

The U.P. Entertainment and Betting Tax (Gazetted) Service Rules, 1992

UNION OF INDIA

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Rule

THE-U-P-ENTERTAINMENT-AND-BETTING-TAX-GAZETTED-SERVICE- of 1992

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Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Entertainment and Betting Tax (Gazetted) Service Rules, 1992.(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Entertainment and Betting Tax (Gazetted) Service is a State service comprising Group 'A' and Group 'B' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"appointing authority" in relation to a post of District Entertainment Tax Officer means the Commissioner, Entertainment and in relation to other posts means the Governor;(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)["Commissioner" means Commissioner, Entertainment and Betting Tax, Uttar Pradesh.] [Substituted by Notification No. 1771/10-M.K. 93-30-EB-36 (1)/ 58-T.C., dated 29th July, 1993.](d)"Constitution" means the Constitution of India;(e)"Deputy Commissioner" means Deputy Commissioner, Entertainment and Betting Tax, 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 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 Entertainment and Betting Tax (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 instructions issued by the Government;(k)"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 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 given in Appendix to these rules: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 or permanent or temporary posts from time to time as he may consider proper.

Part III – Recruitment

5. Source of recruitment.

- Recruitment to various categories of posts in the Service shall be made from the following sources :
(1)Deputy Commissioner. - By promotion, through Departmental Selection Committee, from- amongst such substantively appointed Assistant Commissioners as have completed at least two years of service as such on the first day of the year of recruitment.
(2)Assistant Commissioner. - By promotion, through Departmental Selection Committee, from amongst such substantively appointed District Entertainment and Betting Tax Officers as have completed at least three years of service as such on the first day of the year of recruitment.
(3)[District Entertainment and Betting Tax Officer. - By promotion, through the Departmental Selection Committee, from amongst such substantively appointed Entertainment Tax Inspectors Grade-I as have completed at least seven years of service as such on the first day of the year of recruitment.] [Substituted by Notification No. 1771/10-M.K.-93-30-EB36 (1)/58-T.C., dated 29-7-1993.]

6. Reservation.

- Reservation for 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 – Procedure for Recruitment

7. [Determination of vacancies. [Substituted by Notification No. 1771/10-M.K.93-30-EB-36(1)/58-T.C., dated 29th July; 1993 and published in U.P. Gazette, Part 1-Ka, dated 25th September, 1993.]

- The Appointing Authority shall determine the number of vacancies to be filled during the course of the year of recruitment and also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under rule 6.]

8. Procedure for recruitment by promotion.

- [(1) Recruitment by promotion to the post of District Entertainment Tax and Betting Tax Officer shall be made on the basis of seniority subject to the rejection of unfit through the Departmental Selection Committee comprising :

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| (i) Commissioner | Chairman. |
| An officer of the Institutional Finance Department, Uttar Pradesh Shasan not below | |
| (ii) the rank of Deputy Secretary, to be nominated by the Principal Secretary, and if | Member. |
| there is no Principal Secretary, by the Secretary, Institutional Finance Department. | |
| (iii) Deputy Commissioner, nominated by the Commissioner. | Member] |

[Substituted by Notification No. 1771/10-M.K.93-30-EB-36(1)/58-T.C., dated 29th July; 1993 and published in U.P. Gazette, Part 1-Ka, dated 25th September, 1993.](2) Recruitment by promotion to the posts of Deputy Commissioner and Assistant Commissioner shall be made, on the basis of merit, through the Departmental Selection Committee as constituted below : (i) Secretary to Government in Institutional Finance Department, (ii) Secretary to Government in Personnel Department, (iii) Commissioner. The Senior Secretary shall be the Chairman of the Committee. (3) 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. (4) The Selection Committee shall consider the cases of candidates on the basis of records referred to in sub-rule (3), and if it considers necessary, it may interview the candidates also. (5) The Selection Committee shall prepare list of selected candidates in accordance with an order of the Government in force at the time of recruitment, and forward the same to appointing authority.

Part V – Appointment, Probation, Confirmation and Seniority

9. 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 list prepared by the Commission or the Selection Committee, as the case may be, under rule 8. (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 it stood in the cadre from which they are promoted.

10. 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 any time during or at the end of the period probation or extended period of probation that a probationer has not made sufficient use of his opportunities or has otherwise failed to give the 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 under sub-rule (3) shall not be entitled to at 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 taken be into account for the purpose of computing the period of probation.

11. 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 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 Servants Confirmation Rules, 1991, confirmation is not necessary, the order under sub-rule (3) of rule 5 of these rules declaring that the person concerned has successfully completed the probation shall be deemed to be the order of confirmation.

12. Seniority.

- The seniority of persons 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 VI – Pay etc.

13. Scale of pay.

(1)The scales of pay admissible to persons appointed to 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 below :

Serial No.	Name of post	Scale of pay*
(1)	Deputy Commissioner.	Rs. 3,000-100-3,500-E.B.-125-4,500.
(2)	Assistant Commissioner.	Rs. 2,200-75-2,800-E.B.-100-4,000.
(3)	District Entertainment and Betting Tax Officer	Rs. 2,000-60-2,300-E.B.-75-3,300

*For latest pay scale, please see current G.O.

14. 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 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 to Government servants generally serving in connection with the affairs of the State.

15. Criteria for crossing efficiency bar.

- No person shall be allowed to cross the efficiency bar unless,-(i)his work and conduct is found to be satisfactory,(ii)he has thorough knowledge of the laws and rules pertaining to the Department,(iii)he has worked diligently and to the best of his ability, and(iv)his integrity is certified.

Part VII – Other Provisions

16. 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.

17. 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.

18. Relaxation from 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 deem 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.

19. 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)]

Serial No.	Name of post	Number of post	
		Permanent	Temporary
		Total	
1	2	3	4 5
1	Deputy Commissioner	1	1 2
2	Assistant Commissioner	11	1 12
3	District Entertainment and Betting Tax Officer	31	9 40