

The U.P. Excise Constables, Drivers and Tari Supervisors Service Rules, 1983

UTTAR PRADESH

India

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Rule

THE-U-P-EXCISE-CONSTABLES-DRIVERS-AND-TARI-SUPERVISORS- of 1983

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The U.P. Excise Constables, Drivers and Tari Supervisors Service Rules, 1983Published vide Notification No. 3336-E/13-196-75, dated 23-5-1983, published in U.P. Gazette, Extraordinary, Part 4, dated 23-5-93In 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 Excise Constables, Drivers and Tari Supervisors Service.

Part I – General

1. Short title and commencement.

(1)These Rules shall be called the Uttar Pradesh Excise Constables, Drivers and Tari Supervisors Service Rules, 1983.(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Excise Constables, Drivers and Tari Supervisors Service is a non-gazetted service comprising of Group 'C' and Group 'D' posts.

3. Definition.

- In these rules, unless there is anything repugnant in the subject or context-(a) "appointing authority" in case of Excise Constables and Drivers of a Charge, means the Deputy Excise Commissioner of the charge and for other posts in the service means the Additional Excise Commissioner, Headquarters, posted in the Office of the Excise Commissioner. [Substituted by the U.P. Excise Constable, Drivers and Tari Supervisors Service (First Amendment) Rules, 1989.](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) "Excise Commissioner", "Deputy Excise Commissioner" and "Assistant Excise Commissioner" mean the officers appointed as such by the government;(e) "Government" means the 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 order in force prior to the commencement of these rules, to a post in the cadre of the service;(h) "service" means the Uttar Pradesh Excise Constable, Drivers and Tari Supervisors 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 are no rules, in accordance with the procedure prescribed for the time being by executive instruction, issued by the Government;(j) "Year of recruitment" means the 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 specified below :

	Permanent	Temporary	Total
1. Tari Supervisors	24	...	24
2. Head Excise constable	...	22	22
3. Excise Constables	1,372	129	1,501
4. Excise Constable(Selection Grade)	20 per cent, posts of the cadre.		
5. Drivers	23	35	58
6. Drivers (Selection Grade)	30 per cent posts of the cadre		

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, temporary or permanent posts from time to time as he may consider proper.

Part III – Recruitment

5. Sources of Recruitment.

- Recruitment's to the various categories of posts in the service shall be made from the following sources :

- | | |
|--|---|
| (a) Head Excise Constable/
Tari Supervisor. | By promotion from amongst permanent Excise Constable in theselection grade. |
| (b) Excise Constable
(Selection grade). | From amongst permanent Excise Constable in the ordinary scalewho have put in at least fifteen years service as ExciseConstable. |
| (c) Excise Constable
(Ordinary scale). | By direct recruitment. |
| (d) Driver (Selection Grade). | From amongst permanent drivers who have put in at leastfifteen years service as Driver in ordinary scale. |
| (e) Driver (ordinary scale). | By direct recruitment. |

6. Reservation.

- Reservation for the candidates belonging to the 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 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 the 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 (h) 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 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 and other qualification. [Substituted by the U.P. Excise Constables, Drivers and Tari Supervisors Services (First Amendment) Rules, 1989.]

- A candidate for direct recruitment to the post of Excise Constable must-(1)have passed the High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or any other Examination recognised as equivalent thereto by the Government.(2)A candidate for direct recruitment to the post of Driver must-(a)have passed class VIII;(b)possess a licence of driving of three years standing.

9.

A candidate, who has-(i)served in the Territorial Army for a minimum period of two years, or(ii)has obtained a 'B' Certificate of the National Cadet Corps; shall other things being equal, be given preference in the matter of direct recruitment;(iii)A candidate who has-(a)passed the High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or any other examination recognised as equivalent thereto by the Government, and(b)Possesses knowledge of Motor Mechanism, shall other things being equal, be given preference in the matter of direct recruitment to the post of Driver.

10. Age.

- A candidate for direct recruitment-(i)to the post of Driver must have attained the age of 21 years, but must not have attained the age of more than 30 years, and(ii)to any other post in the service must have attained the age of 18 years but must not have attained the age of more than 30 years on July 1 of the year in which recruitment is made :Provided that the upper age limit in the case of candidates to the Schedules Castes, Schedules Tribes and such other categories as may be notified by the Government from time to time, shall be grater by such number of years as may be specified.]

11. Character.

- The Character of a candidate for direct recruitment 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 Local Authority or by a Corporation 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 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 to the service, he shall be required to produce 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 :Provided further that in the case of candidates from the posts of Excise Constable, their chest measurements should not be less than 81.3 cm. unexpanded and 86.6 cm. after expansion and height should not be less than 167.6 cm. (162.6 cm. in the case of candidates belong to Kumaon Division and the districts of Pauri Garhwal, Tehri Garhwal, Uttar Kashi and Chamoli).

Part V – Procedure for Recruitment

14. Determination of vacancies.

- The appointing authority shall determine and notify to the Employment Exchange in accordance with the rules and orders for the time being in force, the number of vacancies to be filled by direct recruitment during the course of the year and also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under rule 6.

15. Procedure for direct recruitment.

(1)For the purpose of direct recruitment to the posts of Excise Constables and Drivers in ordinary scale in a Region :(i)Deputy Excise Commissioner or Assistant Excise Commissioner in charge of the Region concerned; and(ii)Two Assistant Excise Commissioner or Superintendent, Excise of the Region concerned, or an adjoining Region, nominated by the Excise Commissioner.(2)The Selection Committee shall rescutinize the application for direct recruitment and having regard to the need for securing the representation of the candidate belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with rule 6 call for interview such number of candidates as fulfil the requisite qualifications.(3)The Selection Committee shall prepare a list of the candidates selected in order of merit as disclosed by the marks obtained by them in the interview two or more candidates obtain equal marks, the Selection Committee shall arrange their name in order of merit on the basis of their general suitability for the post. The number of the names in the list shall be large (but not larger by more than 25 per cent) than the number of vacancies. The Selection Committee shall forward the list to the appointing authority.

16. [Procedure for recruitment by promotion. [Substituted by the U.P. Excise Constables, Drivers and Tari Supervisors Services (First Amendment) Rules, 1989.]

(1) Recruitment by promotion shall be made on the basis of seniority subject to rejection of the unfit by a Selection Committee constituted by the Excise Commissioner as follows :

- (i) Additional Excise Commissioner ... Chairman.
- (ii) Assistant Excise Commissioner (Personnel and Establishment). ... Member.
- (iii) One Assistant Excise Commissioner posted at the headquarters nominated by the Excise Commissioner. ... Member.

(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 the candidates on the basis of the records referred to in sub-rule (2), and if it considered necessary it may interview the candidates also. (4) The Selection Committee shall prepare a list of the selected candidates in accordance with the orders of Government in force at the time of recruitment 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 lists prepared under rule 15 or 16 as the case may be. (2) The appointing authority may make appointments in temporary or officiating capacity also from the lists referred to in sub-rule (1). If no candidate borne on these lists is available, he may make appointments in such vacancy from amongst persons eligible for appointment under these rules. Such appointments shall not last for a period exceeding one year or beyond the next selection under these rules, whichever be earlier.

18. Transfer.

- A person appointed to any post in the service will be liable to transfer from one place to another in accordance with the general policy of the Government. The Deputy or Assistant Excise Commissioner in charge of a Region shall have the power to make such transfers within the Region and the Excise Commissioner make such transfers from any place to any other place, throughout the State.

19. Probation.

(1) A person on appointment to a post in the Service in or against, a permanent vacancy shall be placed on probation for a period of one year. (2) The appointing authority may, for reasons to be recorded extended 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 for more than six months and in no case for more than one year.(3)It is appears to the appointing authority at any time during or at the end of 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;(b)his integrity is certified; and(c)the appointing authority is satisfied that he is otherwise fit for confirmation.

21. Seniority.

(1)Except as hereinafter provided, the seniority of persons in any category of post shall be determined from the date of the order of substantive appointment and if two or more persons are appointed together, by the order in which their names are arranged in the appointment order :Provided that if the appointment order specified a particular back date with effect from which person is substantively appointed, that date, will be deemed to be the date of order of substantive appointment and, in other cases, it will mean the date of issue of the order.(2)The seniority inter se of persons appointed directly on the result of any one selection, shall be the same as determined by Selection Committee :Provided that a candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacancy is. offered to him. The decision of the appointing authority as to the validity of reasons shall be final.(3)The seniority, inter se of persons appointed by promotion shall be the same as it was in the cadre from which they were promoted.

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, whether in a substantive or officiating capacity or as a temporary measure, shall be such as may be determined by the Government from time to time.(2)The scales of pay enforce at the time of the commencement of these rules are given as follows :

Name of the post	Scale of pay*
Head Excise Constable/ Tari Supervisor	Rs. 354--10--424--E.B.--10--454--12--514--E.B.--12--550.

Driver and Excise Constables Selection Grade).	Rs. 405--9--450--E.B.--9--540.
Driver and Excise Constables (Ordinary Scale)	Rs. 330--7--365--8--381--E.B.--4--105--9--450--E.B.--9--495.

*For Current pay scale, please see G.O. applicable for the new pay scale.

23. Pay during probation.

(1)Notwithstanding any provisions in the Fundamental Rules to the contrary, a person on probation, if he is not already in a permanent Government service, shall be allowed his first increment in the time scales when he has completed one year satisfactory service, and 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 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 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 in the service shall be allowed to cross-(i)the first efficiency bar unless his work and conduct found to be satisfactory and his integrity is certified; and(ii)the second efficiency bar or the only efficiency bar unless he has worked diligently, and to the best of his ability, work and conduct are found to be satisfactory and unless integrity is certified.

Part VIII – Other Provisions

25. Canvassing.

- No recommendations, either written or 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 or other matters.

- In regard to the matters not specifically covered by these rules or by special orders, persons appointed to the service shall be governed by the rules, regulation and orders applicable generally to Government servants serving in connection with the affairs of the State.

27. Relaxation from the conditions of service.

- Where the State Government is satisfied that the operation of any rule regulating conditions of service of persons appointed to the service causes undue hardship in any particular case, it may, notwithstanding any rules contained in the rules applicable to the case, by order and subject to such conditions as it may consider necessary for dealing with the case in just and equitable manner.

28. Saving.

- Nothing in these rules shall effect reservations and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the order issued by the Government from time to time in this regard. Note. - The Uttar Pradesh Excise Constables, Drivers and Tari Supervisors Services Rules, 1983 have been amended by the following rules :First Amendment. - The Uttar Pradesh Excise Constables Drivers Tari Supervisors Service (First Amendment) Rules, 1989, vide Abkari Anubhag II Notification No. 2930-E-1/XIII-61-88, dated November 8, 1989.