

The U.P. Excise Technical (Group 'B') Service Rules, 1993

UTTAR PRADESH

India

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Rule

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The U.P. Excise Technical (Group 'B') Service Rules, 1993Published Vide Notification No. 4327-E1 /13-64-90-T-C, dated December 17, 1993In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating recruitment and the conditions of service of persons appointed to the Uttar Pradesh Excise Technical (Group 'B' Service).

Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Excise Technical (Group 'B') Service Rules, 1993.(2)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Excise Technical (Group B') Service is a gazetted Service Comprising Group 'B' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"appointing authority" means the Governor;(b)"citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution;(c)"Commission" means the Uttar Pradesh Public

Service Commission;(d)"Constitution" means the Constitution of India;(e)"Government" means the Government of Uttar Pradesh;(f)"Governor" means the Governor of Uttar Pradesh;(g)"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;(h)"Service" means the Uttar Pradesh Excise Technical (Group 'B') Service;(i)"substantive appointment" means an appointment not being an ad hoc appointment on a post in the cadre of the service made after selection in accordance with rules and if, there are no rules, in accordance with the procedure prescribed for the time being by executive instructions issued by the Government;(j)"year of recruitment" means a period of twelve months commencing from the first day of July of a calendar year.

Part II – Cadre

4. Cadre of service.

(1)The strength of the service and of each category of posts therein shall be such as may be determined by the Governor from time to time.(2)The strength of the service shall, until orders varying the same are passed under sub-rule (1) by as given below :

Name of post		Number of posts	
Permanent	Temporary	Total	
1	2	3	4
1.	Assistant Alcohol Technologist.	1	4 5

Provided that :-(1)the appointing authority may leave unfilled or the Governor may hold in abeyance any vacant post in the service without thereby entitling any person to compensation; or(2)the Governor may create such additional, permanent or temporary posts as he may consider proper.

Part III – Recruitment

5. Source of recruitment.

- Recruitment to the post of Assistant Alcohol Technologist shall be made from the following sources :
 (i)Fifty per cent by direct recruitment;
 (ii)Fifty per cent by promotion from amongst substantively appointed Senior Technical Assistants who have completed two years service as such on the first day of the year of recruitment.

6. Reservation.

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

Part IV – Qualifications

7. Nationality.

- A candidate for direct recruitment to a post in the service must be-(a)a citizen of India; or(b)a Tibetan refugee who came over to India before the first January, 1962 with the intention of permanently settling in India; or(c)a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention 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 (e) above, no certificate of eligibility will be issued for a period of more than one year and the retention of such candidate in service beyond the 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 necessary certificate being obtained by him or issued in his favour.

8. Academic Qualification.

- A candidate for direct recruitment to the post of Assistant Alcohol Technologist must possess the following qualifications :A first class Master's degree in Chemistry or Pharmacy or Microbiology from University or an institution established by law in India and at least three years experience of working in a chemical laboratory owned or controlled by State or Central Government.A Bachelor's degree in Chemical Engineering.

9. Preferential qualification.

- A candidate who has-(i)carried research work in Chemistry or Pharmacy or Biochemical Engineering or Fermentation or Alcohol Technology;(ii)served in the Territorial Army for a minimum period of two years; or(iii)obtained a 'B' Certificate of National Cadet Corps, shall, other things being equal, be given preference in the matter of direct recruitment.

10. Age.

- A candidate for direct recruitment must have attained the age of 21 years and must not have attained the age of more than 32 years on the first day of July of the calendar year in which the vacancies for direct recruitment are advertised by the Commission :Provided that the upper age-limit in 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 himself 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 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 post in the service :Provided that the Government may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

13. Physical Fitness.

- No candidate shall be appointed to a post in the service unless he be in a 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 pass an examination by a Medical Board ;Provided that examination by a Medical Board shall not be necessary in case of candidate recruited by promotion.

Part V – Procedure for recruitment

14. Determination of vacancies.

- The appointing authority shall determine and intimate to the Commission 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 Scheduled Castes, Scheduled Tribes and other categories under rule 6.

15. Procedure for direct recruitment.

(1) Applications for being considered for selection shall be invited by the Commission in the form prescribed in the advertisement by them. (2) The Commission, shall having 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, who fulfil the requisite qualifications, as they consider proper. (3) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the interview. If two or more candidates obtain equal marks, the candidates who are senior in age shall be placed higher in the list. The number of the names in the list shall be larger (but not larger than 25%) than the number of vacancies. The Commission shall forward the list to the Appointing

authority.

16. Procedure for recruitment by promotion.

- Recruitment by promotion shall be made on the basis of merit in accordance with 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 in any year of recruitment appointments are to be made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of candidates from the relevant lists in such manner that the prescribed percentage is maintained, the first name in the list being of the person appointed by promotion under rule 16.

Part VI – Appointment, Probation, Confirmation and Seniority

18. Appointment.

- 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 or 17 as the case may be.(2)Where, in any year of recruitment, appointments are to be made both by direct recruitment and by promotion regular appointments shall not be made unless selections are made from both the sources and 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 or by promotion, names shall be arranged in accordance with the order, referred to in rule 17.

19. Probation.

(1)A person substantively appointed to a post in the service shall be placed on probation for a period of two years.(2)The appointing authority may, for reasons to be recorded, extend the period of probation in individual cases specifying the date up to which the extension is granted :Provided that, save in exceptional circumstances, the period of probation shall not be extended beyond one year and in no circumstances, beyond two years.(3)' If it appears to the appointing authority at any time during or at the end of the period for probation or extended period of probation that a probationer has not made sufficient use of his opportunities, he may be reverted to a post on which he holds lien 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 a post included in the cadre or any other equivalent or higher post, to be taken into account for the purpose

of computing the period of probation.

20. Confirmation.

(1) Subject to the provisions of sub-rule (2) a probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation, if-(a) his work and conduct is reported to be satisfactory; (b) his integrity is certified. (2) Where, in accordance with the provisions of the Uttar Pradesh State Government Servants Confirmation Rules, 1991, confirmation is not necessary the order under sub-rule (3) of rule 5 of those rules declaring that the person concerned has successfully completed the probation shall be deemed to be the order of confirmation.

21. Seniority.

(1) The seniority of persons substantively appointed in any category of posts shall be determined in accordance with the Uttar Pradesh Government Servants Seniority Rules, 1991, as amended from time to time.

Part VII – Pay etc.

22. Scale of pay.

(1) The scale of pay* admissible to persons appointed to the post in the service shall be such as may be determined by the Government from time to time. (2) The scale of pay of the post of Assistant Alcohol Technologist in the service at the time of the commencement of these rules is Rs. 2,200-75-2,800-E.B.-100-4,000.

23. Pay during probations.

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

24. Criterion for crossing efficiency bar.

- No person shall be allowed to cross efficiency bar unless-For Latest Pay Scale, please see current G.O.(i)his work and conduct is found to be satisfactory; and(ii)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 post or service will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature will disqualify him for appointment.

26. Regulation of other matters.

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

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 :Provided that where a rule has been framed in consultation with the Commission, that body shall be consulted before the requirements of the rule are dispensed with or relaxed.

28. Savings.

- Nothing in these rules shall affect reservations and other concessions required to be provided for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders of the Government issued from time to time in this regard.