revision shall be served in any of the following manner -(i)by the party himself;(ii)by hand delivery (dasti) through process server;(iii)by the registered post with due acknowledgement; or(iv)through the department.

12. Personal appearance of the appellant or person at revision. -

(1)In every case the appellant or the person at revision shall be intimated with the date of hearing, at least seven working days prior to such date of hearing.(2)The appellant or the person at revision, as the case may be, may be present in person in the hearing of application for appeal or revision, or may opt not to be present in the hearing.(3)If it is satisfied that the circumstances exist due to which the appellant or the person at revision is prevented to be present at the hearing, then before taking the final decision an opportunity of hearing shall be given to the appellant or the person at revision.(4)If any party remains absent after due service of notice of the fixed date of hearing, then the application for appeal or revision, as the case may be, shall be disposed in his absence or dismissed due to non-appearance.

13. Order in appeal or revision. -

(1)The order of appeal or revision shall be pronounced in open proceedings and shall be in writing by the first appeal officer, second appellate Authority or revision officer, as the case may be.(2)The copy of first appeal order shall be given to the appellant and the designated officer.(3)The copy of second appeal order shall be given to the appellant, the designated officer and the first appeal officer.(4)In case of imposing penalty, the second Appellate Authority shall endorse a copy of order to the concerning -(a)Drawing and Disbursing Officer;(b)Treasury; and(c)Disciplinary Authority.(5)Where the revision officer, after hearing of the application of revision, amends the order of second Appellate Authority, then he shall send a copy of the order to the second Appellate Authority and the officers specified under sub-rule (4). Whenever the revision officer, comes to the conclusion, that the penalty imposed was unjustified, the amount deposited or paid shall be refunded to the concerned officer in the following head of account:"0070 - Other Administrative Services -

60. - Other services-

900. - Deduct - Refunds -

01. - Refunds".

14. Recovery of penalty. -

(1)On receiving the order of imposition of penalty under sub-rule (4) of Rule 13, the drawing and disbursing officer shall recover the amount of penalty from the next salary of the designated officer or the first appeal officer, as the case may be, and shall deposit in the following head of account:"0070 - Other Administrative Services -

60. - Other services -

800. - Other receipts -

12. - Imposed penalties on account of Uttar Pradesh Janhit Guarantee Act, 2011."

and shall send a copy of challan to the concerning second Appellate Authority.(2)If in revision any amendment is made in the order of second Appellate Authority then concerning drawing and disbursing officer shall comply with such order.

15. Payment of compensation. -

In the case of order of payment of compensation to the applicant under sub-section (3) of Section 7, the second Appellate Authority shall make an order to make payment within thirty days. The payment shall be made by the Drawing and Disbursing Officer through cheque.

16. Maintenance of record of disposed cases under the Act. -

The designated officer, first appeal officer, second Appellate Authority and revision officer shall maintain the record of the cases in Forms 3, 4, 5 and 6. Form - 1[See Rule (4)]Form of acknowledgement under the Uttar Pradesh Janhit Guarantee Act, 2011

Name of the Designated Officer and Office Address

:
.....

1. Name and address of the applicant

:
.....

2. Date of receiving application in the office of designated officer.

:
.....

3. Name of the service for which the application is given. :
.....
4. Particulars of the documents which are essential for receiving service, but are not :
enclosed with the application
:
5. Last date of the stipulated time limit. :
.....

Place :Date :Signature of RecipientName and Designation (with seal)Note :
In case of not receiving all the documents with the application, the last date mentioned in Point-5
above shall not be given. Form - 2[See Rule (6)]Form of Notice BoardName, designation and Office
of the :

SI. No.	Notified service	Documents to be annexed with the application	Stipulated time limit for the services	Designation and address of the first appeal officer	Stipulated time limit for the disposal of first appeal	Designation and address of the second Appellate Authority.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Designated Officer

1. Name of the person authorised to receive application in the office of designated officer.....

2. Time limit for filing first appeal - : Within thirty days from the decision of designated officer,

3. Time limit for filing second appeal - : Within sixty days from the decision of first appeal officer.

Please obtain acknowledgement of your application compulsorilyForm - 3[See Rule (16)]Form of
Register to be maintained in the office of Designated OfficerName of the office of the designated
officer :Month.....Year.....

SI. No.	Name and address of applicant	Service for which the application is given	Last date of the stipulated time limit	Application allowed/ disallowed	Date and details of the order passed
(1)	(2)	(3)	(4)	(5)	(6)

Form - 4[See Rule (16)]Form of Register to be maintained in the office of First Appeal OfficerName of the Office of the First Appeal Officer:

SI. No.	Name and address of appellant	Date of filing first appeal	Designation of the Designated Officer (Along with the name of office) against the decision of whom the appeal is filed	Last date of the stipulated time limit	Date and detail of order in. appeal
(1)	(2)	(3)	(4)	(5)	(6)

Form - 5(See Rule 16)Form of Register to be maintained in the office of Second Appellate AuthorityName of the Office of the Second Appellate Authority:

SI. No.	Name and address of appellant	Date of filing second appeal	Designation of the First Appeal Officer (Along with the name of office) against decision of whom the second appeal is filed	Details of disposal of second appeal (a) dismissal. ..(b) recommendation of departmental enquiry (d) payment of compensation...	Date of recovery of penalty	Date of payment of amount of compensation	Follow-up action regarding recommendations of Departmental Enquiry	Details of order of revision
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Form - 6[See Rule (16)]Form of Register to be maintained in the office of Revision OfficerName of the Office of the Revision Officer :

SI. No.	Name, designation and address of the person	Details of order against which the	Details of proof of depositing penalty	Details of order of	Remarks
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inrevision		revision ismade		revision	
(1)	(2)	(3)	(4)	(5)	(6)