

# U.P. Zila Panchayats Service Rules, 1970

UTTAR PRADESH

India

## U.P. Zila Panchayats Service Rules, 1970

### Rule U-P-ZILA-PANCHAYATS-SERVICE-RULES-1970 of 1970

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U.P. Zila Panchayats Service Rules, 1970Published vide Notification No. 351-B/33-9-R-62, dated 3rd April, 1970 and published in the U.P. Gazette (Extraordinary), dated 3rd April, 1970In exercise of the power under Section 237 of the Uttar Pradesh [Kshettra Panchayats and Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Kshettra Samitis and Zila Parishads'.] Adhiniyam, 1961 (U. P. Act No. 33 of 1961), read with sub-sections (2) and (4) of Section 39, Sections 40 and 41, sub-section (1) of Section 43, Section 44, sub-section (2) of Section 46 and Section 53, the Governor is pleased to make the following rules after their previous publication with notification No. 5834-B/33-9-R-62, dated January 3, 1968 as required under sub-section (2) of Section 237 of the said Adhiniyam :

## Part I – General

### 1. Short title, commencement and applicability.

(1)These rules may be called the Uttar Pradesh [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] Service Rules, 1970.(2)They shall come into force with effect from the date of publication in the Gazette.(3)[ Except in regard to the matters specified in the Uttar Pradesh [Zila Panchayats] [[Substituted by Notification No. U. O. 186-D/33-U. P. A.-33-1961-Rule-1970-AM (5)-77, dated 12th October, 1977 (vide U. P. Zila Panchayats Service (Fifth Amendment) Rules, 1977 (w.e.f. 12-10-1977)). Before substitution Rule 1 (3) was stood as under :'(3) Except in regard to the matters specified in the Uttar Pradesh Zila Parishads (Central Transferable Cadre) Rules, 1966, the Uttar Pradesh Zila Parishads Junior Basic School Teachers Service Rules, 1967 and the Uttar Pradesh Zila Parishads Senior Basic School Teachers Service Rules, 1967. these Rules shall apply in all matters to all servants of the Zila Parishads.']] (Central Transferable Cadre) Rules, 1966; these rules shall apply in all matters to all servants of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] .]

## **2. Definitions.**

- In these rules, unless the context otherwise requires-(i)"Act" means the U.P. [Kshettra Panchayats and Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Kshettra Samitis and Zila Parishads'.] Adhiniyam, 1961;(ii)"Appointing authority" means an authority empowered under Section 43 of the Act to appoint servants of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.];(iii)"Commission" means the Public Service Commission, Uttar Pradesh;(iv)"Constitutions" means the Constitution of India, 1950;(v)"Direct recruitment" means recruitment made under these rules otherwise than by absorption or promotion or transfer;(vi)"Lower grade servants" means servants drawing [pay at less than rupees forty] [For latest pay, please see current G.O.] per mensem;(vii)"Schedule" means a Schedule appended to these rules;(viii)"Section" refers to a section of the Act; and(ix)[Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] or "Parishad" means a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] established under Section 17 of the Act.

## **3. Designations and scales of pay of posts created by a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.].**

(1)The designations and scales of pay of posts that may be created by a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] under sub-section (2) of Section 39 and the departments of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] under which such posts shall be grouped shall be laid down in Schedule "A";Provided, that every member of the ministerial staff of [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.], except those under the control of the Vitta Adhikari, shall be deemed to belong to the Samanya Prashasan Vibhag and those under the control of the Vitta Adhikari to the Vitta Vibhag, for purposes of posting, transfer, promotion, leave and disciplinary control irrespective of the department in which he or she may for the time being be serving or had served immediately before proceeding on leave.(2)Every [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] shall maintain a separate gradations list in respect of each category of its servants carrying the same designations :Provided that the members of Ministerial staff belonging to the Samanya Prashasan Vibhag and the Vitta Vibhag shall irrespective of their designations, be shown on separate gradation lists made for their respective departments.

## **4. Creation and combination of posts by [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.].**

(1)No post not mentioned in Schedule 'A' shall be created by a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] under sub-section (2) of Section 39 of the Act, nor shall any existing post be combined with another post except with the prior sanction of the State Government and on such terms and conditions as the State Government may specify in that behalf.(2)The [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila

Parishads'.] shall not create the posts of Atirikta Karya Adhikari, Atirikta Abhiyanta and Atirikta Swasthya Adhikari except with the prior approval of the State Government.(3)Except with the prior approval of the Commissioner of the Division the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] shall not create a post, falling under any of the categories mentioned in Schedule 'A' over and above the number of such posts existing in the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] on the date of coming into force of the rules.

## **5. Establishment.**

(1)The Mukhya Adhikari shall, as soon as possible after the publication of these rules, prepare and bring before the Karya Samiti a statement setting forth the number, designation and scales of pay of the posts which existed in the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishads'.] on the date of coming into force of these rules and which have already the approval of the Commissioner of the Division.(2)Whenever it is proposed, after the coming into force of these rules to create any new post or posts, whether permanent, or temporary, a statement setting forth the number, designation and scales of pay of the post/posts shall be prepared by the Mukhya Adhikari and placed before the Karya Samiti. While scrutinising the proposal, the Karya Samiti shall satisfy itself that-(a)the need for the post or posts mentioned in the statement is genuine;(b)the finances of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishad'.] justify the creation of the post/posts; and(c)the expenditure on the establishment bears a reasonable proportion to the total expenditure of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishad'.].(3)After the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994, for the words 'Zila Parishad'.] has agreed upon the post/posts, the proposal be sent to the Commissioner of the Division together with all the relevant papers and the post/posts shall be created only after the approval of the Commissioner has been obtained.

## **6. Determination of methods and sources of recruitment.**

(1)The posts shown in column 2 of Schedule 'A' shall be filled from the sources and according to the methods specified in column 7 of that Schedule.(2)Except as otherwise provided in the Act or elsewhere in these rules, the question whether direct recruitment shall be made by holding a competitive examination or an interview, or both and in case of recruitment by promotion the field of eligibility from which the candidates shall be considered for selection, shall be decided by the appointing authority in accordance with any general or special instructions that may be issued by the State Government from time to time.(3)Where a post is to be filled by promotion or both by direct recruitment and promotion, if no suitable candidate is available for promotion, it may be filled by direct recruitment.(4)Where any post is required to be filled in consultation with the Commission, the Commission may-(a)in their discretion decide whether any post which is to be filled by direct recruitment shall be filled after holding a competitive examination or interview only or both, but in case a competitive examination is held the syllabus therefor shall be as approved by the appointing authority in consultation with the Commission;(b)determine, in consultation with the appointing authority and with due regard to the number of vacancies to be filled, the number of

candidates to be considered for promotion in case of recruitment by promotion.

## **7. Reservation for Scheduled Castes.**

- [\* \* \*] [Rule 7 omitted by Notification No. 4475-B/33-2-71/72-U. P. A.-33-1961-Rule-1970-AM (11)-1984, dated 28th July, 1984 (vide U. P. Zila Panchayats service (Eleventh Amendment) Rules, 1984 (w.e.f. 28-7-1984)), Before omission Rule 7 was stood as under : '7. Reservation for Scheduled Castes.-Reservation for Scheduled Castes in direct recruitment to posts under a Parishad shall be in accordance with such orders as may, from time to time, be issued to the Zila Parishad by the State Government.']

## **8. Nationality.**

- A candidate for recruitment to the service under a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] must be-(a)a citizen of India; or(b)a subject of Sikkim: or(c)a Tibetan, who came to India before the first day of January, 1962, with the intention of permanently settling in India; or(d)a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganayika and Zanzibar) with the intention of permanently settling in India :Provided that a candidate belonging to the category (c) or (d) above must be a person in whose favour a certificate of eligibility has been issued by the Government of India ;Provided further that a candidate belonging to category (c) 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 (d) above, no certificate of eligibility will be issued for a period of more than one year, and such a candidate may be retained in service after a period of one year only if he has acquired 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.

## **9. Qualification for direct recruitment.**

- No person shall be eligible for direct recruitment to any of the posts mentioned in Schedule 'A' unless he possesses the qualifications prescribed therefor in the said Schedule :Provided, firstly, that an officer or servant referred to in sub-section (1) of Section 46 of the Act who was confirmed in a permanent post at any time before the appointed date shall be deemed to be eligible for appointment to a post created in lieu of the said permanent post, whether carrying the same designation or not, irrespective of whether he fulfils or not the qualifications prescribed for it in Schedule 'A' :Provided, secondly, that the prescribed qualifications may, after prior mention has been made in this behalf in the advertisement, circular or any other notice inviting applications for recruitment, be relaxed by the appointing authority-(i)in respect of posts which are to be filled in consultation with the Commission, on the advice of the Commission; or(ii)in respect of posts which are to be filled in accordance with the recommendation of the Chunao Samiti, with the prior approval of the Commissioner of the Division;(iii)in respect of other posts, with the prior approval

of the District Magistrate :Provided, lastly, that where the prescribed qualification have been relaxed, the persons benefited thereby shall not be appointed to another post requiring similar or higher qualifications unless a fresh relaxation has been allowed for the purpose in the manner laid down in the preceding proviso.

## **10. Age.**

(1)A candidate for direct recruitment to any post shown in column 2 of Schedule 'A' must have attained the minimum age shown in column 5 and must not have attained the maximum age shown in column '6' of that Schedule on the first day of January of the year in which the applications for recruitment to that post are invited :Provided, firstly, that the maximum age-limit shall not be applicable to the officers and servants referred to in sub-section (1) of Section 46 of the Act and those appointed to the service of a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] between the appointed date and the date of coming into force of these rules;Provided, secondly, that the maximum age-limit for candidates belonging to the Scheduled Castes and ex-servicemen shall be greater by five-years than that prescribed in column 6 of Schedule 'A' for every post;Provided, lastly, that the maximum age-limit for recruitment to all posts shall be raised by one year in the case of candidates holding a diploma in Social Service recognised by the State Government.(2)Notwithstanding anything contained in sub-rule (1), the age-limit may be relaxed by the appointing authority-(i)in respect of posts which are to be filled in consultation with the Commission, on the advice of the Commission;(ii)in respect of posts which are to be filled in accordance with the recommendations of the Chunao Samiti, with the prior approval of the Commissioner of the Division; and(iii)in respect of other posts, with the prior approval of the District Magistrate :Provided that where any age-limit has been made relaxable this fact shall be mentioned in the advertisement, circular or any other notice inviting applications from candidates for recruitment to such posts.

## **11. Character.**

- The character of a candidate for direct recruitment must be such as to render him suitable in all respects for employment under a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.]. The appointing authority shall satisfy itself on this point and in doing so shall follow the instructions issued in this regard by the State Government, from time to time.

## **12. Physical fitness.**

- No person shall be appointed to any post under a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] by direct recruitment unless he is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his public duties. Before a candidate not already in a permanent service of any [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], the Central Government or a State Government in India is appointed by direct recruitment to a post he or she shall be required to produce a medical certificate of fitness-(a)from the Chikitsa Adhikari Incharge or an allopathic hospital/dispensary of any [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] in Uttar Pradesh or an officer belonging to the P.M.S. in

Uttar Pradesh, if the appointment is to be made to a post carrying an initial salary of Rs. 120 per mensem or less; and (b) from any Civil Surgeon in Uttar Pradesh in all other cases : Provided that no woman candidate for employment in a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] shall be required to undergo medical examination by a male medical officer. In her case the appointing authority shall accept a certificate from any registered lady doctor employed in any allopathic hospital dispensary, under the control of the Central Government or the State Government or a local body in Uttar Pradesh.

### **13. Marital status.**

- No person, who has more than one wife living and no woman has married a person having already a wife or who has more than one husband living shall be eligible for appointment to any posts under a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] : Provided that if after appointment a male servant, having already a wife or a female servant having already a husband contracts another marriage, his or her services will be liable to termination on this account: Provided also that the appointing authority may, if satisfied that there are special grounds for exempting any person from the operation of this rule refer the matter to the Karya Samiti, whose decision shall be final.

### **14. Seniority.**

(1) Seniority in any class of posts shall be determined by the date of substantive appointment in that class of posts : Provided firstly, that if any class of the posts two or more persons are appointed substantively on the same date their seniority inter se shall be determined in accordance with the merit list on the basis of which they were appointed in the same batch. If no such merit list exists, their inter se seniority shall be determined according to the total length of service in that class or posts. Explanation. - If in any person prior to his appointment to a post in the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] has held any appointment in the same or equivalent scale either in the same class of posts with identical or similar duties, in any local body in the Uttar Pradesh, the total length of such service on the previous post shall be taken into account in computing the total length of service. If the total length of service of two or more persons is equal, the person senior in ages shall be placed above the person junior in age : Provided secondly, that inter se seniority of persons appointed by promotion in the same batch shall be determined in accordance with their relative seniority in the post from which they have been promoted : Provided, thirdly, that where recruitment is made both by promotion and by direct recruitment the person appointed by promotion shall be ranked senior to those of equal rank appointed by direct recruitment in the same batch ; and Provided fourthly, that inter se seniority of persons appointed by promotion in the same batch from different classes of posts shall be determined on the basis of their substantive scale of pay the person drawing higher the scale of pay in one class of post being placed senior to one drawing lower scale of pay in another class of post. (2) Seniority of officers and servants referred to in sub-section (1) of Section 46 of the Act, shall to the extent not covered by sub-rule (1) above, be determined in accordance with any general or special directions as may be issued in this behalf by the State Government, from time to time. (3) In the case of temporary employees' appointed on or after the appointed date, seniority shall be determined by the total length of service in the same class of post. Explanation. - For purposes of this rule, total length of service shall include

continuous service in a temporary capacity also.

## **15. Tuitional and Supervisory staff of Shiksha Vibhag.**

- Notwithstanding, anything contained in these rules, the matters specified hereinafter in respect of tuitional and supervisory staff of the Shiksha Vibhag of a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], shall be regulated and governed by rules to be made separately by the State Government, from time to time-(a)designations and grades of these posts;(b)qualifications for the posts;(c)age and exemptions from the age restrictions;(d)salaries, emoluments and allowances;(e)method and source of recruitment;(f)appointment, promotion and confirmation;(g)punishment, appeals and representation; and(h)other conditions of service.

## **Part II – Appointments**

(A)Appointments in Consultation with the Commission

### **16. List of vacancies.**

- A list of vacancies likely to occur by the end of the next calender year shall be prepared by the Mukhya Adhikari by the 30th day of September every year after consulting all the Heads of Departments of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] in case of vacancies in the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] and the Khand Vikas Adhikaris of all the [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.] within the district, in case of posts required by the [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.].

### **17. Procedure for direct recruitment.**

(1)Where appointment to a post has to be made by the direct recruitment in consultation with the Commission, the Mukhya Adhikari shall on behalf of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] request the Commission to make the selection and shall inform the Commission sufficiently in advance about the particulars of the posts and shall specify the requisite details as to the nature of vacancy, qualifications prescribed, scale of pay, method of recruitment, the date from which the vacancy is likely to occur and such other details as may be necessary. He shall also indicate whether any post is reserved for candidates belonging to the Scheduled Castes.(2)The Commission shall advertise the post and invite applications from the intending candidates on the application form obtainable from the Secretary to the Commission on payment of the amount fixed by the Commission.(3)Selection by interview. - Where appointment has to be made merely on the basis of interview by the Commission, the following procedure shall be followed ;(i)the Commission shall scrutinise the applications received by them and require such candidates as seem best qualified for appointment under these rules to deposit the requisite interview fee and to appear before them for interview at. their own expense;(ii)if they consider necessary the Commission may invite or request the State Government to nominate one or more technical adviser for being associated with them during the interview of the candidates;(iii)after the interview the Commission shall prepare a

list of candidates whom they consider most suitable for appointment, arranged in order of preference and containing, where possible, more names than the number of vacancies. The Commission shall then forward this list to the Mukhya Adhikari;(iv)the Mukhya Adhikari shall cause the list to be placed before the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], which shall make the appointments in order of preference indicated by the Commission with due regard to the provisions of Rule 7.(4)Selection by competitive examination. - Where selection has to be made on the basis of competitive examination :(i)the Commission shall lay down the syllabus and make all necessary arrangements to hold the examination and charge such fee as they may consider necessary;(ii)the Commission shall publish the results of the examination in the press and shall forward a copy of the mark-sheets of the candidates considered by them to be suitable for appointment in the order of merits to the Mukhya Adhikari;(iii)the Mukhya Adhikari shall cause the aforesaid results to be placed before [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], which shall make appointments in the order of merit as disclosed by the result of the examination with due regard to the provisions of Rule 7; and(iv)the Commission shall also forward to each candidate the marks obtained by him at the examination.

## **18. Procedure for recruitment by promotion.**

(1)For purposes of recruitment by promotion, a selection on the basis of seniority-cum-fitness shall be made by a Departmental Selection Committee consisting of the Adhyaksha, the Mukhya Adhikari, and the Head of the Department for which the appointment is to be made, from among such number of eligible servants of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], as have put in the required length of service on the first day of January of the year in which the selection is made as may be decided by the appointing authority in consultation with the Commission ;Provided that if the appointment is to be made to a post which is immediately under the Mukhya Adhikari, the selection Committee shall consist of the Adhyaksha, the Mukhya Adhikari and one officer of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] to be nominated by the Karya Samiti for the purpose.(2)The Mukhya Adhikari shall forward to the Commission, the name(s) of the person(s) selected together with all the relevant papers including the character rolls and service-books, if any, of all the eligible servants considered under sub-rule (1) and the gradation list showing therein the reasons for passing over the seniors, if any.(3)The Commission shall consider the selection made by the Departmental Selection Committee and shall, after interviewing all or any of the eligible servants, if necessary, either concur with the selection made by the Departmental Selection Committee or express their disagreement and make their own recommendations.(4)The Mukhya Adhikari shall cause the recommendations of the Commission to be placed before the Parishad which shall make appointments of persons recommended by the Commission in the order of their seniority in the class of posts from which promotion is to be made.

## **19. Appointment.**

(1)On the occurrence of vacancies in posts which are to be filled both by direct recruitment and by promotion, the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] shall make appointments alternately from among candidates selected in the manner prescribed in Rules 17 and 18 provided that sufficient number of suitable candidates are available.(2)The [Zila Panchayats] [Substituted by



U. P. Act No. 9 of 1994.] shall make appointments in temporary and officiating vacancies also from the lists of candidates recommended by the Commission under Rule 17 or Rule 18 as the case may be so long as such candidates are available. If and when such candidates are not available the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] may make temporary or officiating appointments from among other eligible candidates for a period not exceeding one year, and in special circumstances continue the appointment with the approval of the State Government for a period not exceeding two years, on the condition that such appointments shall not be continued beyond the period of two years, without prior consultation with the Commission and shall be terminated as soon as the candidates selected through the Commission are available. A copy of the appointment orders of such candidates shall be endorsed to the Commission as soon as the same are issued.

## **20. Procedure in case of difference of opinion.**

- Notwithstanding, the provisions of Rules 17, 18 and 19, where the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] disagrees in whole or in part with any recommendations of the Commission, the Mukhya Adhikari shall forthwith forward to the State Government all the connected papers together with the grounds on which the recommendations of the Commission are not considered acceptable. The State Government shall consider the grounds and communicate to the Mukhya Adhikari and the Commission their decision which shall be final :Provided that in any case in which the State Government also do not agree with the recommendations of the Commission they shall not take a final decision without referring the matter to Commission for reconsideration.(B)Appointment on the Recommendations of Chunao Samiti

## **21. Appointment by direct recruitment.**

- Where appointment to a post under sub-section (3) of Section 43 of the Act is to be made by direct recruitment, the Chunao Samiti constituted under Section 45 shall decide whether the selection shall be made by holding an interview or a written examination or both.

## **22. Intimation to Employment exchange.**

- The appointing authority shall invite the names of candidates from the district Sub-Regional Employment Exchange within a reasonable time to be fixed by the appointing authority. Where no name is forwarded by the Exchange within the fixed time or if the number or names forwarded is less than three times the number of vacancies, notified, the appointing authority shall invite applications directly by advertisement in prominent daily newspapers including local daily newspapers, if any. The applications received directly shall be in the form prescribed by the appointing authority and obtainable from the Mukhya Adhikari. The applications received including the names forwarded by the Exchange shall be scrutinized by the Mukhya Adhikari and a list of the applicants qualified for the post shall be prepared and placed before the Chunao Samiti, along with the applications in original and the particulars sent by the Exchange.

## **23. Appointment to be made on the recommendations of Chunao Samiti.**

- After the selection has been made by the Chunao Samiti, the appointing authority shall make the appointment in accordance with the recommendation of the Chunao Samiti.

## **24. Appointments by promotion.**

(1) For the purpose of recruitment by promotion selection on the basis of seniority-cum-fitness, shall be made from among all the eligible servants of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] who have put in the required length of service on the first day of January of the year in which the selection is made. (2) The Mukhya Adhikari, shall cause to be placed before the Chunao Samiti all the relevant papers including the character rolls and service-books, of all the eligible candidates and the gradation list. (C) Appointment by Heads of Departments

## **25. Appointment by direct recruitment.**

- For making direct recruitment applications shall be called for from the District Sub-Regional Employment Exchange within a reasonable time to be fixed by the appointing authority. If no application is received from the Exchange within the fixed time or if the number of applications received is less than three times the number of vacancies notified, the appointing authority shall also invite applications directly by advertisement in prominent daily newspapers including local daily newspapers, if any, the Head of the Department concerned shall decide the method of selecting candidates which may be either by holding an interview or a written test or both. After the selection has been made he shall announce the result in the order of merit and make the appointments accordingly.

## **26. Appointments by promotion.**

- Appointments by promotion shall be made by the Head of the Department in consultation with the Mukhya Adhikari on the basis of seniority-cum-fitness from amongst all the eligible servants of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] who have put in the required length of service on the first day of January of the year in which the selection is made. If in making an appointment a senior servant is superseded, the grounds for supersession shall be recorded by the appointing authority.

## **27. Procedure for absorption of existing employees.**

(1) Where the officers and servants referred to in sub-section (1) of Section 46 of the Act other than those covered by the U.P. Zila Parishads (Central Transferable Cadre) Rules, 1966, are to be appointed to posts under subsection (1) of Section 43 of the Act a reference shall, before making such a appointment, be made by the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] to the Commission to determine the suitability of the candidates. (2) All appointments referred to in clause (b) of sub-section (2) of Section 46 shall be made by the Adhyaksha on the advice of the

Chunao Samiti.(3)While adjudging the suitability for appointment under sub-rules (1) and (2) above, due regard will be made for the length of service and experience of the officers and servants as provided for in clause (e) of sub-section (2) of Section 46 of the Act. In the case of these appointed in a permanent capacity or on probation before the appointed date, age, educational or technical qualifications will not be taken into consideration for appointment to posts corresponding to those already held by them provided their work and conduct has been satisfactory and their integrity is also duly certified. In the case of officiating and temporary employees, age, educational and technical qualifications will also be taken into consideration, but exemptions from the age-limits or the qualifications may be granted if any case the Commission or the Chunao Samiti, as the case may be, recommend the same in view of the length of service and quality of work of the candidate concerned.

## **28. Probation.**

(1)All persons appointed to posts under the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] in a substantive vacancy shall be placed on probation for a period of one year :Provided that this sub-rule shall not apply to persons :(i)who were permanent servants of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] referred to in sub-section (1) of Section 46 of the Act upon their appointment under sub-section (2) of that section;(ii)who are appointed against substantive vacancies for the short periods pending completion of formalities for filling the vacancy on permanent basis ;Provided further that the appointing authority may in special cases extend the probation for a total period not exceeding one year.(2)The whole or a part of continuous temporary or officiating service rendered on the same post or on an equivalent or higher post in the District Board, the Antarim Zila Parishad or the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] or in a [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.], may be counted towards the period of probation.(3)If it appears at any time during or at the end of the period of probation or the extended period of probation as the case may be that a person appointed on probation has not made sufficient use of his opportunities or if he has otherwise failed to give satisfaction he may be discharged from service or be reverted to his substantive post, if he holds any.(4)A person discharged from service or reverted under sub-rule (3) shall not be entitled to any compensation.

## **29. Confirmation.**

- A person appointed on probation shall be confirmed in his appointment at the end of the period of probation or extended period of probation as the case may be if his work and conduct have been found to be satisfactory and his integrity is certified and if he has passed the departmental examination where such examination has been prescribed under orders of the State Government.

## **30. Criteria for crossing efficiency bar.**

- No servant of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] shall be allowed to cross the efficiency bar unless the appointing authority is satisfied that he has been working efficiently and to the best of his ability and unless his integrity is certified.

### **31. Canvassing.**

- No recommendation whether written or oral other than that required under these rules shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by other means shall make him liable to be disqualified.

## **Part III – Punishments and Appeals**

### **32. Punishment.**

- The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed by the appointing authority upon the servants of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], including those whose services have been placed at the disposal of the [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.] under sub-section (3) of Section 48 of the Act, namely-(i) fine in the case of lower grade servants only ; Provided that the total amount of fine shall not ordinarily exceed half month's pay of the servant concerned and it shall be deducted from his pay in instalments not exceeding one quarter of his monthly salary; (ii) censure; (iii) withholding of increments including its stoppage at an efficiency bar; (iv) recovery from pay of the whole or part of any pecuniary loss caused to the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] or the [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.], as the case may be, by negligence or breach of orders; (v) suspension; (vi) reduction to a lowest post or time scale or to a lower-stage in a time scale; (vii) removal from the service of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.]; (viii) dismissal from the service of [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.]. Explanation. - (1) Suspension under this rule will mean suspension as a punishment and will not include suspension pending enquiry as envisaged in Rule 33. (2) The discharge-(a) of a person appointed on probation, during or at the end of the period of probation; or (b) of a person appointed otherwise than under contract to hold a temporary appointment on the expiration of the period of the appointment or at any time in accordance with terms of appointment; or (c) of a person engaged under contract in accordance with the terms of his contract does not amount to removal or dismissal within the meaning of this rule.

### **33. [ Suspension on pending inquiry. [Rule 33 substituted by Notification No. 2483-B/33-2-26-G/80-U. P. A.-33-1961-Rule-1970-AM (9)-1981, dated 16th July, 1981 (vide U. P. Zila Panchayats Service (Ninth Amendment) Rules, 1981) (w.e.f. 16-7-1981).]**

(1) A [Zila Panchayats] servant against whose conduct an enquiry is contemplated, or is proceeding may be placed under suspension pending the conclusion of the inquiry in the discretion of the Appointing Authority : Provided that in the case of any [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant or class of [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servants, not belonging to [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] service, the Appointing Authority may delegate its power under this sub-rule to the next lower authority : Provided further that any other authority empowered by the [Zila Panchayats] [Substituted by U. P.

Act No. 9 of 1994.] by general or special order in this behalf, may place a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant under suspension or under this sub-rule.(1-A) A [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant in respect of, or against whom an investigation, inquiry or trial relating to a criminal charge is pending may, at the discretion of the Appointing Authority under whom he is serving, be placed under suspension until the termination of all proceeding relating to that charge, if the charge is connected with his position as a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant or is likely to embarrass him in the discharge of his duties or involves moral turpitude.(2)A [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant shall be deemed to have been placed or, as the case may be, continued to be placed, under suspension by an order to the Appointing Authority-(a)with effect from the date of his detention, if he is detained in custody, whether the detention is on a criminal charge or otherwise, for a period exceeding forty-eight hours; and(b)with effect from the date of his conviction, if in the event of conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed consequent on such conviction.Explanation. - The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.(3)Where a penalty of dismissal or removal from service imposed upon a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions-(a)if he was under suspension immediately before the penalty was awarded to him, the order to his suspension shall, subject to any such directions as aforesaid, be deemed to have continued in force on and from the date of the original order of dismissal or removal;(b)if he was not under suspension, he shall, if so directed by the appellate or reviewing authority, be deemed to have been placed under suspension by an order of the Appointing Authority on and from the date of the original order of dismissal or removal:Provided that nothing in this sub-rule shall be construed as affecting the power of the Competent Authority, in a case where a penalty of dismissal or removal from service imposed upon a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant is set aside in appeal or on review under these rules on grounds other than the merits of the allegations of which the said penalty was imposed but the case is not remitted for further inquiry or action or with any other directions, to pass an order of suspension pending further inquiry against him on those allegations, so, however, that, any such suspension shall not have retrospective effect.(4)Where a penalty of dismissal or removal from service imposed upon a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the Appointing Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, whether the allegations remain in their original form or are clarified or their particulars better specified or any part thereof of a minor nature omitted-(a)if he was under suspension immediately before the penalty was awarded to him, the order of his suspension shall, subject, to any direction of the Appointing Authority, be deemed to have continued in force on and from the date of the original order of dismissal or removal;(b)if he was not under such suspension, he shall, if so directed by the Appointing Authority, be deemed to have been placed under suspension by an order of the Competent Authority on and from the date of the original order of dismissal or removal.(5)Any suspension order or deemed to have continued in force under this rule shall continue to remain in

force until it is notified or revoked by any authority specified in sub-rule (1).(6)Where a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the Competent Authority to place him under suspension may, for reasons to be recorded by him in writing, direct that the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant shall continue to be under suspension till the termination of all or any of such proceedings.]

### **34. Taking effect of the order of dismissal or removal.**

- Where a servant has been placed under suspension as provided hereinbefore and the enquiry into his conduct results in his dismissal or removal from service, the order of dismissal or removal shall take effect from the date of communication of such order.

### **35. Determination of subsistence allowance and treatment of the period of suspension in case of reinstatement.**

- Where suspension is ordered pending enquiry, the procedure for determining the subsistence allowance that shall be paid during such period and the manner in which the period of suspension shall be treated in case of reinstatement of a servant under suspension shall be the same as may, from time to time, be applicable to the servants of the State Government.

### **36. Procedure for disciplinary proceedings.**

(1)No order (other than an order based on facts which have led to his conviction on a criminal charge) of dismissal, removal or reduction in rank (which includes reduction to a lower post or time-scale or to a lower stage in a time-scale but excludes reversion to a lower post of a person who is officiating in a higher post), shall be passed against any servant of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced in the form of a definite charge or charges which shall be communicated to the person charged and which shall be so clear and precise as to give sufficient indication to the person charged of the facts and circumstances against him. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so directs an oral enquiry shall be held in respect of such of the allegations as are not admitted. At the enquiry such oral evidence will be heard as the enquiring officer considers necessary. The person charged shall be admitted to cross-examine the witnesses, to give evidence in person and to have such witnesses, called as he may wish; provided that the officer conducting the enquiry may for sufficient reason to be recorded in writing refuse to call a witness. Neither the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] nor the person charged shall be entitled to be represented by a counsel. The proceeding shall contain a sufficient record of the evidence and statement of the findings and the grounds thereof. The officer conducting the enquiry may also

separately from these proceedings make his own recommendation regarding the punishment to be imposed on the person charged.(2)Sub-rule (1) shall not apply-(a)where a person is dismissed or removed or reduced in rank on the ground of conduct which has held to his conviction on a criminal charge ; or(b)where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to observe the prescribed procedure; or(c)where the State Government is satisfied and directs accordingly that in the interest of the security of the State it is not expedient to observe the prescribed procedure.(3)If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to observe wholly or partly the procedure prescribed in sub-rule (1), the decision thereon of the authority empowered to dismiss or remove or reduce in rank the person concerned shall be final.

### **37. Procedure to be followed after enquiry under Rule 36.**

(1)After an enquiry against a person has been completed and after the punishing authority has arrived at provisional conclusions in regard to the penalty to be imposed, the person charged shall, if the penalty proposed is dismissal, removal or reduction in rank, be supplied with a copy of the proceedings prepared under Rule 36, excluding the recommendations, if any, in regard to the punishment made by the Officer conducting the enquiry and given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during the enquiry :Provided that if for sufficient reasons the punishing authority disagrees with any part or whole of the proceedings prepared under Rule 36, the point or points of such disagreement, together with a brief statement of the grounds thereof, shall also be communicated to the person charged along with the copy of the proceedings under Rule 36.(2)Every order of dismissal, removal or reduction in rank shall be in writing and shall specify the charge or charges brought, the grounds of defence, if any, and the reasons for the order.

### **38. Consultation with the Commission in certain cases.**

- Before a final decision to impose the punishment of dismissal, removal or reduction in rank is taken in respect of a servant of a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], whose appointment has been made in consultation with the Commission under sub-section (1) of Section 43 or clause (a) of subsection (2) of Section 46 or Section 47 or sub-section (1) of Section 54 of the Act or under the provisions of the Uttar Pradesh [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] (Central Transferable Cadre) Rules, 1966, the appointing authority shall cause a reference of the matter to be made to the Commission furnishing them with all the relevant papers on the subject. The Commission shall after considering the fact of the case advice the appointing authority (if this be a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], through its Mukhya Adhikari) as to the liability of the servant to punishment and as to the nature of the punishment that may be imposed on him :Provided that, if in any case it is not possible for the appointing authority, even after further correspondence with the Commission in the matter, to accept, the Commission's advice-(i)where the appointing authority is the State Government, a full statement of the reason for such disagreement shall be placed on record and communicated to the Commission; and(ii)where the appointing authority is the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], a full

statement of reasons for such disagreement along with all connected papers shall be forwarded by the Mukhya Adhikari to the State Government whose decision on the matter, taken after consultation with the Commission, shall be final.

### **39. Procedure for imposing minor punishments.**

(1) Wherever the punishing authority is satisfied that good and sufficient reasons exist for adopting such a course, it may impose the penalty of-(a) censure; or (b) stoppage of increment at an efficiency bar : Provided that it shall not be necessary to frame formal charges against the servant concerned or to call for his explanation. (2) In all cases where the punishing authority imposes the penalty of-(a) withholding increments in the time-scale at stages where there is no efficiency bar; or (b) recovery from pay of the whole or part of any pecuniary loss caused to the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] or the [Kshettra Panchayats] [Substituted by U. P. Act No. 9 of 1994.], as the case may be, by negligence or breach of orders, formal proceedings embodying a statement of the offence or fault, the explanation of the person concerned and the reasons for the punishment shall be recorded : Provided that it shall not be necessary to record such proceedings in cases where a servant's increment in the time-scale of his pay, at any stage other than an efficiency bar, is stopped due to his integrity remaining uncertified.

### **40. Appeal.**

- Every servant shall be entitled to appeal as hereinafter provided from an order passed by a competent authority-(a) imposing upon him any of the following penalties specified in Rule 32-(i) reduction to a lower post of time-scale or to a lower stage in a time-scale; (ii) removal from the service of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] which does not disqualify from future employments; and (iii) dismissal from the service of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], which ordinarily disqualifies from future employment : Provided that in the case of the other penalties specified in Rule 32, the absence of a right of appeal shall not debar the punished servant from making a representation against the imposition of any one of the penalties to the authority as specified in Rule 41; and (b) discharging him in accordance with the terms of his contract if he has been engaged on a contract for a fixed or for an indefinite period and has rendered under such contract continuous service for a period exceeding five years at the time when his services are terminated.

**41. [ Appellate Authorities. [Rule 41 substituted by Notification No. U.O - 186-D/33-U. P. A.-33-1961-Rule-1970-AM (5)-77, dated 12th October, 1977 (vide U. P. Zila Panchayats Service (Fifth Amendment) Rules, 1977) (w.e.f. 12-10-1977). Before substitution Rule 41 was stood as under : '41. Appellate Authorities.-(1) In the case of an officer or a servant appointed in consultation with the Commission under sub-section (1) of Section 43, clause (a) of sub-section (2) of Section 46, Section 47 or sub-section (1) of Section 54 of the Act or under the provisions of the Uttar Pradesh Zila**



**Parishad (Central Transferable Cadre) Rules, 1966, an appeal or representation, as the case may be, shall lie to the State Government.(2) In the case of a servant appointed by the Mukhya Adhikari or any Head of Department under sub-section (2) of Section 43 of the Act, an appeal or representation, as the case may be, shall lie to the Adhyaksha of the Parishad.(3) In the case of all other servants, an appeal or representation, as the case may be, shall lie to the Commissioner of the Division.']**

(1)In the case of an officer or a servant appointed in consultation with the Commission under sub-section (1) of Section 43, clause (a) of sub-section (2) of Section 46, Section 47 or sub-section (1) of Section 54 of the Act or under the provisions of the Uttar Pradesh [Zila Panchayats] (Central Transferable Cadre) Rules, 1966, an appeal or representation, as the case may be, shall lie to the State Government.(2)In the case of a servant appointed by the Mukhya Adhikari or any Head of Department under sub-section (2) of Section 43 of the Act, an appeal or representation, as the case may be, shall lie to the Adhyaksha of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.].(3)In the case of all other servants, an appeal or representation, as the case may be, shall lie to the Commissioner of the Division :Provided that in the case of a teacher or any other person whose services were liable to be transferred to the Uttar Pradesh Board of Basic Education established under Section 3 of the Uttar Pradesh Basic Education Act, 1972, had his service not been terminated before the establishment of the said Board, an appeal or representation filed by such teacher or other person and pending for disposal with the State Government, Adhyaksha of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], Commissioner of a Division or the Director of Education or any other Authority shall stand transferred to the appropriate Appellate Authority specified in the Schedule to the Uttar Pradesh Basic Education Staff Rules, 1973 and shall be disposed of by such Appellate Authority.]

## **42. Manner of presenting appeal or representation and time limit.**

(1)Every person preferring an appeal or representation, as the case may be, shall do so separately and in his own name.(2)No appeal or representation shall ordinarily be entertained unless it is submitted within ninety days' of the date on which the order of punishment has been communicated to the person concerned :Provided that in all such cases in which an appeal or representation lies under these rules, the appeal or representation, as the case may be, against an order made between the appointed date and the date of coming into force of these rules, may be filed before the competent authority within ninety days from the date of coming into force of these rules.(3)Every appeal or representation as the case may be, shall be addressed to the appellate authority specified in Rule 41 and shall be submitted by the appellant through the head of the department to which he belongs or belonged. Unless the appeal or representation, as the case may be, is preferred against his own order, the head of department shall forward it within ten days of its receipt by him to the authority against whose order the appeal or representation as the case may be, is preferred.(4)The authority against whose order the appeal or representation, as the case may be, is preferred shall forward it with his para-wise comments thereon along with all connected records and relevant papers to the authority competent to decide the appeal or representation, as the case may be, within

thirty days of its receipt by him from the Head of the Department or if he himself is the head of the department from the appellant.(5)Every appeal or representation, as the case may be, shall contain all material statements and arguments relied upon by the servant. It shall contain no disrespectful or improper language and shall be complete in itself.(6)The appellant may, if he so desires, send as an advance copy of the appeal direct to the appellate authority which will then call for the appeal through the proper channel if it is not received within the time-limit prescribed in sub-rule (4).

#### **43. Orders on appeal or representation by the appellate authority.**

- The appellate authority shall consider-(a)whether the facts on which the order was based have been established;(b)whether the facts established afford sufficient ground for taking action; and(c)whether the penalty imposed is excessive, adequate or inadequate and after such consideration shall pass such order, as it thinks proper ;Provided that whenever any appellate authority proposes to enhance the punishment, the servant concerned shall be given an opportunity to show cause against the proposed enhancement.

#### **44. Orders of the appellate authority to be given effect to.**

- An authority from whose order an appeal or representation is preferred under these rules shall give effect to any order passed on the said appeal or representation by the competent authority.

#### **45. Stoppage of pay and allowances after removal or dismissal.**

- The pay and allowances of a servant, who is removed or dismissed from service shall cease to accrue from the date of such removal or dismissal.

#### **46. Revision of order.**

(1)At any time before the expiry of the six months from the date of communication of the final orders of the punishing authority where no appeal or representation, as the case may be, against such orders has been preferred or from the date of communication of the orders of the competent appellate authority (other than the State Government) on an appeal or a representation, as the case may be, the State Government may, call for the records of the case and such other material as may be necessary and then if, in the opinion of the State Government, there has been any miscarriage of justice on account of the misinterpretation of law or otherwise they may revise wholly or partly such orders of the punishing authority or the appellate authority, as the case may be, and the order so revised shall be final and binding on all concerned.(2)The Commissioner of the Division may exercise powers similar to those prescribed in the foregoing sub-rule (1) unless-(i)he himself has decided an appeal or representation of the person punished relating to the case; or(ii)the State Government are seized of the case under this rule; or(iii)the State Government would have been the Appellate Authority had an appeal or representation, as the case may be, been preferred in the case by the person punished; and the orders so revised by the Commissioner of the Division shall be final and binding on all concerned :Provided that where the State Government or the Commissioner of

the Division, as the case may be, propose to enhance any punishment already imposed, the person punished shall be given an opportunity of showing cause against the proposed enhancement.

#### **47. Arrangement in the vacancy of a punished servant to be temporary pending appeal or representation.**

- The post vacated by a servant who is dismissed or removed from service or who is reduced in rank to a lower post shall not be filled up substantively until the period of appeal or representation fixed in sub-rule (2) of Rule 42 or of revision fixed in Rule 46 has expired or the appeal or representation if any, preferred against any such order has been finally rejected. The temporary arrangements so made shall be reviewed in accordance with the final decision.

#### **48.**

Representations in respect of other service matters may be made by an officer or servant of a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] to the Appellate Authority mentioned in Rule 41. The provisions of Rules 42, 43, 44 and 46 shall also apply to such representations.

### **Part IV – Miscellaneous**

#### **49. Termination of service of permanent officers and servants otherwise than under orders of dismissal or removal from service.**

- The period of office of a permanent officer or servant of a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] shall not determine until-(a)his resignation has been accepted in writing by the Appointing Authority; or(b)he has given such authority at least three months' notice; or(c)he has paid or assigned to the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] a sum equal to three months' pay; or(d)he has been given by the Appointing Authority not less than three month's notice or a sum equal to three month's pay in lieu of notice :Provided that the service of a permanent officer or servant of the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] shall not be terminated by notice under clause (d) except where the proposed termination is necessary under some scheme of retrenchment sanctioned by the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] and, in all cases, where the service of the junior-most person or persons are not terminated, the reasons for it shall be recorded in writing by the Appointing Authority and a representation against such termination would lie to the Appellate Authority prescribed in Rule 41 within thirty days of its communication to the servant concerned.

#### **50. Termination of service of temporary officers and servants otherwise than under orders of dismissal or removal from service.**

(1)The services of a temporary officer or servant of a [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.], other than the persons referred to in sub-section (1) of Section 46 of the Act shall be

liable to termination at any time by one month's notice in writing given either by the officer or servant to the Appointing Authority or by the Appointing Authority to the officer or servant: Provided that such officer/servant or the Appointing Authority may substitute for the whole or part of the said period of notice, pay in lieu thereof: Provided further that it shall be open to the Appointing Authority to relieve a servant without any notice by such servant or accept notice for a shorter period, without requiring the servant to pay any penalty in lieu of notice : Provided also that in case of direct appointments made in short and leave vacancies it shall not be necessary for the Appointing Authority to give any notice or any pay in lieu of before terminating the service. (2) In this rule "temporary" service includes officiating or substantive service in a temporary post and officiating service in a permanent post under the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.]. (3) Nothing in this rule shall apply to- (a) servants engaged on contract; or (b) servants not in whole time employment; or (c) servants paid out of contingencies; or (d) servants employed in work charged establishments; or (e) Government servants lent to the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] on deputation.

## **51. Leave, leave allowance, officiating pay, fees and honoraria.**

(1) All matters relating to leave and leave allowances shall be regulated in the manner applicable to Government servant under the unified leave rules introduced with effect from September 1, 1949 (U. P. Fundamental and Subsidiary Rules) as amended, from time to time. (2) Officiating pay or officiating allowance, fees and honoraria shall be admissible to the [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] servants on the same terms and conditions as are applicable to Government servants under the U.P. Fundamental and Subsidiary Rules.

**52. [ [Rule 52 substituted by Notification No. 4475B/33-2-71/72-U. P. A.-33-1961-Rule-1970-AM (11)-1984, dated 28th July, 1984 (vide U. P. Zila Panchayats Service (Eleventh Amendment) Rules, 1984) (w.e.f. 28-7-1984). Before substitution Rule 52 was stood as under : '52. The provisions of the U. P. Fundamental Rules contained in Financial Handbook, Volume II, Part II to IV and Travelling Allowance Rules given in Financial Handbook, Volume III shall in so far as they are not inconsistent with the provisions of the Act or the rules apply to servants of the Zila Panchayat in respect of such matters as are not covered by these rules. ]**

The provisions of the U. P. Fundamental Rules contained in Financial Handbook, Volume II, Part II to IV and Travelling Allowance Rules given in Financial Handbook, Volume III shall insofar as they are not inconsistent with the provisions of the Act or the rules apply to servants of the [Zila Panchayats] in respect of such matters as are not covered by these rules : Provided that the employees, or, class of employees of [Zila Panchayats] [Substituted by U. P. Act No. 9 of 1994.] who are given fixed monthly travelling allowance, shall be given the said fixed monthly travelling allowance at such rate, as may be ordered by the Government, from time to time, for the Government servants.]

**53. [ Retirement of servants. [Rule 53 substituted by Notification No. 6343B/33-2-190/71-U. P. A.-33-1961-Rule-1970-AM (101-1981, dated 28th November, 1981 (vide U. P. Zila Panchayats Service (Tenth Amendment) Rules, 1981) (w.e.f. 28-11-1981).]**

- [(a) (1) Every servant of the Zila Panchayat shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years ;Provided that if the date of birth of any servant is the first day of the month, he shall have to retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.(2)On or before the first day of September in each year a list shall be prepared in Form 'A' appended to these rules, of all servants of a Zila Panchayat whose age during the next financial year will reach sixty years and submitted to the respective Appointing Authorities.(3)Every Appointing Authority shall consider the list insofar as it relates to the posts of which he is the Appointing Authority and definite order shall be passed by him as to the retirement of the servants. Written intimation of their retirement shall be communicated to the concerned servants.](b)(1) Notwithstanding anything contained in Rule 53 (a) the Appointing Authority may, at any time, by notice to any [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant (whether permanent or temporary), without assigning any reason, require him to retire after he attains the age of fifty years, or such [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant may, by notice to the Appointing Authority voluntarily retire at any time after attaining the age of fifty years or after he has completed qualifying service for twenty years.(2)The period of such notice shall be three months :Provided that-(i)any such [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant may, by order of the Appointing Authority, without such notice or by a shorter notice, be retired forthwith at any time after attaining the age of fifty years, and on such retirement, the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowance, if any, for the period of the notice or as the case may be, for the period by which such notice falls short of three months, at the same rates at which he was drawing immediately before his retirement;(ii)it shall be open to the Appointing Authority to allow a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant to retire without any notice or by a shorter notice without requiring the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant to pay any penalty in lieu of notice :Provided further that such notice given by the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant against whom a disciplinary proceeding is pending or contemplated, shall be effective only if it is accepted by the Appointing Authority provided that in the case of a contemplated disciplinary proceeding the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant shall be informed before the expiry of his notice that it has not been accepted :Provided also that the notice once given by a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant seeking voluntary retirement shall not be withdrawn by him except with the permission of the Appointing Authority.(c)A retiring pension shall be payable and other retirement benefits, if any, shall be available in accordance with and subject to the provisions of the Uttar Pradesh Zila Parishad Retirement Benefit Rules, 1972, as amended from time to time, to every [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant who retires or is required or allowed to retire under this rule.Explanation. - (1) The decision of the Appointing Authority under Rule 53 (b) to require the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant to retire as specified therein shall be taken if it appears to the said

authority to be in the public interest, but nothing herein contained shall be construed to require any recital, in the order of such decision having been taken in the public interest.(2)Every such decision shall, unless the contrary is proved, be presumed to have been taken in the public interest.(3)The expression 'Appointing Authority' means the authority which for the time being has the power to make substantive appointments to the post or service from which the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant is required or wants to retire and the expression 'qualifying service' shall have the same meaning as in the Uttar Pradesh [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Retirement Benefit Rules, 1972, to retiring person.(4)Every order of the Appointing Authority requiring a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant to retire forthwith under the first proviso to clause (2) to sub-rule (b) of this rule shall have effect from the afternoon of the date of its issue, provided that if after the date of its issue, the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant concerned, bona fide and in ignorance of that order, performs the duties of his office, his acts shall be deemed to be valid notwithstanding the fact of his having earlier retired.(5)For the purpose of this rule the age of a servant shall be determined with reference to his date of birth as recorded in the High School Examination Certificate or in the Certificate of an examination recognised by the State Government as equivalent thereto or if there be no such certificate with reference to his date of birth then his date of birth as recorded in the Hindustani Final Examination of Junior High School Examination or as entered in the scholars register of any institution recognised by the State Government. Where there is no such authentic record of the age of a servant or where the servant has not studied in any recognised institution, it would be permissible to examine other reliable documentary evidence such as entries in the service book, certified copy of entry in the birth register, the affidavit of the parent or guardian, a medical certificate of the Chief Medical Officer of the district. The decision of the Appointing Authority as to the correct age of a servant shall be final.(d)For the removal of doubts, it is hereby clarified that nothing in this rule shall be deemed to have ever required the actual payment of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servant's pay for the whole or part of the period of notice before or simultaneously with the retirement required by the order, and the failure to make such payment shall not have any effect on the validity of the order.]

## **54. Appointment of relations.**

(1)No person who is a relation of an officer or a member or the Adhyaksha or Upadhyaksha of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall be appointed to any post under the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] except with the prior sanction of the State Government:Provided that such sanction shall not be necessary in respect of an appointment made on the basis of an advertisement issued by the Commission.Explanation. - For the purpose of this rule 'relation' means father, grand-father, father-in-law, paternal or maternal uncle, son, grand-son, son-in-law, brother, nephew, paternal or maternal first cousin, wife's brother and sister's husband, husband's brother, husband's sister, wife's sister, wife, daughter, daughter-in-law, sister, sister-in-law, being the wife of a brother or first cousin, mother, mother-in-law, aunt, maternal or paternal.(2)If any appointment is made in contravention of sub-rule (1), the State Government may on their own motion or on the application made by any person, and after giving reasonable opportunity to the Appointing Authority, to show cause why the appointment should not be set aside, declare the appointment to be invalid, and thereupon the Appointing Authority shall

immediately discharge the person so appointed.(3)Where any relation within the meaning of sub-rule (1), of a servant of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] is elected as a member of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] or the Adhyaksha, such servant shall immediately inform the Mukhya Adhikari in writing about his relationship with such member or Adhyaksha. The Mukhya Adhikari shall, as soon as may be thereafter, place the information before the Kaiya Samiti.

### **55. Employment by [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] of persons punished by removal or dismissal from the service of Government or of any local authority.**

- No person shall be employed in the service of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] who has been punished by removal or dismissal from the service of the Central or State Government or of any local authority or any educational institution recognised and/or aided by the State Government or been made to resign his appointment as an alternative to such punishment by removal or dismissal or who has undergone a sentence of imprisonment for a criminal offence involving moral turpitude :Provided that such a person may be employed by the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] with the previous sanction of the State Government.

### **56. House building advance or advances for purchase of conveyance.**

- The rules for time being in force in respect of advances to servants of the State Government for construction of houses or purchase of conveyances shall mutatis mutandis apply to the servants of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] with the following modifications :(a)The authority empowered to sanction all such advances except an advance for the purchase of a bicycle, shall be the Karya Samiti of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] which shall consider such proposals on the specific recommendations of the Mukhya Adhikari.(b)The authority empowered to sanction an advance for the purchase of a bicycle shall be the Mukhya Adhikari.(c)The advances shall be made from the Zila Nidhi.

### **57. Grant of free residence or hous-rent allowance.**

- The Karya Samiti of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] may allow rent free residence or house-rent allowance in lieu thereof to the extent of the actual rent paid or ten per cent of the monthly pay exclusive of all allowances at the time of the fixation of the house-rent allowance initially whichever is less, to any servant of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] who fulfills any of the conditions set forth below, and not otherwise :(i)he is required in the interest of his official work to live in a specified locality or building;(ii)because of the nature of his duties, he is with some regularity called or liable to be called on duty at any time of the day or night;(iii)he is required, in addition to his regular duties to exercise direct supervision over resident students and is accordingly required to live in close proximity to a hostel :Provided that in the last mentioned condition the concession shall not be extended to more than one servant for one hostel :Provided further that no house-rent allowance shall be admissible to a servant who lives in a house

of which he himself is the owner.

### **58. Certificate for the grant of house-rent allowance.**

- Every bill relating to house-rent allowance shall be accompanied by a certificate in the form given below duly signed by the head of the department concerned and testifying that the person or persons in respect of whom the house-rent allowance has been drawn actually occupied a rented house or houses, as the case may be, during the period to which the allowance relates and individually paid the amount or amounts of rent drawn in the bill. Form of Certificate "Certified that all the persons for whom house-rent allowance has been drawn in this bill actually occupied a rented house for which they paid rent as shown in this bill and are entitled to the allowance."

### **59. Dearness allowance.**

- The grant of dearness allowance to the employees of [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall be regulated by the directions issued by the State Government, from time to time.

### **60. Officers lent to [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.].**

- The services of Government servants may be lent to Zila Parishad on such terms and conditions as the State Government may in each case decide.

### **61. Disciplinary proceedings against a Government servant lent to a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.].**

- When a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] decides that disciplinary proceedings should be started against a Government servant under the employ of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], a copy of the decision together with all relevant material and records of the case shall be forwarded by the Mukhya Adhikari to the authority competent to punish the employee as Government servant and such authority shall thereafter take necessary action in accordance with the provisions contained in the disciplinary rules of the Government service to which he belongs subject to the general or special orders of the State Government issued, from time to time, in this behalf.

### **62. Maintenance of service-books.**

- Except as provided in Rule 63, a service-book shall be maintained in Form No. 12 of the Financial Handbook, Volume II, Parts II to IV, for each servant of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] holding a substantive post on a permanent establishment, or officiating in a post or holding a temporary post. Every step in the official life of the servant shall be recorded in the service-book, and each entry attested by the head of the department concerned.



### **63. Service-books not to be maintained of the lower grade and purely temporary servants.**

- Service-books shall not be maintained in respect of lower grade servants of all categories and servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies for short periods and are not eligible for permanent employment.

### **64. Supply and custody of service-books.**

- A service-book shall be supplied at his own cost to every servant on his first appointment. It shall be kept in the custody of the head of the department concerned and shall be transferred with him upon every transfer from one department to another. The head of the department may on his own responsibility entrust the custody of service-books to the ministerial head of his office.

### **65. Entries in service-books to be attested by head of the department.**

- It shall be the duty of the head of the department to ensure that all entries in the service-books are made and attested.

### **66. Entries to be made in ink and corrections to be attested.**

- Entries in service-book shall be made neatly in ink and no corrections shall be made either by erasing or overwriting a previous entry. All corrections shall be properly attested.

### **67. Disposal of the service-book.**

(1) If a servant retires on attaining the age of superannuation, his service-book may, if desired, be returned to him after all the formalities with regard to his retirement are completed and the payment on account of his salary, allowances and bonus etc., have been audited. Where a service-book is not returned it shall be retained for a period of five years after retirement, after which it may be destroyed. In case of death of a servant, his service-book may be given to his relatives on application after the final settlement of all dues, if any, of the deceased servant. Should no application be received within five years of such settlement the service-book may be destroyed. (2) The service-book of a servant who retires, resigns or is discharged from the service without fault prior to his reaching the age of superannuation, shall not be returned to him before the expiry of five years from the date of retirement, resignation or discharge, as the case may be. If he applied for it within six months after the expiry of this period, it may be given to him after an entry about his retirement, resignation or discharge, as the case may be, has been made therein. Should no application be made within this time-limit the service-book shall be destroyed. (3) When the service of a servant is terminated by dismissal or removal, his service-book shall be retained for a period of five years after the date of dismissal or removal, as the case may be, after which it shall be destroyed. (4) The service-book of a servant who has been dismissed or removed, and who is afterwards re-employed, shall on requisition be sent to the head of the office in which he is

re-employed. A similar course shall be adopted when a servant has been discharged without fault or has resigned and is subsequently re-employed.

### **68. Service-book may be shown to a servant on demand.**

- It shall be the duty of every servant to see that his service-book is properly maintained in accordance with the foregoing rules. A servant shall, when required to sign an entry in his service-book or at any other time on his request be given an opportunity to examine the service-book in order to satisfy himself that it is being maintained properly.

### **69. Procedure for verification of entries in service-books.**

- The following procedure shall be observed when entries in the service-book of a servant are sought to be verified with the help of the pay bills : (a) The periods of temporary and officiating service shall be verified by the head of the office from the pay bills concerned and the fact of verification recorded under proper attestation in the service-book; (b) The verification of the service-books shall be taken up in the month of January each year by the head of the department who, after satisfying himself that the services of the servant concerned are correctly recorded in his service-book, shall record and sign a certificate in the memorandum of verification in Form No. 15 of the Financial Handbook, Volume II, Parts II to IV, which shall be made part of the service-book; (c) When a servant is transferred from one office to another, the head of the department under whom he was originally employed shall record in the service-book under his signature the result of the verification of service with reference to pay bills and other connected records in respect of the whole period during which the servant was employed under him, before forwarding the service-book to the department where his services are transferred.

### **70. Reduction to a lower post to be recorded in service-book.**

- Personal certificates of Character shall not be entered in column 15 of the service-book but if a servant is reduced to a lower substantive post, the cause of the reduction shall be briefly stated thus : "Reduced for inefficiency, Reduced owing to reduction of establishment, etc."

### **71. Suspension and interruption in service also to be entered.**

- Every period of suspension from employment and every other interruption in service shall be noted with full details of its duration, by an entry written across the page and attested by the head of the department. The head of the department shall be personally responsible to see that these entries are made with regularity.

### **72. Maintenance of service rolls for lower grade servants.**

(1) Service rolls in Form No. 14 of the Financial Handbook, Volume II, Parts II to IV to be supplied at the cost of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], shall be maintained for all

lower grade servants of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] holding substantive appointments on a permanent establishment and for those officiating in a post or holding a temporary post except those who are appointed in purely temporary or officiating vacancy for a short period only. The roll shall be carefully examined and under "Details of Service" shall be recorded the rank of each person, his promotion, reduction in rank, or other punishment, the period of his absence from duty on leave or without leave, the interruption in his service and every other incident connected with his service which may involve forfeiture of portions of his service. Full particulars in regard to every entry shall be given in the remarks column.(2)The procedure laid down in Rule 69 for the verification of service from a pay bill shall be followed in respect of the lower grade employees also.

### **73. Maintenance of character rolls.**

(1)Character rolls shall be maintained for all servants, other than the lower grade servants, in Form B appended to these rules. Annual confidential remarks shall be recorded by the authorities hereinafter prescribed in respect of the servants mentioned against each : (a)Adhyaksha.-In respect of the servants appointed under subsections (1) and (3) of Section 43 of the Act.(b)Mukhya Adhikari.-In respect of-(i)the servants other than the Vitta Adhikari referred to at (a) above.Explanation.-The Mukhya Adhikari shall make entries in the character rolls of such servants before the Adhyaksha records his remarks.(ii)The servants appointed by him under the Act.(iii)The servants appointed by the Head of Department under the Act except those appointed by the Vitta Adhikari.Explanation.-The Mukhya Adhikari shall make entries in the character rolls of such servants after the head of department has recorded his remarks.(c)Vitta Adhikari.-In respect of the servants appointed by him under the Act.(d)Head of the Department other than Vitta Adhikari and Mukhya Adhikari.-In respect of the servants appointed by him under the Act.(2)A copy of the entry made in respect of the Vitta Adhikari shall be furnished to the Mukhya Vitta Adhikari [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] by the Adhyaksha directly. The Mukhya Vitta Adhikari may approve the entry recorded by the Adhyaksha or record his own opinion about the work of the Vitta Adhikari.(3)Annual confidential remarks, shall ordinarily, be recorded in the month of April every year.(4)The procedure to be followed in recording annual confidential remarks in respect of Government servant lent to the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall be as may be laid down by the Government, from time to time.(5)Every entry in the character roll which may adversely affect the promotion of the servant concerned shall be communicated to him within three months from the date it is recorded and a note to this effect made in the character roll.(6)A servant to whom an adverse entry has been communicated shall be entitled to make a representation to the Appellate Authority prescribed in Rule 41 within thirty days of the communication of the entry to him.

### **74. Integrity certificate.**

(1)Annual confidential report shall also contain an opinion about the integrity of the servant concerned. The form of the integrity certificate shall be as follows : "Nothing has come to my knowledge which casts any reflection on the integrity of.....His general reputation for honesty is good and I certify his integrity."(2)A servant who fails to obtain integrity certificate will be

stopped at the efficiency bar or his ordinary annual increment will be stopped. If he is on probation, he will not be confirmed until his integrity is certified :Provided that a servant whose integrity certificate is withheld shall have the right to make a representation to the Appellate Authority prescribed in Rule 41.

## **75. Orders of appointment to be signed by the Mukhya Adhikari.**

- All orders of appointment, suspension or punishment passed by the Adhyaksha in exercise of the powers vested in him under the Act shall be issued under the signatures of the Mukhya Adhikari, who shall make it clear therein that the same are the orders of the Adhyaksha.

## **Part V – Provident Fund and Compassionate Allowance**

### **76. [ Provident Fund. [Rule 76 substituted by Notification No.**

**U.O.-186-D/33-U. P. A.-33-1961-Rule-1970-AM (5)-77, dated 12th October, 1977 (vide U. P. Zila Panchayats Service (Fifth Amendment) Rules, 1977) (w.e.f. 12-10-1977), Before substitution Rule 76 was stood as under : '76. Provident Fund.-Every Zila Parishad shall establish Provident Fund for its whole-time permanent servants and all matters relating to the Provident Fund shall, except as provided in Rules 77, 77-A and 78. be governed by the regulations to be framed under clauses (i) and (j) of sub-section (1) of Section 238 of the Act.']**

- Every [Zila Panchayat] shall establish Provident Fund for its whole-time servants who have completed one year's service and all matters relating to Provident Fund shall, except as provided in Rules 77, 77-A and 78, be governed by the regulations to be framed under clauses (i) and (j) of sub-section (1) and sub-section (2) of Section 238 of the Act.]

### **77. [ Rate of contribution. [Rule 77 substituted by Notification No.**

**2033-B/33-72-190-71, dated 21st July, 1972 (vide U. P. Zila Panchayats Service (First Amendment) Rules, 1972) (w.e.f. 21-7-1972).]**

(1)Every servant shall subscribe to the deposit account of the Provident Fund at the rate of ten paise in a rupee of his pay as defined in the U. P. Fundamental Rules or to such higher rate as the State Government may direct, from time to time.(2)The rate of contribution made by a [Zila Panchayat] to deposit account under the Provident Fund of a subscriber, who does not opt for the benefit of the U. P. [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Employees Retirement Benefit Rules, 1972, shall be equal to one-half of the amount subscribed by him but under no circumstances shall exceed ten paise in a rupee on the pay as defined in the U. P. Fundamental Rules of a servant.]

**77A. [ Advances. [Rule 77-A inserted by Notification No. 2033-B/33-72-190-71, dated 21st July, 1972 (vide U. P. Zila Panchayats Service (First Amendment) Rules, 1972) (w.e.f. 21-7-1972).]**

- A temporary advance may be sanctioned to a subscriber from the amount standing to his credit in the Fund at the discretion of the Appointing Authority subject to the following conditions : (a) No advance shall be sanctioned unless the sanctioning authority is satisfied that the applicant's pecuniary circumstances justify it and that it will be expended on the following object or objects and not otherwise- (i) to pay expenses incurred in connection with the prolonged illness of the applicant or any person actually dependent on him; (ii) to pay for the passage abroad for reasons of health or education of the applicant or any person actually depend on him; (iii) to pay obligatory expenses on a scale appropriate to the applicant's status in connection with marriage, funerals of ceremonies which, by his religion, it is incumbent on him to perform. (b) The sanctioning authority shall record in writing its reason for sanctioning the advance, (c) An advance shall not, except for special reason- (i) exceeds three months' pay or half the total amount at the credit of the subscriber at the time of the application whichever is less, at the discretion of the sanctioning authority; (ii) be sanctioned until at least twelve months have elapsed after final repayment of all previous advances together with interest thereon ; Provided that in special cases the restrictions laid down in clauses (i) and (ii) above may be waived by the sanctioning authority and subject to such terms and conditions as may be specified by the said authority temporary advances may be allowed for subscribing to any loan floated or financial scheme launched by the State Government for nation building purposes : Provided further that so long as the amount already advanced together with the fresh advance applied for does not exceed the amount admissible under clause (i) at the time of the sanction of the first advance, special reasons will not be required for the sanction of a second advance or subsequent advances, and such advances may be sanctioned by the sanctioning authority even if the condition mentioned in clause (i) is not fulfilled. Explanation. - In the proviso, the expression "the amount already advanced" means the amount, or the sum of amounts actually advanced and not the balance outstanding after any re-payments. (d) A non-refundable advance from the Provident Fund may be sanctioned to a servant of the [Zila Panchayat] who has put in at least twenty years of permanent service for the following purposes: (i) for the marriage of a daughter or son; (ii) for repairing or building a house; (iii) for higher education of the dependents ; Provided that the advance shall not exceed 75 per cent of the total amount existing at the time of the sanction.]

**78. Recovery of advance.**

(1) An advance shall be recovered from the subscriber in such number of equal monthly instalments as the sanctioning authority may direct, but such number shall not be less than twelve unless the subscriber so elects, and more than twenty-four. In special cases where the amount of advance exceeds three months' pay of the subscriber, the sanctioning authority may fix such number of instalments to be more than twenty-four but in no case more than thirty-six. A subscriber may at his option make repayment in smaller number of instalments than that specified. Each instalment shall be a number of whole rupee, the amount of the advance being raised or reduced, if necessary, to admit of the fixation of such instalments. (2) If more than one advance has been made to a

subscriber, each advance shall be treated separately for the purpose of recovery.(3)After the principal of the advance has been fully repaid, interest shall be paid thereon at the rate of one fifth per cent of the principal for each month or portion of a month during the period between the drawal and complete repayment, of the principal.(4)Interest shall ordinarily be recovered in one instalment in the month after complete repayment of the principal, but if the period referred to in sub-rule (3) exceeds twenty months, interest may, if the subscriber so desires, be recovered in two equal instalments.

## **79. Compassionate allowance.**

- The Karya Samiti may, for good and sufficient reasons which shall be placed on record, grant to a servant who, while engaged in the performance of duty, receives injury to such an extent as to incapacitate him for further employment, or to the widow or other surviving heirs of a servant who in like circumstances dies or is killed, a compassionate allowance, which shall ordinarily not be greater in amount than that to which the servant or his widow or other heir would be entitled if the servants were a Government servant. Where it is proposed to grant a higher amount the prior sanction of the State Government shall be taken.

## **80. Mode of payment of compassionate allowance.**

- The compassionate allowance granted under Rule 79 shall, ordinarily, be paid in one lump sum but where the circumstances of the case so justify the grant may be made on yearly basis for a limited period to defray the expenses of the education of the children of the servant subject to the condition that the aggregate of such annual payments does not exceed the total amount of compassionate allowance permissible under Rule 79.

## **81. Principles to be followed in considering claims.**

- In considering claims for compassionate allowance the following principles shall be kept in view :  
(i)Grants must be restricted to cases involving exceptional hardship:  
(ii)Death or incapacitation due to special devotion to duty shall be deemed to establish a strong claim for consideration:  
(iii)Ordinarily preference shall be given to the servants or dependents of servants who have completed at least five years of service.

## **82. Claims may be preferred or be considered suo motu by the Karya Samiti.**

- Cases for the grant of compassionate allowance may be considered by the Karya Samiti on his own motion and shall be so considered if an application therefor is made in this behalf by a servant or, where he has died or been killed, by his widow or other surviving heir.

## **Part VI – [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Servant's Conduct Rules**

### **83. Definition.**

- In these rules member of the family in relation to a servant shall include-(i)the wife, child or step-child of such servant, whether residing with him or not, and, in relation to a servant who is a woman, the husband residing with her and dependent on her; and(ii)any other person related, whether by blood or by marriage, to the servant or to such servant's wife or husband, and wholly dependent on the servant, but does not include a wife or husband legally separated from the servant, or a child or step-child who is no longer, in any way, dependent upon him or her, or of whose custody the servant has been deprived by law.

### **84. General.**

(1)Every servant shall at all times maintain absolute integrity and devotion to duty.(2)Every servant shall at all times conduct himself in accordance with the specific or implied orders of the competent [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] authorities regulating the behaviour and conduct.

### **85. Equal treatment for all.**

- Every servant shall record equal treatment to people irrespective of their caste, sect, sex or religion.

### **86. Gift.**

- A servant shall not, without previous approval of the Mukhya Adhikari, accept directly or indirectly or permit any member of his family to accept either on his behalf or on behalf of any other person, any gift, gratuity or reward from any person other than a close relation :Provided that he may accept or permit any member of his family to accept from a personal friend a wedding present or a present on a ceremonial occasion, of a value not exceeding Rs. 51. All servants shall, however, use their best endeavour to discourage even the tendering of such presents.

### **87. Subscriptions.**

- A servant may, with the previous sanction of the Mukhya Adhikari, ask for or accept or participate in the raising of a subscription or other pecuniary assistance for a charitable purpose connected with medical relief, education or other objects of public utility; but it shall not be permissible for him to ask for subscriptions, etc., for any other purpose, whatsoever.

## **88. Lending and borrowing money.**

- Except with the previous sanction of the Mukhya Adhikari no servant shall lend money, to, or borrow it from any member or servant of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] or from any other person residing within the limits of the district :Provided that a servant may-(1)make an advance of pay to a private servant or give a loan of a small amount free of interest to any personal friend or relative; or(2)accept a purely temporary loan of a small amount free of interest from a personal friend or relative or operate a credit account with a bona fide banker, or borrow in the ordinary course of business money from a bank, co-operative society or a firm of standing.

## **89. Holding or accruing immovable property.**

(1)No servant shall, except, after informing the Mukhya Adhikari, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift, or otherwise, either in his own name or in the name of any member of his family :Provided that any such transaction conducted otherwise than through a regular and reputed dealer shall require the previous sanction of the Mukhya Adhikari.(2)A servant, who enters into a transaction concerning any movable property exceeding five hundred rupees in value, whether by way of purchase or sale or otherwise shall forthwith report such transaction to the Mukhya Adhikari ;Provided that no servant shall enter into any such transaction except with or through a reputed dealer or agent of standing, or with the previous sanction of the Mukhya Adhikari.(3)At the time of first appointment and thereafter at intervals of five years every servant shall make to the Appointing Authority a declaration of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage and of shares, and other investments, which may from time to time be held or acquired by him or by any member of his family. Such declarations shall state the full particulars of the property, shares and other investments.(4)The Appointing Authority may, at any time, by general or special order, require a servant to submit within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or by any member of his family, as may be specified in the order. Such statement shall, if so required, include details of the means by which or the sources from which such property was acquired.

## **90. Investments other than in immovable property.**

- A servant shall not make or allow any member of his family to make any investment other than an investment in immovable property permitted by rule or in banks, recognized securities or societies, which give him such private interest in matter with which his public duties are connected as would embarrass or influence him in the discharge of his duties, nor shall he speculate in stocks, shares or other securities.

## **91. Private trade or employment.**

- No servant shall, except with the previous sanction of the Mukhya Adhikari, engage directly or



indirectly in any trade or business or undertake any other employment :Provided that a servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character subject to the condition that his official duties do not thereby suffer and that he informs the Mukhya Adhikari within one month of his undertaking such a work, but he shall not undertake and shall discontinue such work if so directed by the Mukhya Adhikari :Provided also that no sanction shall be given to a servant to act as an insurance agent.

## **92. Participation in auction.**

- No servant shall bid in any auction of the property belonging to the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] either directly or by proxy.

## **93. Insolvency and habitual indebtedness.**

- A servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A servant who becomes the subject of a legal proceeding for insolvency, shall forthwith report full facts to the Mukhya Adhikari.

## **94. Official information to be kept confidential.**

- Save where required by or under any law, or by any general or special order of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] or the Mukhya Adhikari, no servant shall communicate directly or indirectly any document or information which has come into his possession in the course of his duties or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise to the press or any other person to whom he is not authorised to communicate such document or information.

## **95. Connection with press or radio.**

(1)No servant shall, except with the previous sanction of the Mukhya Adhikari, own wholly or in part, or edit or manage or participate in the editing or managing of any newspaper or other periodical publication.(2)No servant shall, except with the previous sanction of the Mukhya Adhikari or in the bona fide discharge of his duties, participate in a radio broadcast or contribute any article or write any letter either anonymously or in his own name or in any other name to any newspaper or periodical.

## **96. Taking part in politics.**

(1)No servant shall be member of, or be otherwise associated with any political party or any organization, which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any movement or organisation which is, or which tends directly or indirectly to be, subversive of the Central or a State Government or in the interest of the [Zila Panchayat]

[Substituted by U. P. Act No. 9 of 1994.],(2)It shall be the duty of every servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of or assisting in any other manner, any movement or activity which is, or tends directly or indirectly to be subversive of the Central or a State Government or the interest of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.]; and where such a servant fails to prevent a member of his family from taking part in or subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Mukhya Adhikari.(3)If any question arises whether any movement, organization or activity falls within the scope of this rule, the decision of the State Government thereon shall be final.

## **97. Demonstrations and strikes.**

- No servant shall-(1)engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality or which involves contempt of court, defamation or incitement to an offence; or(2)resort to, or in any way abet, any form of strike in connection with any matter pertaining to his services or the service of any other servant.

## **98. Joining of associations by [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] servants.**

- No servant shall join or continue to be a member of any Service Association of the servants of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] or [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] -(a)which has not, within a reasonable period of its formation obtained on a recommendation of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], or [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], as the case may be, the recognition of the State Government under instructions issued by the State Government in that behalf; or(b)recognition in respect of which has been refused or withdrawn by the State Government according to the said instructions.

## **99. Association with societies.**

- Except as provided in Rule 98, a servant of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall not be prohibited from joining any society which, in the opinion of the State Government is not against the interests of public order or morality and which has not been declared to be unlawfull by the State Government but notice shall be taken of the conduct of any servant who takes part in advocating or organising a society which sets one class of community against another or in propagating the tenets of such society. All servants, whatever be their creed or religion, shall observe a strictly neutral and impartial attitude in matters affecting the public and shall not take part in societies of the character described above.

## **100. Election to the Legislature or to a local authority.**

- No servant shall canvass or otherwise interfere or use his influence in connection with, or take part in an election to any Legislature or to any local authority including a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Nyaya Panchayat and [Gram Panchayat] [Substituted by U. P. Act No. 9 of 1994.] :Provided that-(1)a servant qualified to vote at such election may exercise his right to vote, but where he does not so, he shall give no indication of the manner in which he proposes to vote or has voted; and(2)a servant shall not be deemed to have contravened the provisions of this rule by reason only that he assist in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.Explanation. - The display by a servant on his person, vehicle or residence, of any election symbol shall amount to using his influence in connection with an election within the meaning of this rule.

## **101. Direct approach to member of Government, etc.**

- No servant shall approach or attempt to approach any member of the State Government or of the State Legislature or any member of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] or any Government servant on any personal or general question, relating to service matter except through the Mukhya Adhikari, nor seek or attempt to seek interview with such members or Government servant except by previous appointment and through proper channel.

## **102. Ventilating grievances through the Press.**

- No servant shall ventilate through the Press any personal or general grievance relating to matters concerning his service or the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] which he is serving.

## **103. Seeking employment elsewhere.**

- No servant shall apply for any post under any authority except by making an application through proper channel nor shall any servant apply or enter into negotiations for his employment on any post not under any Government in the Indian Union except after obtaining through proper channel previous permission in writing from the State Government.

## **104. Criticism of Government.**

- No servant shall, in any radio broadcast or in any document published unanimously or in his own name, or in the name of any other person, or in any communication to the Press or in any public utterance, make any statement of fact or opinion-(i)which has the effect of any adverse criticism of any decision of his superior officers, or of any current or recent policy or action of the Central or a State Government or a local authority ; or(ii)which is capable of embarrassing the relations between the Uttar Pradesh Government and the Central Government or the Government of any other State ;

or(iii)which is capable of embarrassing the relations between the Central Government and the Government of any foreign State :Provided that nothing in this rule shall apply to any statement made or views expressed by a servant in his official capacity or in the due performance of the duties assigned to him.

### **105. Public demonstrations in honour of servant.**

- No servants shall, except with the previous sanction of the Mukhya Adhikari, receive any complimentary or valedictory address or attend any meeting or public entertainment held in his honour or in the honour of any other servant :Provided nothing in this rule shall apply to a farewell entertainment of a substantially private or informal character and in honour of a servant on the occasion of his retirement or quitting service.

### **106. Insurance business.**

- A servant shall not permit any member of his family to act as an insurance agent within the limit of the district in which he is serving.

### **107. Vindication of acts and character of servants.**

- No servant shall, except with the previous sanction of the Mukhya Adhikari, have recourse to the Press for the vindication of any official act which has been the subject of adverse criticism or an attack of defamatory character.Explanation. - Nothing in this rule shall be deemed to prohibit a servant from vindicating his private character or any act done by him in a private capacity.

### **108. Unauthorised pecuniary arrangements.**

- No servant shall enter into any pecuniary arrangement with another servant or any other person so as to afford any kind of advantage to either or both of them in any unauthorised manner or against the specific or implied provisions of any rule for the time being in force.

### **109. Bigamous marriages.**

- No male servant of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], who has a wife living, shall contract another marriage nor a female servant of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall marry a person already having a wife notwithstanding that such subsequent marriage is permissible under the personal law for time being applicable to him :Provided that the Mukhya Adhikari may, if satisfied that there are special grounds for exempting any person from the operation of this rule, refer the matter to the Karya Samiti whose decision shall be final.

### **110. Proper use of amenities.**

- No servant shall misuse or carelessly use, amenities provided for him by the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to facilitate the discharge of his public duties.

### **111. Payment for purchases.**

- Unless payment by instalments is customary, or specially provided, or credit account is maintained with a bona fide tradesmen, no servant shall withhold prompt and full payment for the articles purchased by him whether the purchases are made on tour or otherwise.

### **112. Use of services without payments.**

- No servant, shall without making proper and adequate payment, avail himself of any service or entertainment for which hire or price or admission fee is charged.

### **113. Use of conveyance belonging to others.**

- No servant shall, except in exceptional circumstances; use a conveyance belonging to a private person or any servant who is subordinate to him.

### **114. Purchase through subordinates.**

- No servant shall himself ask or permit any member of his family to ask any person who is subordinate to him. to make purchases, locally or from out station on behalf of him or a member of his family whether on advance payment or otherwise :Provided that this rule shall not apply to the purchases which the inferior staff attached to the servant may be required to make.

### **115. Interpretation.**

- If any dispute arises relating to the interpretation of Rules 83 to 114 it shall be referred to the State Government whose decision thereon shall be final.

## **Part VII – Deputation of Servants**

### **116. Deputation of servants to another local authority and the period of such deputation.**

(1)A servant of a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] may be sent by the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], on deputation to any local authority subject to his consent and the previous sanction of-(i)the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] in the case of deputation from a [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of

1994.] in the district to another [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] within the same district;(ii)the Commissioner of the Division, in the case of deputation from a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to another local authority within the same district or to a local authority in any other district within the same division;(iii)the State Government in the case of deputation from a [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] of a division to a local authority in any other division.(2)The period of deputation shall normally be restricted to a maximum of three years. Retention of the service of a particular servant beyond a period of three years shall be allowed only in very exceptional cases.

### **117. Deputation of servant on leave.**

- A servant, who is on leave other than a leave preparatory to retirement, may be allowed to be sent on deputation only after he has resumed his duties in the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] or the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], as the case may be.

### **118. Rights of servant while on deputation.**

- A servant sent on deputation shall be deemed to remain in the same service of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] in which he was included in a substantive or officiating capacity immediately before his being sent on deputation, and may be given such promotions in that service as the authority competent to order promotion may decide. In giving promotion such authority shall take into account:(a)the nature of the work performed while on deputation; and(b)the promotion given to juniors in the service in which the question of promotion arises.

### **119. Pay during deputation.**

- A servant on deputation shall draw pay from the local body to which he is sent on deputation with effect from the date he hands over charge of his post in the [Kshettra Panchayat] [Substituted by U. P. Act No. 9 of 1994.] or the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], as the case may be. The amount of his pay, the period of joining time admissible to him and his pay during such joining time shall be fixed by the employing authority in consultation with the relieving authority.

### **120. Pay and other remuneration or concession to be specified in the order of deputation.**

- When the deputation of a servant is sanctioned, the pay which he shall receive in the service to which he is sent on deputation, must be, precisely specified in the order sanctioning the deputation. If it is intended that he shall receive any remuneration or enjoy any concession of pecuniary value in addition to pay and other allowances the exact nature of such remuneration or concession must be similarly specified.

## **121. Terms and conditions of deputation.**

- The following general principles must be observed while sanctioning the terms and conditions of a deputation : (a) The terms granted to a servant must be such as to impose unnecessary burden on the local body in the service of which the servant is being sent on deputation: (b) The terms granted must be such that they may not render service on deputation more attractive than the service of the parent body.

## **122. Principle for fixation of pay on deputation.**

- The pay of a servant sent on deputation to a post, the duties of which are similar to those of the post held by him immediately before deputation, should be fixed at a sum which does not exceed by more than twenty five per cent of the amount of his last, substantive pay in the service of the parent body or if he is officiating in a post from which he is unlikely to revert, 25 per cent of the amount of his last pay drawn, but the special pay or personal pay should not be taken into account in regularizing his pay during the service on deputation.

## **123. Benefit of promotion and increments in parent body to accrue while on deputation.**

- A servant whose pay is fixed as under Rule 119 above may on substantive promotion on his departmental list or accrual of periodical increments be granted an equivalent increase plus a sum not exceeding 20 per cent thereon. He may be given, with the consent of the employing authority, a similar benefit on the occasion of each officiating promotion he would have obtained had he remained in the service of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] and from which his reversion would have been unlikely.

## **124. Joining time pay.**

- In the absence of a specific mention to the contrary' in the order sanctioning service on deputation, the pay to be drawn during joining time will be that admissible in such service.

## **125. Travelling allowance for joining post on deputation or reversion therefrom.**

- Specific terms in regard to travelling allowance to be allowed to a servant for joining the post on deputation, and on reversion therefrom should invariably be specified by the Sanctioning Authority in consultation and agreement with the local body to which the servant is sent on deputation.

## **126. Subscription to provident fund while on deputation.**

- A servant who is sent on deputation shall, if he has been subscribing to the Provident Fund of the parent body or is eligible to do so, subscribe to the said fund as usual, according to the rate of his

pay drawn while in service on deputation.

### **127. Gratuity.**

- A servant employee sent on deputation shall not without the sanction of the Appropriate Authority specified in sub-rule (1) of Rule 116, accept a gratuity from the local body under which he is service on deputation.

### **128. Leave and leave salary.**

- A servant on deputation shall be granted leave and paid leave salary by his employer subject to the same conditions as those which would have regulated the grant of such leave had he been under the employ of the parent body.

### **129. Date of reversion.**

- A servant shall be deemed to have reverted from the service on deputation on the date he takes over charge of his post under the parent body, but if he takes leave on the conclusion of the service on deputation before joining his post, the date of his reversion shall be fixed by the parent body after taking into account the joining time which he takes at the end of his leave before actually taking charge of his post under the parent body.

### **130. Pay, etc. not to be paid from the date of reversion by the local body where a servant was on deputation.**

- When an employee reverts from the service on deputation to the parent body his pay and contribution towards his Provident Fund shall cease to be paid by the local body, under which he had been on deputation, with effect from the date of reversion.

### **131. Absorption of the servant in a permanent post in the local body where he is on deputation.**

- The local body to which the servant is sent on deputation may with the consent of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], absorb the servant in its permanent service and the servant shall cease to hold a lien on his post in the said [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] with effect from the date of confirmation in such service.

**132. [ [Rules 132 to 137 inserted by Notification No. 2716-B/33-2-66-78-U.P.A.-33-1961-Rule-1970-AM (6)-78, dated 5th August, 1978 (vide U. P. Zila Panchayats Service (Sixth Amendment) Rules 1978) (w.e.f. 5-8-1978). But U.P. Zila Panchayats Service (Sixth Amendment) Rules, 1978 has been quashed by the Judgment of Hon'ble Allahabad High Court in**



**Zakir Ali v. State of U.P. (see C.M.W.P. No. 4035 of 1978, date of decision 8th November, 1979).]**

All the employees of the [Zila Panchayat] barring those comprising the Central Transferable Cadre shall be subject to transfer from one [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to another within the Division by the respective Commissioner of the Division.

**133.**

The seniority of the employee, transferred from one [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to another shall continue to be the same which he had in [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] from which he was transferred. For the facility of transfers, the Commissioner shall prepare a list of seniority of each cadre by obtaining from the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] falling under their Divisions, the service particulars of all such employees.

**134.**

The transferred employee will be deemed to be the employee of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] whereto he has been transferred and his seniority will be deemed the same which he had in the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] from which he was transferred.

**135.**

The transferred employee shall be granted seven days' joining time and the salary for this period will be paid to him by the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] where he has been transferred.

**136.**

The allowance for the journey undertaken on account of transfer shall be admissible on the rate admissible to a Government servant drawing equivalent salary and will be drawn from the District Funds of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] whereto the employee may have been transferred.

**137.**

The Provident Fund Account of each employee of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall be opened separately and on the transfer of the employee. Pass Book of his Provident Fund Account will be transferred to the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] where the employee has been transferred.]

**138. [ [Rules 138 and 139 inserted by Notification No. 582-B/33-2-190-71-U. P. A.-33-1961-Rule-1970-AM (8)-79, dated 13th March, 1980 (vide U. P. Zila Panchayats Service (Eight Amendment) Rules, 1979) (w.e.f. 13-3-1980).]**

If any [Zila Panchayat's] employee is transferred to another [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.], the services rendered by him in the previous [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] shall be taken into account by the borrowing [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] while calculating the pension of that employee.

**139.**

The pension and fund of the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Officer belonging to the Central Transferable Cadre (which is kept separate from that of the other employees) may be merged in the pension and fund of that [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] where from the officer retires or the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] to which the officer is allowed to opt for receipt of his pension. In such situation the account of his pension fund shall be merged in the general fund account of that [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.].]

**140. [ [Rule 140 inserted by Notification No. 4475-B/33-2-71-77-U. P. A.-33-1961-Rule-1970-AM (11)-1984, dated 28th July, 1984 (vide U. P. Zila Panchayats Service (Eleventh Amendment) Rules, 1984) (w.e.f. 28-7-1984).]**

Notwithstanding anything contained in these rules, reservation and other benefits for Scheduled Castes, Scheduled Tribes members and other special communities in recruitment to the post by direct appointment or promotion under a [Zila Panchayat] shall be in accordance with such orders as may, from time to time, be issued to the [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] by the State Government.]Form A(See Rule 53)List of servants of [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] who will reach the age of retirement or who are on extension of service in the financial year

Serial No.	Name	Designation	Salary	Age on 31st March, next	Date on which he reaches the age of 58 years or of retirement or on which the extension expires	Length of service on 31st March, next	Recommendation of the immediate Superior Authority	Order passed by the Appointing Authority
Year	Month							

1      2      3      4      5      6      7      8      9      10

Form B(See Rule 73)Form of Character Roll

## 1. Name

## 2. Father's name

## 3. Place of residence

## 4. Date of birth

## 5. Office

## 6. Educational qualifications

Statement of Service

Name of[Zila Panchayat] [Substituted by U.P. Act No. 9 of 1994.] Appointment Pay Date

Names of relatives in [Zila Panchayat's] [Substituted by U.P. Act No. 9 of 1994.] employment

Name Relationship Office Parishad

Remarks recorded by Superior Officers

Notice of Commendations or rewards Notice of censure or punishment

[Schedule A] [Schedule A substituted by Notification No.

4475-B/33-2-71/77-U.P.A.-33-1961-Rule-1970-AM (11)-1984, dated 28th July, 1984 [U. P. Zila Panchayats Service (Eleventh Amendment) Rules, 1984] (w.e.f. 28-7-1984).][See Rules 3, 6, 10 and 12]Containing the Posts, Scales of Pay, minimum qualification and method of recruitment

Sl. No.	Designation of post	Scale
1	2	3
1.	Karya Adhikari	Rs. 500-30-650-E.B. 40-850-1,150

2.	Office Superintendent	Rs. 300-8-340-10-440-12
3.	Sectional Head Clerk	Rs. 175-10-225-E.B. 12 1/2
4.	Accountant	Rs. 175-8-215-E.B. 10-275 1/2-350
5.	Assistant Accountant	Rs. 120-6-150-E.B. 7-185- 7-220-E.B. 10-240

6.	Accountant (Unqualified)	Rs. 100-5-125-E.B. 7-160
7.	Departmental or Sectional Accountant	Rs. 100-5-122-E.B. 7-160
8.	Cashier	Rs. 90-5-115-E.B. 6-145-E
9.	Accounts Clerks	Rs. 90-5-115-E.B. 6-145-E
10.	Clerk grade including typist	Rs. 90-5-115-E.B. 6-145-E
11.	Clerk grade II including typist	Rs. 75-4-95-E.B. 5-120-E
12.	Store keeper	Rs. 100-5-E.B. 7-160-E.B.
13.	Stenographer	Rs. 90-5-115-E.B. 6-145-E

14.	Chauffers or Drivers for staff cars or Pick-ups	Rs. 50-2-60-E.B. 3-75-E.I. 5-100
15.	Daftary and Jamadar	Rs. 40-1-45-E.B. 2-55
16.	Peon Orderly, Chaukidar, Cook and other wholetime inferior servant	Rs. 30-1-35-E.B. 2-55
17.	Truck/Tractor Driver	Rs. 50-2-60-E.B. 3-75-E.I. 5-100
18.	Cleaners for Cars, Trucks or Tractors	Rs. 40-2-50-E.B. 2-60
19.	Agriculture Supervisor	Rs. 75-4-95-E.B. 5-120-E.I.

20.	Agriculture Supervisor (Unqualified)	Rs. 60-2-70-E.B. 3-85-E.B. 4-120
21.	Head Malis	Rs. 40-1-45-E.B. 2-55
22.	Mails	Rs. 35-1-40-E.B. 2-55
23.	Abhiyanta including Atrikta Abhiyanta	Rs. 30-25-400-E.B. 30-55 30-700-E.B. 50-900 with Rs. 350

- |     |                            |                                    |
|-----|----------------------------|------------------------------------|
| 24. | Abhiyanta<br>(unqualified) | Rs. 250-20-350-E.B. 25-4<br>30-600 |
| 25. | Overseer                   | Rs. 150-7-185-E.B. 8-225           |



26.	Computers	Rs. 150-7-185-E.B. 8-270-
27.	Overseer (unqualified)	Rs. 90-5-115-E.B. 6-145-E 7-180
28.	Draftsman (qualified)	Rs. 150-7-185-E.B. 8-270-

- |  |   |                                |
|--|---|--------------------------------|
| 29.  | Draftsman<br>(unqualified)                        | Rs. 90-5-115-E.B. 6-145-E.     |
| 30.  | Tracers   | Rs. 60-3-75-E.B. 6-145-E.      |
| 31. [ [Substituted by Notification No.<br>7423-B/XXXIII-2-37-A.Q/86-U.P.A.-33-1961-Rule-1970-AM<br>(12)-1986, dated 26th September, 1986 [vide U.p. Zila<br>Panchayats Service (Twelfth Amendment) Rules, 1986] (w.e.f. promotion to | Work agents of<br>Supervisors<br>without right of | Rs.<br>325-7-367-E.B.-8-423-E. |

26-9-1986).]

any higher post.

32.	Road Roller Driver	Rs. 65-3-80-E.B. 4-200
33.	Cleaners for Road Roller and Lorries	Rs. 40-2-50-E.B. 2-60
34.	Lamp lighters and Porters	Rs. 30-1-35-E.B. 1-40
35.	Fitter	Rs. 60-2-70-E.B. 3-85-E.B. 4-120
36.	Carpenters and blocks Smiths	Do

Swasthya Vibhag-

37.

\*Chikitsa Adhikari Rs. 250-25-400-E.B. 30-5  
30-700-E.B. 50-750

38.

Chikitsa Adhikari  
Grade II of  
Allopathic Rs. 150-6-180-E.B. 10-22  
Hospital  
Dispensary

39.

Chikitsa Adhikari  
Grade I Incharge  
of Homoeopathic Rs. 150-6-180-E.B. 10-22  
Dispensary

Swasthya Vibhag-

Experience :

40.	*Chikitsa Adhikari Grade II of Homoeopathic Dispensary	Rs. 100-6 130-E.B. 8-170- 220-E.B-10-240
41.	Chikitsa Adhikari Indigenous Hospital or dispensary.	Rs. 225-15 300-E.B. 15 36 20-500
42.	Vaids and Hakims (qualified)	Rs. 150-6-180-E.B. 10-22
43.	Vaids and Hakims (unqualified)	Rs. 75-4-95-E.B. 5-120-E.
44.	Vaids and Hakims (unqualified and	Rs. 50-2-60-E.B. 3-75 E.B

unexempted)

45.	Compounders (Allopathic)	Rs. 120-6-180-E.B. 8-220
46.	Compounders (Allopathic Untrained)	Rs. 50-2-60-E.B. 3-75
47.	Compounders (Homoeopathic)	Rs. 100-4-120-E.B. 4-160
48.	Compounders (indigenous Dispensary)	Rs. 100-4-120-E.B. 4-160
49.	Compounders untrained (Homoeopathic or Indigenous Dispensary)	Rs. 45-2-55-E.B. 2-65-E.B.
50.	Nurse	Rs. 75-5-100-E.B. 6-136-E.
51.	Nurse (untrained)	Rs. 50-2-60-E.B. 3-75-3-9
52.	Mid-wife	Rs. 60-3-75-E.B. 3-90-E.B. 5-120

53.	Dais	Rs. 40-2-50-E.B. 2-60
54.	Dresser	Rs. 40-2-50-E.B. 2-60
55.	Ward Boy and Bearer	Rs. 40-1-45-E.B. 2-55
56.	Sanitary Inspector	Rs. 150-6-180-E.B. 10-26
57.	Assistant Superintendent of Vaccination.	Rs. 75-5-100 E.B. 5-120
58.	Vaccinators	Rs. 50-2-60-E.B. 3-75-E.B. 5-100
59.	Bhistis (whole-time)	Rs. 30-1-40

60.	Sweepers	Scales as prescribed under Resolution No. 4486/XI7 August 19, 1947
Kar Vibhag-		
61.	Kar Adhikari	Rs. 350-15 425-E.B. 20 52
62.	Revenue Superintendents	Rs. 150-7-165-E.B. 8-225-9-270-E.B. 10-300.
63.		Rs. 90-5-115-E.B. 6-145-E



Tax Inspectors  
other Revenue  
Inspector

- |                            |   |                                    |
|----------------------------|---|------------------------------------|
| 64.                        | Tax Collector, Tax<br>Moharrirs,<br>Revenue Collector,<br>RevenueMoharrir | Rs. 50-2-60-E.B. 4-80-E.           |
| 65.                        | Pound Moharrirs<br>Tahabazari,<br>Moharrirs                               | ...                                |
| 66.                        | Pound Keepers   | Rs. 45-2-55-E.B. 3-70              |
| Pashudhan Chikitsa Vibhag- |   |                                    |
| 67.                        | Veterinary<br>Assistant Surgeon<br>Grade I                                | Rs. 200-15-275-E.B. 15-31          |
| 68.                        | Veterinary<br>Assistant Surgeon,<br>Grade II.                             | Rs. 160-8-200-E.B. 10-25           |
| 69.                        | Veterinay<br>Compounder   | Rs. 100-4-120-E.B. 5-145-<br>5-180 |

70. Veterinary  
Compounder  
(untrained) Rs. 75-2-85-E.B. 3-100-E.

71. Stockman Rs. 75-5-100-E.B. 5-120

72. [ Dresser Rs. 40-1-45-E.B. 1-2-65

73. Paid Apprentices.  
Clerks (General) Rs. 60 p.m. fixed

74. [ [Serial No. 74 inserted by Notification No. 4475-B/33-2-71/77-U P. A.-33-1961-Rule-1970-AM (11), dated 28th July, 1984 [vide U. P. Zila Panchayats Service (Eleventh Amendment) Rules, 1984] (w.e.f. 28-7-1984) and substituted by Notification No. 7423-B/33-2-37-A. Q./86-U. P. A.-33-1961-Rule-1970-AM (12)-1986, dated 26th September, 1986 [vide U. P. Zila Panchayats Service (Twelfth Amendment) Rules, 1986] (w.e.f. 26-9-1986).]

Met Beldars Rs. 315-5-351-E.B. 6-363-7-384-8-400-E.B.

\* Posts coming within the purview of the Public Service Commission. Notes. - (1) The material date for calculating the age, shall in the case of direct recruitment, January 1, of the year in which the recruitment is made and in the case of recruitment by promotion be January 1, of the year in which the vacancy to be filled occurred. (2) Post-graduate pay will be admissible to Abhiyantas and Chikitsa Adhikaris according to orders issued by the State Government, from time to time. \* Posts covered by the U.P. [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] (Central Transferable Cadre) Rules, 1966. The U. P. [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.] Service Rules, 1970, will be applicable in matters concerning these posts only in so far as these rules do not come into conflict with the provisions of the U. P. [Zila Panchayat] [Substituted by U. P. Act No. 9 of 1994.]

(Central Transferable Cadre) Rules, 1966.