

The U.P. Employees' State Insurance Labour Medical Service Auditors Service Rules, 1997

UTTAR PRADESH

India

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Rule

THE-U-P-EMPLOYEES-STATE-INSURANCE-LABOUR-MEDICAL-SERV of 1997

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Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Employees' State Insurance Labour Medical Service Auditors Service Rules, 1997.(2)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Employees' State Insurance Labour Medical Service Auditors Service is comprising Group 'C' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a)"appointing authority" means the Director;(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

Subordinate Service Selection Commission;(d)"Constitution" means the Constitution of India;(e)"Director" means the Director, Employees' State Insurance Labour Medical Service, Uttar Pradesh;(f)"Government" means the Governor 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 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 Employees' State Insurance Labour Medical Service Auditors 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 a period of twelve months commencing from the first day of July of the calendar year.

Part II – Cadre

4. Cadre of 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 post therein shall, until orders varying the same are passed under sub-rule (1) be as given in the appendix :Provided that-(1)the appointing authority may leave unfilled or the Governor may hold in abeyance any vacant post, without thereby entitling any person to compensation; or(2)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 post in the service shall be made from the following sources :(1)Auditor.-By direct recruitment through the Commission.(2)Senior Auditor.-By promotion from amongst substantively appointed Auditors who have completed five years' service as such on the first day of the year of recruitment.

6. Reservation.

- Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the Uttar Pradesh Public Service (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994, as amended from time to time and 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 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 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 either 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 qualification.

- A candidate for direct recruitment to the post of Auditor in the Service must hold Bachelor's degree in Commerce with Audit Accountancy as a subject from a University established by law in India or a degree recognised by the Government as equivalent thereto.

9. Preferential qualification.

- 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 21 years and must not have attained the age of more than 32 years on the first day of July of the calendar year in which vacancies are advertised by the Commission : Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and 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 itself on this point. Note.-Persons dismissed by the Union Government or a State Government or by 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 Government may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of the 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 discharge of his duties. Before a candidate is finally approved for appointment he shall be required to produce a medical certificate of fitness in accordance with the rules framed under Fundamental Rule 10, contained in Chapter III of the Financial Hand Book, Volume II, Part I :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 the candidate 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 permission to appear in the competitive examination shall be invited by the Commission in the form published in the advertisement issued by the Commission. (2) No candidate shall be admitted to the examinations 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 have regard to the need for securing due representation of the candidate belonging to the Scheduled Castes, Scheduled Tribes and other categories under rule 6 prepare a list of candidates in order of their proficiency as disclosed by the marks obtained as by each candidate at

the written examination and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain equal marks, the name of the candidate senior in age shall be placed higher in the list. The number of names in the list shall be larger (but not larger by more than 25%) than the number of vacancies. The Commission shall forward the list to the appointing authority.

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 the 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, as amended from time to time : Provided that if the Selection Committee so constituted does not include persons each belonging to Scheduled Castes/Scheduled Tribes and other Backward Classes, then an officer holding Group 'B' post belonging to such Castes/Tribes and Classes as are not represented in the Selection Committee shall be nominated as a member of the Selection Committee. Explanation. - "Other Backward Classes" mean the Backward Classes of citizens specified in Schedule I of the Uttar Pradesh Public Service (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994, as amended from time to time. (2) The Appointing Authority shall prepare eligibility lists of the candidate in accordance with the Uttar Pradesh Promotion by Selection (on Posts outside the Purview of the Public Service Commission) Eligibility List Rules, 1986, as amended from time to time 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 candidates in order of seniority as it stood in the cadre from which they are to be promoted and forward the same to the Appointing Authority.

Part VI – Appointment, Probation, Confirmation and Seniority

17. Appointment.

(1) 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 or 16, as the case may be. (2) 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 stood in the cadre from which they are promoted.

18. 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 he may be reverted to his substantive post, if any, and if he does not hold a lien his Service may be dispensed with.(4)A probationer who is reverted or whose service are dispensed with under sub-rule (3) shall not be entitled to any compensation.

19. 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 extend period of probation if-(a)his work and conduct are reported to be satisfactory, and(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.

20. Seniority.

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

Part VII – Pay, etc.

21. [Scale of Pay] [Subject to changes introduced by the Government from time to time for the current scales of pay.].

(1)The scales of pay admissible to the 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 those rules are as follows :

Name of post	Scale of pay*
1. Auditor	1200-30-1560-E.B.-40-2040.
2. Senior Auditor	1400-40-1600-50-2300-E.B.-60-2600.

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

22. 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.(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.(3)The pay during probation of a person already in permanent Government service shall be regulated by the relevant rules, applicable generally to Government servant serving in connection with the affairs of the State.

23. 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 unless his integrity is certified.

Part VIII – Other Provisions :

24. Canvassing.

- No recommendations, either written or oral, other than those required under the rules applicable to the post on Service will be taken into consideration any attempt on the part of the candidate to enlist support directly or indirectly for his candidature will disqualify him for appointment.

25. Regulation of other matters.

- In regard to the matters not specifically covered by these rules or special orders, person 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.

26. Relaxation from the conditions of services.

- 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.

27. 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.Appendix[See Rule) 4 (2)]

Name of the post	Number of posts	
Permanent	Temporary	Total

1	2	3	4
Senior Auditor	...	2	2
Auditor	...	4	4