

The U.P. Entertainment and Betting Tax Inspectors Service Rules, 1982

UTTAR PRADESH

India

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Rule

THE-U-P-ENTERTAINMENT-AND-BETTING-TAX-INSPECTORS-SERVICE of 1982

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Part I – General

1. Short title and commencement.

(1)These rules may be called "The Uttar Pradesh Entertainment and Betting Tax Inspectors Service Rules, 1982".(2)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Entertainment and Betting Tax Inspectors Service comprises 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, Uttar Pradesh ;(b)"Assistant Commissioner" means Assistant Entertainment and Betting Tax Commissioner, Uttar Pradesh ;(c)"Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the

Constitution ;(d)"Commission" means the Uttar Pradesh Public Service Commission ;(e)"Commissioner" means the Entertainment and Betting Tax Commissioner, Uttar Pradesh ;(f)"Constitution" means the Constitution of India ;(g)"Governor" means the Governor of Uttar Pradesh ;(h)"Government" means the Government of Uttar Pradesh ;(i)"Inspector" means an Entertainment and Betting Tax Inspector ;(j)"Member of service" means a person substantively appointed under these rules or the rules or orders in force prior to the commencement of these rules, to a post in the cadre of the service ;(k)"Service" means the Uttar Pradesh Entertainment and Betting Tax Inspectors Service ; and(l)"Substantive appointment" means an appointment not being an ad hoc appointment, on a post in the cadre of service, made after selection in accordance with the rules and, if there are no rules, in accordance with the procedure prescribed for the time being by executive instructions, issued by the Government.

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 varying the same have been passed under sub-rule (1), be as follows :

	Permanent	Temporary
(a) Entertainment and Betting Tax Inspector (Grade II).	100	107
(b) Entertainment and Betting Tax Inspector (Grade I).	35	...

Provided that-(a)the Commissioner may leave unfilled or the Governor may hold in abeyance any vacant post without thereby entitling any person to compensation, or(b)the Governor may create such additional, permanent or temporary posts from time to time as he may consider proper.

Part III – Recruitment

5. Source of recruitment.

(1)Recruitment to the post of Entertainment and Betting Tax Inspectors, Grade II shall be made from the following sources :(a)By direct recruitment through the Commission on the basis of competitive examination as provided in Part V of these rules ; and(b)by promotion from amongst the permanent Senior Clerks in the [scale] [For latest pay scale, please see current G.O.] of Rs. 430-685 and Stenographers in the scale of Rs. 515-840 of the ministerial establishment of the Entertainment and Betting Tax Department who have held any of the ministerial posts for a continuous period of not less than five years on the first day of the year of recruitment :Provided that recruitment shall be so arranged that, as far as may be, 10 per cent, of the posts in the cadre are held by the promotees (in the ratio of 33 per cent, for Stenographers and 67 per cent for permanent Senior Clerks) and the rest by the direct recruits.Note. - Recruitment to the posts of Entertainment

and Betting Tax Inspector, Grade I shall be made by promotion from amongst the permanent Entertainment and Betting Tax Inspector, Grade II.

6. Reservation.

- Reservation for the candidates belonging to Scheduled Castes, Scheduled Tribes, and other categories shall be in accordance with the order of the Government in force at the time of the recruitment.

Part IV – Qualifications

7. Nationality.

- A candidate for direct recruitment to a post in the service must be-(a)a citizen of India, or(b)A Tibetan refugee who came over to India before January 1, 1962, with the intention of permanently settling in India, or(c)a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India :Provided that a candidate belonging to category (b) or (c) above must be a person in whose favour a certificate of eligibility has been issued by the State Government :Provided further that a candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector-General of Police, Intelligence Branch, Uttar Pradesh :Provided also that if a candidate belongs to category (c) above no certificate of eligibility will be issued for a period of more than one year and the retention of such a candidate in service beyond a period of one year, shall be subject to his acquiring Indian citizenship.Note. - A candidate in whose case a certificate of eligibility is necessary but the same has 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 must possess a degree of a University established by law in India or any other qualification recognised as equivalent thereto by the Governor.

9. Preferential qualification.

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

10. Age.

- A candidate for direct recruitment must have attained the age of twenty-one years and must not have attained the age of more than twenty-eight years on January 1 of the 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 of 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 by 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 for appointment.

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 efficiency performance of his duties. Before a candidate is finally approved for appointment he shall be required to produce a medical certificate of physical fitness in accordance with the rules framed under Fundamental Rule 10, contained in Chapter III of the Financial Handbook, Volume II, Part III :Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotion.

Part V – Procedure for Recruitment

14. Determination of vacancies.

- The appointing authority shall determine the number of vacancies required to be filled during the course of the year as also the number of vacancies to be reserved for the candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6. The vacancies in the posts of Entertainment and Betting Tax Inspector, Grade II shall be intimated to the Commission

15. Procedure for direct recruitment to the posts in Grade II.

(1) Application for permission to appear in the competitive examination shall be called by the Commission in the prescribed form, which may be obtained from the Secretary to the Commission on payment. (2) No candidate shall be admitted to the examination unless he holds a certificate of admission, issued by the Commission. (3) After the marks obtained in the written examination have been received and tabulated, the Commission shall have regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and others under rule 6, summon from interview such number of candidates as, on the result of the written examination, have come up to the standard fixed by the Commission in this respect. The marks awarded to each candidate at the interview shall be added to the marks obtained by him in the written examination. (4) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the aggregate of marks obtained by each candidate at the written examination and interview and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain equal marks in the aggregate, the name of the candidate obtaining higher marks in the written examination shall be placed higher in the list. The number of names in the lists shall be larger (but not larger by more than 25 per cent) than the number of vacancies. The Commission shall forward the list to the appointing authority. Note. - The syllabus and rules of the competitive examination shall be such as may be laid down by the Government, in consultation with the commission from time to time. The syllabus and rules in force at the time of the commencement of these rules is given in Appendix 'A'.

16. Procedure for recruitment by promotion.

- Recruitment by promotion to the posts in Grade II shall be made on the basis of merit in accordance with the provision of the Uttar Pradesh Promotion by Selection in consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time.

17. Combined Select list.

- If appointment has to be made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of candidates in such manner that the prescribed percentage of direct recruits and promotees is maintained, from the lists prepared under rule 15 and rule 16, the first name being from the list prepared under rule 16.

18. Recruitment by promotion to the post of Entertainment and Betting Tax Inspector Grade I.

(1) For the purpose of recruitment by promotion to posts of Entertainment and Betting Tax Inspector Grade I, there shall be constituted a Selection Committee as follows: (i) Commissioner; (ii) Joint Secretary/Deputy Secretary to Government in Finance Department, dealing with Entertainment and Betting Tax to be nominated by the Secretary, Finance Department. (iii) Deputy Secretary to Government, Finance Department to be nominated by the Finance Secretary. (2) The

appointing authority shall prepare an eligibility list of the candidates arranged in order of seniority, and place it before the Selection Committee alongwith their character rolls and such other record, 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 selected candidates arranged in order of seniority and forward the same to the appointing authority. The number, of candidates in the list shall be larger (but not larger by more than 25 per cent) than the number of vacancies.

Part VI – Appointment, Probation, Confirmation and Seniority

19. Appointment.

(1)Subject to the provisions of sub-rule (2) the appointing authority shall make appointment by taking the names of candidates in the order in which they stand in the lists prepared under rules 15, 16, 17 or 18 as the case may be.(2)Where, in any year of recruitment, appointments are to be made by direct recruitments and by promotion, regular, appointments shall not be made unless selections are made from both the sources and a combined list is prepared in accordance with rule 17.(3)If more than one order of appointment are issued in respect of any one selection, a combined order shall also be issued, mentioning the names of the persons in order of seniority as determined in the selection or, as the case may be, as it stood in the cadre from which they are promoted. If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the list prepared under rule 17.(4)The appointing authority may make appointment in temporary or officiating capacity also from the lists referred to in sub-rule (1). If no candidate borne on these lists is available, he may make appointment in such vacancies from amongst persons eligible for appointment under these rules. Such appointments shall not last for a period exceeding one year or beyond the next selection under these rules, whichever be earlier, and where the post is within the purview of the Commission, the provisions of regulation 5 (a) of the U.P. Public Service Commission (Limitation of Functions) Regulations, 1954, shall apply.

20. Probation.

(1)A person on appointment to a post or Service in or against a permanent 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 in exceptional circumstances the period of probation shall not be extended beyond one year and in no circumstances beyond two years.(3)If it appears to the appointing authority at any time during or at the end of the period of probation or extended period of probation that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive post, if any, and if he does not hold a lien on any post, his services may be dispensed with.(4)A probationer who is reverted or whose services are dispensed with under sub-rule (3) shall not be entitled to any compensation.(5)The appointing authority may allow continuous service rendered in an officiating or temporary capacity

in a post included in the cadre or any other equivalent or higher post to be taken into account for the purpose of computing the period of probation.

21. Training and departmental examination.

- All persons recruited to the post of Entertainment and Betting Tax Inspector Grade II shall on appointment be required to undergo such training and to pass such departmental examination as the Governor may from time to time prescribe.

22. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation, if-(i)he has successfully undergone the prescribed training and has passed the departmental examination where prescribed,(ii)his integrity is certified,(iii)his work and conduct is reported to be satisfactory, and(iv)the appointing authority is satisfied that he is otherwise fit for confirmation.

23. Seniority.

(1)Except as hereinafter provided, the seniority of persons in any category or post shall be determined from the date of the order of substantive appointment and if two or more persons are appointed together, by the order in which their names are arranged in the appointment order :Provided that if the appointment order specifies a particular back date with effect from which a person is substantively appointed, that date will be deemed to be the date of order of substantive appointment and, in other cases it will mean the date of issue of the order :Provided further that, if more than one order of appointment are issued in respect of any one selection, the seniority shall be as mentioned in the combined order of appointment issued under sub-rule (3) of Rule 19.(2)The seniority inter se of persons appointed directly on the result of any one selection, shall be the same as determined by the Commission or, as the case may be, by the Selection Committee :Provided that a candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacancy is offered to him. The decision of the appointing authority as regards the validity of reason shall be final.(3)The seniority inter se of persons appointed by promotion shall be the same as it was in the cadre from which they were promoted.(4)Where appointments are made both by promotion and direct recruitment or from more than one source and the respective quota of the sources is prescribed, the inter se seniority shall be determined by arranging the names in a combined list in accordance with rule 17, in such manner that the prescribed percentage is maintained :Provided that-(i)Where appointments from any source are made in excess of the prescribed quota, the persons appointed in excess of quota shall be pushed down, for seniority, to subsequent year or years in which there are vacancies in accordance with the quota.(ii)Where appointments from any source fall short of the prescribed quota and appointments against such unfilled vacancies are made in subsequent year or years, the persons so appointed shall not get the seniority of any earlier year but shall get the seniority of the year in which their appointment are made, so, however, that in the combined list of that year, to be prepared under this rule, their names shall be placed at the top followed by the names, in the cyclic order, of the other appointees.(iii)Where in accordance with the

rules or prescribed procedure, the unfilled vacancies from any source could, in the circumstances mentioned in the relevant rule or procedure be filled from the other source and appointment in excess of quota and so made, the persons so appointed shall get the seniority of that very year as if they are appointed against the vacancies of their quota.

Part VII – Pay, etc.

24. Scale of pay.

- The scales of pay admissible to a person appointed to 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. The scales in force at the commencement of these rules are as follows :

Serial No.	Name of post	Scale of pay*
1.	Entertainment and Betting Tax Inspectors (Grade II)	Rs. 470-15-575-E.B.-15-650-17-701-E.B.-17-735.
2.	Entertainment and Betting Tax Inspectors (Grade I)	Rs. 570-25-770-E.B.-30-980-E.B.-30-1,100.

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

25. Pay during probation.

- *(1) Notwithstanding any provision in the Fundamental Rules to the contrary, a person on probation, if he is not already in permanent Government service, shall be allowed, his first increment in the time scale when he has completed one year of satisfactory service, has passed departmental examination and undergone training, where 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.

26. Criteria for crossing the Efficiency Bar.

(a)No Entertainment and Betting Tax Inspector, Grade II, shall be allowed to cross-(i)the first efficiency bar unless he is found to have worked satisfactorily to the best of his ability, has knowledge of the law and rules pertaining to Entertainment and Betting Tax and Cinemas, has the

ability to control the entertainments in his charge, his work and conduct is found to be satisfactory and unless his integrity is certified ;(ii)the second efficiency bar unless he has worked with energy and initiative, has complete knowledge of the laws and rules pertaining to Entertainment and Betting Tax and Cinemas, has exercised effective control over the entertainments in his charge, his work and conduct is found to be satisfactory and unless his integrity is certified.(b)No Entertainment and Betting Tax Inspector, Grade I, shall be allowed to cross-(i)the first efficiency bar unless he is found to have worked to the best of his ability his work and conduct are found to be satisfactory, has complete knowledge of the laws and rules pertaining to Entertainment and Betting Tax and Cinema, has exercised effective control over the entertainments in his charge, as well as the Grade II Inspectors and other staff posted under him, his work and conduct is found to be satisfactory and unless his integrity is certified ;(ii)the second efficiency bare, unless he has worked with initiative and zeal and has maintained his efficiency although, his conduct is found to be satisfactory, has full knowledge of working of the cinematograph and maintenance of the auditorium, his work and conduct is found satisfactory and unless his integrity is certified.

27. Declaration as to interest.

- Before a candidate is finally approved for appointment to a post in Grade II of the Service, he shall be required to submit a detailed declaration about his own interest or share, or interest or share of any of his relations, in any cinema and Amusement Hall or any Racing Club in the State. If a member of the Service or his relation subsequently acquires an interest or share in any Cinema or Amusement Hall or any Racing Club in the State, he shall without delay submit detailed declaration about the same to the Government.Explanation. - "Relation" for the purpose of this rule shall mean father, grandfather, father-in-law, paternal or maternal uncle, son, grandson, 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.

28. Canvassing.

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

29. 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 servant serving in connection with the affairs of the State.

30. Relaxation from 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 cases, 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 :Provided that in case a rule was framed in consultation with the Commission that body shall be consulted before the requirements of the rule is dispensed with or relaxed.

31. Saving.

- Nothing in these rules shall affect reservations and other concessions required to be provided for the 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 'A' (See Rule 15) Syllabus and rules for the Examination for direct recruitment to the posts of Entertainment Tax inspectors, Grade II(1) The examination will include the following subjects. Each subject will carry the number of marks shown against it. There shall be one paper in each subject and the time allowed for each will be three hours except for Hindi Composition which will be of two hours :

Section A-To be taken by all candidates-

(i)	Hindi Composition	100
(ii)	General Knowledge including simple science	100

Section B-Candidates must select only one optional subject from the list below :

(i)	General Indian History	100
(ii)	General Geography	100
(iii)	Physics	100
(iv)	Chemistry	100
(v)	Economics	100
(vi)	Political Science	100
(vii)	Book-keeping and Accountancy	100
(viii)	Botany	100
(ix)	Zoology	100
(x)	Law	100
(xi)	Lower Mathematics	100

Section C-Personality Test (Viva voce)

100

(2) From the marks assigned to candidates in each subject such deduction will be made as the Public Service Commission may consider necessary in order to secure that no credit is allowed for merely superficial knowledge. (3) If a candidate's handwriting is not easily legible deduction will be made

from the total marks otherwise accruing to him.(4)Credit will be given for good language including orderly, effective and exact expression combined with due economy of words, in all the subjects of the examination and not only in subjects which are specially devoted to the language.(5)All question papers may be answered in English or in Hindi in Devanagri Script except that the paper on Hindi Composition must be answered in Hindi.Syllabus for the ExaminationA-Compulsory subjects

1. Hindi Composition. - An essay to be written in Hindi in Devanagri script on one of several specified subjects and marked portions of a set passage to be explained in simple Hindi.

2. General Knowledge. - Including knowledge of current events and of such matters of every day observation and experience as may be expected of an educated person without any special study. The questions will ordinarily be so set as to admit brief answers, and besides covering popular Science, will embrace the knowledge of the social, political and economic events of the day.

B-Optional subjects

3. General Indian History. - The minimum scope of knowledge will be that which a 8.A. pass student should have attained, who has acquired familiarity with the main aspects and the leading events of the different periods of Indian History and more particularly those relating to the period from Akbar's reign down to the present day.

4. General Geography. - The minimum scope will be the same as in the case of General Indian History. The paper will include questions on Geography of the world and questions on Physiography. One of the questions set will require the drawing of a map.

5. Physics. - A paper will be set on Elementary Physics and Elementary Chemistry, the minimum scope of knowledge being that which a B.Sc. pass student would be expected to have attained.

6. Chemistry. - The scope of the paper will be that which a B.Sc. pass student have attained.

7. Economics. - The scope of the paper will be that which a B.A. pass student should have attained.

8. Political Science. - The scope of the paper will be that which a B.A. pass student should have attained.

9. Book-keeping and Accountancy. - The scope of the paper will be that which a Commerce Graduate should have attained.

10. Botany. - The paper will be of B.Sc. standard. It will include questions of Morphology, Physiology and life histories of the Cryptogam and Gymnosperms, life histories of Angiosperms, General Plant Physiology, Ecology, Evolution, Variation, Heredity and Economic Botany.

11. Geology. - The paper will be of B.Sc. standard. It will include questions on Non-Chordate cell and tissue, the subject of Reproduction and Histology, General principles of Evolution, Cordate, Elementary facts and Embryology, Physiology, Geological and Geographical distribution.

12. Law. - Constitutional Law (both Indian and British) Jurisprudence, Torts, Indian Law of Contract, Indian Evidence Act and Indian Penal Code.

13. Lower Mathematics. - The scope of the paper will be that which a B.Sc. pass student should have attained. It will cover Algebra, Trigonometry, Analytical Geometry of two dimensions, Differential calculus, Integral Calculus, Differential Equations, Statics, Dynamics, Hydrostatics and Astronomy.

C-Personality Test

14. The examination will be in matters of general interest, not in matters of academic interest. Marks will be awarded to each candidate for intelligence, personality, address, character, physique and general suitability for the service. Any suitable question designed to throw light on these matters may be asked.