

The U.P. Entertainment and Betting Tax Department Ministerial Service Rules, 1979

UTTAR PRADESH

India

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Rule

THE-U-P-ENTERTAINMENT-AND-BETTING-TAX-DEPARTMENT-MINIST **of 1979**

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The U.P. Entertainment and Betting Tax Department Ministerial Service Rules, 1979Published vide Notification No. 30-E-B.-6/5/72-Vitta (Ma-Ka) Anu, dated 21st January, 1979

Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Entertainment and Betting Tax Department Ministerial Service Rules, 1979.(2)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Entertainment and Betting Tax Department Ministerial Service is a Ministerial Service Comprising Group 'C' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)'appointing authority' means the Entertainment and Betting Tax Commissioner;(b)'citizens of India' means a person who is or is deemed to be a citizen of India under Part II of the Constitution ;(c)'Constitution' means the Constitution of India ;(d)'Government' means the State Government of Uttar Pradesh

;(e)'Governor' means the Governor of Uttar Pradesh ;(f)'Member of service' means a person appointed in a substantive capacity under these rules or the rules or orders in force prior to the commencement of these rules to a post in the cadre of the service ;(g)'Service' means the Uttar Pradesh Entertainment and Betting tax Department Ministerial Service ; and(h)'Year of recruitment' means period of twelve months commencing from the 1st day of July of a calendar year.

Part II – Cadre

4. Cadre of service.

(1)The strength of the service and of each category of posts therein shall be such as may be determined by the Governor from time to time.(2)The strength of the service and of each category of posts therein shall until orders carrying the same are passed under sub-rule (1) be as given in Appendix I :Provided that-(1)the appointing authority may leave unfilled or the Governor may hold in, abeyance any vacant post without there by entitling any person to compensation, or(2)the Governor may create may such additional permanent or temporary posts from time to time as he may consider proper.

Part III – Recruitment

5. Source of Recruitment.

- Recruitment to the various categories of posts in the service shall be made from the following sources :
(1)Junior Clerk
(i)By direct recruitment in accordance with the procedure laid down in the Subordinate Officers Ministerial Staff (Direct Recruitment) Rules, 1975 as amended from time to time.
(ii)By promotion from amongst High School passed Class IV (now Group D) staff of the department :Provided that as far as possible recruitment shall be so arranged that not more than 10 per cent, posts are held by promotees.
(2)Senior Clerks
By promotion from amongst the permanent Junior Clerks.
(3)Head Clerk
By promotion from amongst the permanent Senior Clerks.
(4)Office Superintendent
By promotion from amongst permanent Head Clerk and Senior Clerks.
(5)Stenographer
By direct recruitment.

6. Reservation.

(1)Reservations for the candidate belonging to the Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the orders of the Government in force at the time of the recruitment.
(2)If sufficient number of suitable persons are not available for appointment by promotion the posts may be filled by transfer from other Government Departments.

Part IV – Qualifications

7. Nationality.

- A candidate for direct recruitment to a post in the service must be, - (a) a citizen of India ; or (b) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India ; or (c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon or any of the East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly, Tanganyika and Zanzibar) with the intention of permanently settling in India : Provided that a candidate belonging to category (b) or (c) above must be a person in whose favour a certificate of eligibility has been issued by the State Government : Provided further that a candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector-General of police, Intelligence Branch, Uttar Pradesh : Provided also that if a candidate belongs to category (c) above, no certificate of eligibility will be issued for a period of more than one year and the retention of such a candidate in service beyond a period of one year, shall be subject to his acquiring Indian citizenship. Note. - A candidate in whose case certificate of eligibility is necessary but the same has neither been issued nor refused may be admitted to an examination or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

8. Academic Qualification.

- A candidate for direct recruitment to the post of - (1) Junior Clerk must have the qualification prescribed in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975. (2) Stenographer must have passed the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the Government as equivalent thereto and must also possess a minimum speed of 80 words per minute in Hindi shorthand and 30 words per minute in Hindi typewriting.

9. Preferential qualifications.

- A candidate who has - (1) served in the Territorial Army for a minimum period of two years, or (2) obtained a 'B' Certificate of the National Cadet Corps shall, other things being equal, be given preference in the matter of direct recruitment.

10. Age.

(1) A candidate for direct recruitment to a post of Junior Clerk must be within the age limits, prescribed in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975. (2) A candidate for direct recruitment to the post of Stenographer must have attained the age of 21 years and must not have attained the age of more than 27 years on January 1 of year in which recruitment is to be made if the posts are advertised during the period January 1 to June 30 and on July 1 if the posts are advertised during the period July 1 to December 31: Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and such other categories as may be notified by the Government from time to time shall be greater by such number

of years as may be specified.

11. Character.

- The character of a candidate for direct recruitment to a post in the service must be such as to render him suitable in all respects for employment in Government service. The appointing authority shall satisfy itself on this point. Note. - Persons dismissed by the Union Government or a State Government or by a Local Authority or a Corporation or body owned or controlled by the Union Government or a State Government shall be ineligible for appointment to any post in the service. Persons convicted of an offence involving moral turpitude shall also be ineligible.

12. Marital Status.

- A male candidate who has more than one wife living or a female candidate who has married a man already having a wife living shall not be eligible for appointment to a post in the service : Provided that the Governor may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

13. Physical Fitness.

- No candidate shall be appointed to a post in the service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment he shall be required to produce a medical certificate of fitness in accordance with the rules framed under Fundamental Rule 10 and contained in Chapter III of the Financial Hand-book, Volume II, Part III : Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotion.

Part V – Procedure for Recruitment

14. Determination of vacancies.

- The appointing authority shall determine the number of vacancies to be filled during the course of the year as also the number of vacancies to be reserved for candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories under rule 6. The vacancies in the posts of stenographer shall be notified to the Employment Exchange in accordance with the rules and orders for the time being in force and the vacancies in the post of Junior Clerks, to be filled up by direct recruitment, shall be intimated to the District Selection Committee.

15. Procedure for direct recruitment to the posts of Junior Clerk.

- Recruitment to the posts Junior Clerk/Typist shall be made in accordance with the procedure laid down in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975, as amended from time to time.

16. Procedure for direct recruitment to the posts of Stenographer.

(1) For the purpose of recruitment to the posts of stenographer, there shall be constituted a Selection Committee comprising : (i) Entertainment and Betting Tax Commissioner, (ii) Deputy Entertainment and Betting Tax Commissioner or Assistant Entertainment and Betting Tax Commissioner (Headquarters), to be dominated by the Entertainment and Betting Tax Commissioner. (iii) An Assistant Entertainment and Betting Tax Commissioner to be nominated by the Entertainment and Betting Tax Commissioner. (2) The Selection Committee shall scrutinize the applications and require the eligible candidates to appear in a competitive examination. Note - The syllabus and procedure for competitive examination is given in Appendix II. (3) After the marks obtained by the candidates in the written test have been tabulated the Selection Committee shall have regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 6 call for interview such number of candidates as on the result of the written examination, have come up to the standard fixed by the committee in this respect. The marks awarded to each candidate in the interview shall be added to the marks obtained by him in the written test. (4) The Selection Committee shall prepare a list of candidates in order of merit, as disclosed by aggregate of marks obtained by them in the written test and interview. If two or more candidates obtain equal marks the name of the candidate obtaining higher marks in the written test shall be placed higher. The number of the names in the list shall be larger but not larger by more than 25 per cent of the number of vacancies.

17. Procedure for recruitment by promotion.

(1) Recruitment by promotion shall be made on the basis of seniority subject to the rejection of the unfit through the Selection Committee constituted under Rule 16. (2) The appointing authority shall prepare an eligibility list of the candidates arranged in order of seniority, and place it before the Selection Committee along with their character roles and such other records pertaining to them, as may be considered proper. (3) The Selection Committee shall consider the cases of candidates on the basis of records, referred to in sub-rule (2) and if it considers necessary, it may interview the candidates also. (4) The Selection Committee shall prepare a list of select candidates arranged in order of seniority and forward the same to the appointing authority.

Part VI – Appointment, Probation, Confirmation and Seniority

18. Appointment.

- On the occurrence of substantive vacancies, the appointing authority shall make appointment by taking candidates in the order in which they stand in the list prepared under Rules 15, 16 or 17 as the case may be. (2) The appointing authority may make appointment in temporary officiating vacancies from the lists, referred to in sub-rule (1). If no candidates borne on these lists is available he may make appointment in such vacancies from persons eligible for appointment under these rules but such appointments shall not last for a period exceeding six months in a case of junior clerk and one year in the case of posts or till the next selection whichever is earlier.

19. Probation.

(1) A person on appointment to a post in the service in or against a substantive vacancy shall be placed on probation for a period of two years. (2) The appointing authority may for reasons to be recorded extend the period of probation in individual cases specifying the date up to which the extension is granted : Provided that save for exceptional reasons the period of probation shall not be extended for more than one year and in no case beyond the limit of two years. (3) If it appears to the appointing authority at any time during or at the end of the period of probation or extended period of probation that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction he may be reverted to his substantive post, if any, if he does not hold a lien on any post, his services may be dispensed with. (4) A probationer who is reverted or whose services are dispensed with under sub-rule (3) shall not be entitled to any compensation. (5) The appointing authority may allow continuous service, rendered in an officiating or temporary capacity in a post included in the cadre or any other equivalent of higher post, to be taken into account for the purpose of computing the period of probation.

20. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation if-(a) his work and conduct are reported to be satisfactory, (b) his integrity is certified, and (c) the appointing authority is satisfied that he is otherwise fit for confirmation.

21. Seniority.

- Seniority in any category of posts in the service shall be determined from the date of substantive appointment and if two or more persons are appointed to other from the order in which their names are arranged in the appointment order : Provided that-(1) the inter se seniority of persons directly appointed to the service shall be the same as determined at the time of selection, and (2) the inter se seniority of persons appointed to the service by promotion shall be the same as it was in the substantive post by them at the time of promotion. Note. - A candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacancy is offered to him. The decision of the appointing authority as to the validity of the reasons will be final.

Part VII – Pay etc.

22. Scales of pay.

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

| Name of the post | Scale of pay* |
|---------------------------|-----------------------------------|
| (1) Office Superintendent | Rs. 400-15-475-EB-15-550. |
| (2) Senior Clerk | Rs. 230-6-290-EB-9-335-EB-10-385. |
| (3) Junior Clerk | Rs. 200-5-250-EB-6-280-EB-8-320. |
| (4) Stenographer | Rs. 250-7-285-EB-9-375-EB-10-425. |

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

23. Pay during probation.

(1) Notwithstanding any provision in the Fundamental Rules to the contrary, a person on probation if he is not already in permanent Government service, shall be allowed his first increment in that time scale when he has completed one year of satisfactory service, has passed Departmental examination and undergone training, here prescribed and second increment after two years service when he has completed the probationary period and is also confirmed : Provided that if the period of probation is extended on account of failure to give satisfaction such extension shall not count for increment unless the appointing authority directs otherwise. (2) The pay during probation of a person who was already holding a post under the Government shall be regulated by the relevant Fundamental Rules : Provided that if the period of probation is extended on account of failure to give satisfaction such extension shall not count for increment unless the appointing authority directs otherwise. (3) The pay during probation of a person already in permanent Government service shall be regulated by the relevant rules applicable to Government servants generally serving in connection with the affairs of the State.

24. Criteria for crossing of efficiency bars.

(1) No Office Superintendent shall be allowed to cross the efficiency bar unless he has knowledge of office procedure, relevant laws and rules, is found to have exercised efficient control and supervision over his subordinates, his work and conduct are found to be satisfactory and unless his integrity is certified. (2) No Head Clerk shall be allowed to cross-(i) the first efficiency bar unless his work and conduct are found to be satisfactory and his integrity is certified, and (ii) the second efficiency bar unless he has knowledge of office procedure, relevant laws and rules, is found to have exercised efficient control over his office, his work and conduct are found to be satisfactory and unless his integrity is certified. (3) No Stenographer shall be allowed to cross-(i) the first efficiency bar unless he has a speed of 80 words and 30 words per minute in Hindi shorthand and typing respectively, he can be depended upon for keeping confidential records his work and conduct are found to be satisfactory and unless his integrity is certified, and (ii) the second efficiency bar unless he can be depended upon for keeping confidential records he has maintained speed in shorthand and typing, his knowledge of office procedure, laws and rules, his work and conduct are found to be satisfactory and unless his integrity is certified. (4) No Senior Clerk/Junior Clerk shall be allowed to cross, -(i) the first efficiency bar unless his work and conduct are found to be satisfactory and unless his integrity is certified, and (ii) the second efficiency bar unless he has continued to work steadily and to the best of his ability, has working knowledge of relevant laws and rules, his work and conduct are found to be satisfactory and unless his integrity is certified.

Part VIII – Other Provisions

25. Canvassing.

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

26. Regulation of other matters.

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

27. Relaxation from the conditions of service.

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

28. Saving.

- Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard. Appendix I [Referred to in rule 4 (2)] The strength of the ministerial service and of each category of posts therein at the time of commencement of these rules is as follows :

| Category of posts | Name of posts sanctioned | | | |
|-------------------|---------------------------|-------|----|----|
| Permanent | Temporary | Total | | |
| | 1 | 1 | 2 | 3 |
| 1. | Office Superintendent | 1 | - | 1 |
| 2. | Senior Clerks | 13 | - | 13 |
| 3. | Junior Clerks | 36 | 15 | 51 |
| 4. | Stenographers | 12 | 1 | 13 |
| | Total Strength of Service | 62 | 16 | 78 |

Appendix II (Syllabus for the Test of Stenographers) The subject, of the test and the maximum marks in each subject shall be as follows :

(i) Stenography (Hindi) ... 100

marks

(ii) Hindi composition ... 50
marks

(2) The test in stenography will consist of dictation of a passage in Hindi for five minutes at the speed of 80 words per minute. One hour will be allowed for transcribing and typing the shorthand record of dictation. The passage will be selected with a view to testing the candidates not only in their speed in stenography but also in their knowledge of good and idiomatic Hindi. No candidate will be considered to have qualified for employment whose percentage of errors exceeds 5 in the test. (3) The test in Hindi composition will be two hours duration. Candidates will be required to write a letter and or an essay on a subject.