

The U.P. Co-operative Societies Employees Service Regulations, 1975

UTTAR PRADESH

India

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Rule

THE-U-P-CO-OPERATIVE-SOCIETIES-EMPLOYEES-SERVICE-REGULA of 1975

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Chapter I

Title, Commencement, Application, Definition and Delegation

1. Short title, commencement and application.

- (i) These regulations may be called the "U.P. Co-operative Societies' Employees' Service Regulations, 1975".(ii)They shall take effect from the date of their publication in the U.P. Gazette.

2. Definitions.

- In these regulations, unless there is anything repugnant in the subject or context -(i)'Act' means the U.P. Co-operative Societies Act, 1965 (Act XI of 1966), as amended from time to time;(ii)'average pay' means the average monthly salary earned during the ten complete months immediately preceding the month in which occurs the event which necessitates the calculation of average pay;(iii)'appointing authority' means "Committee of Management" or any other authority which is empowered under these regulations or the bye-laws of the society concerned to make appointment;(iv)'Board' means the U.P. Co-operative Institutional Service Board;(v)'Bye-laws'

means the registered Bye-laws of the Co-operative Society concerned for the time being in force;(vi)'cadre' means the strength of a service maintained by a society or part of a service sanctioned as a separate unit;(vii)'Chairman' means the Chairman of the Co-operative Society concerned;(viii)'continuous service' means uninterrupted service but includes service which may have been interrupted due to any authorised leave or any other absence from duty condonable under any other law for the time being in force;(ix)['Co-operative Society' means a Co-operative Society placed under the purview of the Board by Government Notification No. 366-C/X3I-C-3-36-71, dated March 4, 1972, as amended from time to time by notifications issued under Section 122 of the Act read with Rule 389 (a) of the Rules] [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983, published in U.P. Gazette, Part 1-Ka, dated 30th July, 1983.](x)'Chief Central Society' of a co-operative society means a central society to which the co-operative society (not being an apex society) is affiliated and indebted and in case the co-operative society is indebted and affiliated to more than one central society then such central society which is in the same line of business and trade as a co-operative society itself;(xi)'employee' means a person in whole-time service of a co-operative society, but does not include a casual worker employed on daily wages or a person in part-time service of a society;(xii)'Managing Committee' means the committee of management of the co-operative society concerned;(xiii)'pay' means the basic monthly pay exclusive of all allowances;(xiv)'Registrar' means the person appointed as Registrar of Co-operative Societies under sub-section (1) of section 3 of the Act and includes a person appointed under sub-section (2) of the said section;(xv)'Retrenchment' means termination by a co-operative society of the services of its employee for any reason whatsoever otherwise than as punishment inflicted by way of disciplinary action, but does not include termination of services due to retirement or resignation;(xvi)'Rules' means the U.P. Co-operative Societies Rules, 1968, as amended from time to time;(xvii)['Secretary' means the Secretary of the Managing Director of the Co-operative Society concerned, as the case may be] [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983, published in U.P. Gazette, Part 1-Ka, dated 30th July, 1983.];(xviii)'time-scale' means scale on which pay, subject to any conditions prescribed, increases by periodical increments from a minimum towards a maximum;(xix)'travelling allowance' means an allowance granted to an employee towards the expenses which he incurs in travelling in the interest of the employer co-operative society.(xx)['Medical Attendant' means a medical practitioner, whether of a Government hospital or otherwise, appointed as such by the Managing Committee of the Co-operative Society concerned for attending on its staff] [Inserted by Notification No.432/XII-6-2-85-77, dated 17th May, 1983, published in U.P. Gazette, Part 1-Ka, dated 30th July, 1983.].Note - All words and expression used in these regulations and not defined therein, but defined in the Co-operative Societies Act, 1965, and the rules framed thereunder shall have the meanings assigned to them in that Act/Rules.

Chapter II

Strength of Staff, Recruitment, Appointment, Probation, Confirmation, Termination and Retirement

3. Strength of staff.

- (i) Subject to the provision in its budget and the requirements of its business, a co-operative society shall maintain one or more categories of employees as may be necessary. (ii) Expansion of staff or enhancement of pay scale, if necessary, may be made by the society only: - (a) where a resolution to this effect has been passed with previous notice by the committee of management indicating reasons and financial capacity of or resources available to the society to bear the cost; and (b) in case the society is enjoying any State aid under provisions of Chapter VI of the Act, or has outside borrowings, prior approval of the Registrar has also been obtained: Provided that in the case of defaulter society no approval shall be accorded by the Registrar without consulting the chief central society of the co-operative society concerned.

4. Reservation for Scheduled Castes and Scheduled Tribes, etc.

- [Reservation for candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and other categories shall be in accordance with the order issued by the State Government for their employees in force at the time of recruitment] [Substituted by Notification No. 3470/XII-C-2-85-77, dated August 22, 1979, published in U.P. Gazette, Part 1-Ka, dated 22nd September, 1979.].

5. [Recruitment. [Substituted by Notification No.4738/12-C-2-151(5)-83, dated 13th December, 1993 Vide U.P. Co-operative Societies Employees Service (Eight Amendment) Regulation, 1993.]

- (i) Recruitment for all appointments in a co-operative society shall be made through the board whether the recruitment is - (a) direct; or (b) by promotion from employees already in the service of the society; or (c) by taking on deputation or otherwise, person already in the service of another society registered or deemed to have been registered under the Act, or a person in employment under a corporation or on undertaking owned or controlled by the Central or the State Government body corporate administer rating a local fund. (ii) Notwithstanding anything in clause (i) no reference to the Board shall be necessary in the following cases: (a) When it is proposed to fill with the concurrence of the Registrar any post by means of deputation of a government servant, or (b) When the Managing Committee or any other authority competent to make the appointment proposes to fill up as a stopgap measure for a period not exceeding six months a post by promotion from amongst the employees in this just below cadre on the principle of seniority, subject to the rejection of the unfit: Provided that any appointment thus made without consultation with the board shall in every case, cease to have effect from the date on which the period of six months expires and the employees promoted to the higher post shall unless he has already been reverted to his original post within the said period of six months be deemed to have reverted from that date, to the post held by him immediately before such promotion: Provided further that the employee appointed to the higher post under this sub-clause shall, in no circumstances, be promoted under this sub-clause to any still higher post within the said period of six months, nor shall be appointed under this sub-clause to the same post again after his reversion under the first proviso. (iii) To facilitate the

performance of the duties enjoined upon the Board under clause (i), every co-operative society shall communicate to the Board by 31st December every year the approximate number of vacancies likely to arise during the course of the next calendar year by reasons of creation of new posts, retirement, deputation or otherwise.(iv)Notwithstanding anything contained in clause (i) recruitment to post in Category IV shall be made by a selection committee which-(1)In case of District Central Co-operative Banks, District Co-operative Federations, Uttar Pradesh Postal Employees, Co-operative Bank limited, Lucknow and Oudh and Rohilkhand Railway Employees Co-operative Bank Limited, Lucknow shall consist of-(a)Chairman/Administrator of the Society, who shall be the Chairman;(b)the Secretary of the Society, who shall be the Convener, and(c)Assistant Registrar of the District and(2)In case of apex co-operative societies shall consist of-(a)Chairman/Administrator of the Society or his nominee, who shall be the Chairman;(b)Secretary/Managing Director of the Society, who shall be the Convener, and(c)an officer not below the rank of an Additional Registrar, nominated by the Registrar.(v)Selection made by the Selection Committee referred to in clause (v) shall be subject to the approval of the Board and appointments shall be made after the approval of the Board(vi)Notwithstanding anything contained in clause (iv), a co-operative society in which the appointments are to be made, shall send to the Board a requisition in the Form specified in Appendix "A" at least three months before the vacancy is sought to be filled up. No change shall ordinarily to be made by the Society in the requisition after the advertisement has been sent for publication.(vii)In making recruitment to any post the Board may require the appointing society or the society to which the appointing society is affiliated to send one of its officers to the Board and when the recruitment is to be made for a technical post or a post requiring specialised knowledge or skill, the Board may also request any appropriate institutional authority to depute a technical adviser to assist the Board].

6. [[Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]

Every Co-operative Society shall, with the previous approval of the Board, categories the posts in every cadre of its staff in categories I, II, III and IV keeping in view the emoluments, duties and functions of the employees].

7. [[Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]

The minimum educational qualifications and experience required of candidates for direct recruitment shall be such as may be specified by the Registrar, with prior approval of the Board, keeping in view the nature of duties and responsibilities attaching to the post. If no such qualifications have been specified by the Registrar, the society shall request the Registrar for the same].

8. Prohibition of appointment.

- No person shall be appointed to perform or be entrusted with the duty of: -(a)joint signature with another person on cheques or other negotiable instruments in a society, or(b)holding keys under double lock with another person, where such persons are near relations of one another under clause (u) of Rule 2.

9.

Persons who have been dismissed from Government service or from service of a society registered or deemed to be registered under the Act or of a corporate body shall not be eligible for appointment in a co-operative society.

10.

(i) Pay scale of the employees shall be such as may be—(a) in force on the date of commencement of these regulations; (b) revised by the committee of management subject to the provisions of Regulation no. 3 (ii); (c) in the case of newly registered society determined by the committee of management: Provided that prior approval of the Registrar shall be necessary if the society is enjoying or has applied for State aid under Chapter VI of the Act. (ii) Employees on deputation shall be allowed the pay and other emoluments according to the terms and conditions of deputation agreed upon between the co-operative society and the authority from whom the employee has been taken on deputation: Provided that such terms and conditions shall not be inconsistent with any instructions which the Registrar may issue in this behalf. (iii) [Where permanent employee of a Co-operative Society opts for absorption in the services of another Co-operative Society, such absorption may be granted by the Board on the following terms and conditions, namely:— [Inserted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]] (1) Both the Co-operative Societies shall pass resolutions agreeing to such absorption and the absorbing society shall appoint such employee under it, on a post that is equivalent to the post already held by him or carries the next higher scale of pay. (2) The employee shall resign his appointment under the first employing society from the date of his absorption under the other co-operative Society on a permanent basis. The resignation shall be accepted by the Co-operative Society concerned within 3 months of the date of its receipt and on its failure to do so, it shall be deemed to have been accepted by it. (3) In case of such absorption, all leave to the credit of the employee under the previous employing Co-operative Society as immediately before the date of absorption, shall lapse and the absorbed employee shall have no claim thereto after his absorption under another Co-operative Society. (4) The initial pay of the employee in the time scale attaching to the post under the new Co-operative Society, as on the date of absorption, shall be regulated as follows: (a) when appointment to the new post involves assumption of duties or responsibilities of greater importance than those attaching to the old post, the employee shall draw, as initial pay, the pay admissible at the stage of the time scale next above his substantive pay in respect of the old post; (b) appointment to the new post does not involve such assumption the absorbed employee will draw as initial pay, the pay admissible at the stage of the time scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay plus personal pay equal to the difference of the amount of his substantive pay in the old post and the initial pay to be drawn in the new post, and in either case, he will continue to draw that pay for such period as he would have received an increment in the time scale of the old post had he continued there, or for the period after which an increment is earned in the time scale of the new post, whichever is less. But if the minimum pay of the time scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay; (c) when appointment to the new post is made on the employee's own request and the maximum pay admissible in the time scale of that post is less than his substantive pay of the

employee in respect of the old post, he will draw that maximum as initial pay.]

11.

Except with the approval of the Board the appointing co-operative society shall not appoint any candidate on emoluments different from what had been mentioned in the requisition form referred to in Regulation no. 5 (vii).

12. [[Substituted by Notification No. 4738/12-C-2-151 (5)-83, dated 13-12-1993.]

(i)A candidate for direct recruitment to posts in Category I or II must have attained the age of twenty-one years and must not have attained the age of thirty-two years as on the first day of January of year of recruitment, if the posts are advertised by the Board during the first half of the year ending on June 30, and as on the first day of July of the year of recruitment. If the posts are advertised during the second half of the year ending on December 31. For Category IV the age of a candidate, as calculated of the aforesaid date, shall not be less than 18 years or exceed thirty two years:Provided that the upper age limit shall -(1) in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and such other categories as may, from time to time, be notified by the State Government be greater by such number of years as may be specified(2)in case of candidates already working under the recruiting Co-operative Society in on ad hoc capacity in the particular category of posts, be greater to the extent of the period of continuous service already put in by them in that category, subject to a maximum of five years;(3)be 45 years, in case of candidates for posts requiring technical knowledge and experience of a particular job;(4)in the case of persons appointed on non-technical posts in World Bank project Division, on or before 1st January, 1990 on ad hoc basis, or on consolidated salary, be relaxed to the extent of the period of continuous service already put in by them in that category.Explanation. - The term Technical know-how, includes Chartered Accountancy, Cost and Works Accountancy, Business Administration and Management, Engineering, Dairy Farming, Refrigeration, Engineering, Medical Science and Legal Profession.(ii)Notwithstanding anything contained in clause (i) no restriction of maximum age shall apply -(1)a government servant taken on deputation;(2)a government servant on deputation with appointing Co-operative Society opting finally for the service of the said society at an age exceeding 30 years;(3)a person recruited under sub-clause (d) of clause (i) of Regulation 5;(4)a retrenched employee of the appointing Co-operative Society, and(5)where a retired government servant, having experience relevant to the job, is appointed to a post with prior approval of the Registrar].

13.

Every person before entering the service of a co-operative society shall declare his date of birth which shall not differ from that entered in his High School Certificate and in its absence, any other document considered equally valid for purposes of age. In case of literate staff, the date of birth shall be entered in the service record of the employee, in his own handwriting. In case of alliterate staff, the declared date of birth shall be recorded by the Secretary of the co-operative society concerned

and witnessed by another officer or employee of the same co-operative society. The Secretary shall issue a true copy of the declaration to the concerned employee under acknowledgment.

14.

Every person selected for appointment, shall, before joining duty, be required to furnish: -(a) a medical certificate of fitness from Civil Surgeon or RMS. Medical Officer as the society may require: Provided that such a certificate shall not be necessary from a person who is taken on deputation or is selected by promotion and has already given a certificate of fitness on his former appointment: (b) [Certificates of good character from two Gazetted Officers] [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]. (c) a declaration by the candidate to the effect that he is either bachelor or if married, has not more than one wife living. The offer of appointment shall contain conditions to this effect. Note - The Secretary of the co-operative society concerned may get the character of an employee verified through police authorities also or marriage declaration verified through a Magistrate.

15.

(i) No appointment shall be made except in the manner provided for in the Regulations hereinbefore. Where recruitment through or with the approval of the Board is provided for in Regulation no. 5, no appointment shall be made except of the candidate and in the order mentioned in the list communicated by the Board. (ii) Subject to the provisions of clause (i) appointment shall be made by the committee of management of the society or by such authority as may be specified in the bye-laws: Provided that the letter of appointment shall, in the case of Secretary, be issued by the Chairman, and in all other cases, it shall be issued by the Secretary of the society. The letter of appointment shall contain the name of the post, place of posting, nature of appointment, such as regular or temporary, probationary period and security, if any, salary with scale and conditions referred to in Regulation no. 14 and the date by which he has to join. (iii) [It shall be the duty of the society to see that letters of appointment to candidates selected on the requisition of the society, are issued within fifteen days of the receipt of the list of elected candidates from the Board, failing which action may be taken against the society or the defaulting officer by the Registrar] [Inserted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.].

16.

All first appointments shall be made on the minimum pay of the grade to which the appointment is made except in case where the appointment is made on deputation: Provided that with Board's previous approval higher start may be given to a person having special qualifications for the post

17. Probation.

- (i) All persons on appointment against regular vacancies shall be placed on probation for a period of one year: Provided that the appointing authority may, in individual cases extend the period of

probation in writing by such further period not exceeding one year, as it may deem fit. Explanation. - No post shall be deemed as regular unless it has been in existence continuously for the last five years. (ii) [If, at any time during or at the end of the period of probation or the extended period of probation, it appears to be appointing authority that a person placed on probation, has not made sufficient use of the opportunity offered to him, or has otherwise failed to give satisfaction, he may, be discharged from service, or reverted to the post held by him substantively, if any immediately before such appointment. [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.] (iii) A person discharged from service during or at the end of the period of probation or the extended period of probation under clause (ii) shall not be given any compensation unless, under mandatory provisions of any law applicable to his case, he is entitled to the same].

18. Confirmation.

- (i) Confirmation of an employee shall, on the satisfactory, conclusion of the probationary period be made by the appointing authority, if the post is regular one in terms of the preceding regulation. (ii) Where a person holding a post not being a regular one has not been treated as on probation in terms of Regulation No. 17 (i), the question of confirmation shall not arise. Explanation. - If doubt arises whether a particular post in a particular co-operative society is regular or not and the matter is not sub-judice, it shall be referred to the Board, whose decision shall be final. (iii) Where the number of posts on which confirmation has to be made are less than the persons eligible for the same, confirmation shall be made on the basis of seniority subject to rejection of the unfit.

19. Termination.

- Services of an employee shall be terminable :- (a) in case of a temporary employee, on one month's notice in writing on either side, or in lieu thereof by payment of one month's salary by the party which gives notice: Provided that in case of direct appointments made for a specific period it shall not be necessary to give any notice or any pay in lieu thereof. Explanation. - Specific period means stated period of less than six months. (b) by three months, notice in writing on either side in case of a confirmed employee. Explanation. - (1) A notice given by an employee under Regulation no. 19 shall be deemed to be proper only if he remains on duty during the period of the notice: Provided that the employee may be allowed on request to avail such portion of earned leave as may be due to him which shall however not exceed the notice period (2) The expression 'month' used in this regulation shall be a period of thirty days commencing on the date immediately following the date on which the notice is received by the employee of the appointing authority, as the case may be.

20.

Where an employee who has been served with a notice because of retrenchment of his post, accepts a lower post offered to him, the services rendered by him on the higher post shall count towards fixation of his pay and seniority on the lower post.

21.

Notice of termination of service on behalf of the employer society shall be given by the appointing authority.[See Notes under Rule 19].

22.

Where an employee has been certified by the Civil Surgeon to be incapacitated or disabled for discharge of duty to any physical injury caused to him arising out of and in the course of his employment, the society shall without prejudice to the payment of any other sums which may be due to him on account of his salary or other earnings or allowances, etc., terminate his services and pay such compensation as may be admissible to such employee under the provisions of the Workmen's Compensation Act, 1923.

23.

When a co-operative society, the financial position of which has deteriorated to the extent that it is in the opinion of the Registrar, unable to bear the cost of the salary and other emoluments of a post any longer, the society may with the approval of the Registrar, either reduce the rank of such post or convert that post from a whole-time post into a part-time one or abolish it altogether:[Provided that-(a)in case of reduction of the rank of the post or its conversion from a whole-time post into a part-time one, the incumbent thereof shall one month's notice in writing in case he is a temporary employee and by three month's notice in case he is a permanent employee be given the option to held the post on reduce rank or on a part-time basis, on such emoluments as may be determined by the Managing Committee of the concerned Co-operative Society. The aforesaid notice shall also indicate the fact that the services of the employee shall stand dispensed with if he declines to accept the offer made, in accordance with the terms of the said notice;(b)in case of abolition of the post, the services of the employee shall be dispensed with after giving him one month's or three month's notice depending upon whether the employee holds the post in question in a temporary capacity or substantive capacity].

24. [Retirement. [Substituted by Notification No. 4738/12-C-2-151 (5)-83, dated 13-12-1993.]

- The date of superannuation from service of an employee of a co-operative society shall be: -(a)in the afternoon of the last day of the month in which he attains the age of fifty eight years, if he is appointed to a post in category I, II or III:Provided that, where, before commencement of the Uttar Pradesh Co-operative Societies Employees Service Regulations, 1975, the society had entered with an employee, at the time of his appointment, into a contract whereby he is entitled to be retained in service after the date on which he attains the age of 58 years, the provisions of this sub-clause shall not apply and the date of superannuation of such employee shall be determined in accordance with the terms of the said contract;(b)in the afternoon of the last day of the month in which he attains the age of sixty years, if he is appointed to a post in category IV].

Chapter III

Record of Service, Seniority, Promotion, Reversion, Retrenchment and Resignation

25. Service Record.

- (i) Every co-operative society shall maintain the following service record in respect of its employees: -(a)personal file of every employees containing copy of his appointment order, certificates required under Regulation No. 14, copies of warnings, leave orders, orders allowing or disallowing efficiency bars, orders of punishment, if any, and other service matters;(b)[service book on form as per Appendix 'B' to be maintained at the headquarters of the society: Provided that a society may, with the permission of the Board, maintain service record of its employees on any other form that may be considered to be appropriate for the purpose and in which every step in the employee's official career is recorded and each entry is attested by the secretary of the society or such other authority as may be authorised by the society in that behalf] [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.](c)Character Roll (on form as per Appendix at "C").(ii)Character Roll in respect of Secretary shall be maintained by the Chairman and in respect of other staff by the Secretary.(iii)Character Roll entries in respect of Secretary shall be recorded by the Chairman, and in respect of other staff by the Secretary or any other officer authorised by the Secretary for the purpose:Provided that character roll entry of an employee shall be recorded only by his superior.

26. [Seniority. [Substituted by Note No. 432/XII-6-2-85-77, dated 17th May, 1983.]

- Seniority in any grade or category of posts in a service under a Co-operative Society shall be determined by the date of order of substantive appointment of the employees in that grade or category, and where two or more persons are appointed on same date by the order in which their names appear in the order of appointment:Provided that-(a)the inter se Seniority of persons appointed directly to any grade or category of posts shall be the same as has been determined by the Board at the time of selection;(b)the inter se Seniority of persons appointed by promotion to any grade or category of posts shall be determined by their seniority in the post held by them substantively prior to their promotion;(c)where appointment to any grade or category of posts is made partly by direct recruitment and partly by promotion from a lower grade or post, the inter se Seniority of persons appointed from the two sources shall be determined by taking candidates alternately from the seniority lists drawn up under the foregoing provisions, the names of the employees on the list drawn under proviso (b) getting precedence over the names of employees included in the seniority list drawn under proviso (a).Note. - (1) Where two or more persons have been appointed on the same date and the order of appointment specifies a date from which an employee has been retrospectively appointed substantively, the date from which the appointment has been made retrospectively, will be deemed to be the date of order of substantive appointment of the employee concerned.(2)If a case does not fall clearly under any of the provisions of the foregoing

sub-clauses or the provisions thereto and consequently there is any doubt or dispute about determination of seniority of an employee or a category of employees vis-a-vis another employee or any other category of employees, the matter shall be referred to the Board, whose decision on the issue shall be final.(3)The inter se seniority of an employee as already determined in a co-operative society prior to the commencement of the Uttar Pradesh Co-operative Societies Employees' Service Regulations, 1975, shall, however, not be affected by the provisions of these clauses].

27. [Source of recruitment. [Substituted by Notification No. 4738/12-C-2-151 (5)-83, dated 13th December, 1993.]

- (i) Recruitment to various grades or categories of posts under a co-operative society shall, as far as possible, be so arranged that 25 per cent of posts in category I, 50 per-cent of posts in category II and 85 per cent of posts in Category III are held by persons recruited directly and the remaining posts in the said categories are held by persons appointed by promotion from amongst incumbents of the posts in the just below grade or category:Provided that the employees in category IV shall be considered for promotion to posts in the lowest scale of pay in category III to the extent of 15 per cent of the sanctioned strength of posts in that category.(ii)Appointments to posts in category IV, except the posts of Daftary, Jamadar etc., carrying a higher scale of pay, shall be made by direct recruitment, while the said post of Daftari, Jamadar etc., carrying a higher scale of pay shall all be filled in by promotion from amongst employees working in the lower scale of pay in that category.(iii)Promotions to posts under a Co-operative Society, whether from one grade to another within the same category of posts or from one category of posts to another category, shall all be made on the principle of seniority subject to the rejection of the unfit and an employee shall not be eligible for promotion to the next higher grade or category unless he has put in continuous service for a minimum period of three years in the post held by him:Provided that the employees in Category IV shall be considered for promotion to posts in Category III under the proviso to clause (i) only after they have passed the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or any other examination recognised by the State Government as equivalent thereto] [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983].

28. Reversion.

- (i) An employee holding on promotion a higher post shall unless confirmed on that post, be liable to reversion from that post without notice in case: -(a)his work and performance are not considered satisfactory, or(b)the vacancy in the higher post on which he was officiating has ceased to exist for any reason.(ii)Orders for reversion shall be passed by the appointing authority:Provided that if the reversion is covered under sub-clause (a) of clause (i), no orders shall be passed without the concurrence of the Board.

29. Retrenchment.

- (i) A Co-operative society may, subject to the approval of the Registrar, retrench its employee if the

business of the society has either shrunk or the concerned post or posts are to be reduced to effect economy: Provided that compensation where required under the Industrial Disputes Act, 1947, is paid to the employees. (ii) In making retrenchment the policy shall be to retrench the junior most employee of the grade.

30. Resignation.

- (i) An employee of a co-operative society may resign from the service of the co-operative society concerned by giving notice as provided under Regulation No. 19, unless the appointing authority dispenses with the period of notice in special circumstances; (ii) Resignation shall take effect from the date of acceptance; (iii) The employee shall, however, be entitled to the pay for the period specified in the order of acceptance of resignation for making over charge of records, books and property of the society in his custody, but if he makes delay in making over complete charge, he shall not be entitled to the pay for the excess period; (iv) If any records, books or property of the society are found to have been detained by the employee, he shall continue to be liable for the same in spite of the acceptance of his resignation.

Chapter IV

Pay, Allowances and Increments

31.

Subject to the provisions of these regulations, pay and allowances shall accrue from the date of commencement of the service of any employee in a co-operative society and shall become payable in the month following the month in which service was performed.

32.

(i) No employee shall be allowed any advance salary. (ii) Salary shall not be payable to an employee for the notice period if he leaves or discontinues his service without due notice as provided in the Regulation No. 19 unless such notice has been waived by the appointing authority under Regulation No. 30 (i).

33.

Salary shall cease to accrue as soon as the employee ceases to be in the service of the co-operative society. In case of an employee who is dismissed or removed from service or these while in the service of the co-operative society, the salary shall cease from the date of his dismissal, removal or death, as the case may be. Note. - In case of death, salary for the day of death shall be payable (if due), irrespective of the time of death.

34.

The appointing authority or the person authorised for the purpose when ordering reversion of any employee as a penalty from higher to a lower post or grade shall not allow him to draw pay exceeding either the maximum of the pay scale of the lower post or grade or the amount of pay drawn by him on his post before reversion.

35.

An employee shall commence to draw the salary of the post to which he is appointed from the date on which he assumes the duties of the post, if the charge is taken over in the forenoon of that date and from the following working day if the charge is taken over in the afternoon of that date.

36.

Where an employee is transferred from one post to another in the same society, he shall, during any interval of duty between the date of his handing over charge of the old post, and the date of his taking over charge of the new post, draw the salary of the old or new post whichever is lower.

37.

Subject to the prior written approval of Registrar and the provision in the budget, the committee of management of a co-operative society may from time to time fix special allowance for such posts that may involve special responsibility and risk in the discharge of duties.

38.

Allowance referred to in Regulation No. 37 shall be payable only to an employee who is actually at the time fulfilling the conditions and performing the duties for which such allowance is admissible. Explanation. - For the purpose of this regulation, absence on casual leave shall not be treated as period of non-performance of duty.

39. Fixation of pay on higher post.

- (i) The initial pay of an employee on appointment to higher post either in substantive or officiating capacity shall be fixed at the stage next above the pay arrived at by notionally increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued: Provided that in no case the employee shall get less than the minimum of the higher post. (ii) Dual appointment. - The appointing authority may in the interest of the society, appoint an employee to hold or to officiate on two posts as a temporary measure. In such case his pay shall be the pay of the higher post to which he would be entitled in accordance with the foregoing sub-clause (i) and in addition one-fifth of the pay of his old post: Provided that this provision shall not apply where:-(a) the employee is not formally appointed by an order in writing to hold two posts; (b) full duties of both the

posts are not entrusted;(c)the arrangement of dual appointment in terms of the foregoing provisions exceeds three months.

40. Technical Allowance.

- An employee on acquiring such technical or special qualifications as would prove beneficial in improving the working of the co-operative society, may be allowed to draw technical allowance, at the rate fixed by the society with the approval of the Registrar.

41. Dearness/Compensatory or House Allowance.

- The dearness, compensatory or house allowances will be admissible to an employee of the co-operative societies at such rates and under such conditions as may be determined by the committee of Management from time to time:Provided that such rates shall not without Registrar's approval, exceed the rates prescribed by the State Government for its employees.

42. [Other Allowances. [Substituted by Notification No.432/XII-6-2-85-77, dated 17th May, 1983.]

- (i) A Co-operative Society may, subject to the provisions of these regulations and general or special orders issued by the Registrar, give any other allowances or pecuniary concessions to its employees.(ii)A Co-operative Society may also grant, with the permission of the Registrar, pecuniary incentive to an employee or class of employees for outstanding performance:Provided that payment of travelling and daily allowance shall be governed by the provisions contained in Regulation 43].

43. Travelling and Daily Allowances for touring.

- An employee undertaking touring for the purpose and business of the society shall be entitled to the travelling and daily allowances as may be fixed by the society subject to the provisions of Rules:Provided that an employee while on tour staying at a particular station continuously for more than ten days shall be allowed travelling allowance at full rate for the first ten days and at 2/3rd thereafter subject to maximum of 21 days after which the station of his halt shall be treated as his temporary headquarters.

44. [Increments. [Substituted by Notification No.4738/12-C-2-151 (5)-83, dated 13th December, 1993.]

- (i) Annual increment in the given time scale shall usually be allowed to the employee on the first day of the month in which it becomes due.(ii)An employee shall be allowed to cross efficiency bar if and when due after proper consideration of the report of his work and worth from his superior officer and character roll entries for the last three years and on the sanction of the appointing authority.(iii)An employee, whose efficiency bar has not been allowed, may appeal to the appropriate authority as per Appendix "D".(iv)The case of an employee who has been held up at the

efficiency bar shall be reviewed every year until it is allowed by the competent authority. The authority allowing the crossing of the efficiency bar shall also fix the pay of the employee at a stage not exceeding what he would have reached had he not been held up at the efficiency bar: Provided that no arrears shall be allowed. (i) The maximum period of earned leave which can accumulate shall be as per relevant rules applicable to State Government employee from time to time. Not more than six weeks earned leave will ordinarily be taken at one time, but for special reasons earned leave upto 90 days may be allowed by the leave sanctioning authority. (ii) An employee on earned leave will draw leave salary equal to his average monthly pay drawn during the preceding ten months besides dearness allowance and other allowances, if any, admissible to him. (iii) It shall be at the discretion of the appointing authority to pay salary for equal number of days of earned leave surrendered by an employee provided that no salary shall be given where the leave left to the credit of an employee is less than 30 days on the preceding 31st March. For calculating the salary in lieu of leave the rate of pay drawn on the month of March last shall apply].

45.

When the pay scale of any post is revised, the existing incumbent of that post shall be allowed an option to retain his old pay and pay scale or to opt the new pay scale and option once exercised shall be final.

Chapter V

Joining Time and Leave

46. Joining time.

- (i) Joining time may be granted to an employee to enable him to join a new post to which he is appointed while on duty on his old post or to join a new post on return from earned leave of not more than 90 days, duration. (ii) Joining time shall not be granted to an employee when the transfer to new post does not involve change of his headquarters.

47.

In case where transfer involves change of station, six days may be allowed for preparation and one journey day: Provided that where distance to be travelled exceeds 400 kilometers, one additional journey day may be allowed for every additional 400 kilometers or part thereof: Provided further that if the joining time so allowed expires on a holiday observed by the office to which the employee has been posted, he shall join duty on the date immediately following such holiday.

48.

Joining time cannot be combined with any leave nor can it be claimed as a matter of right. It may be curtailed at the discretion of the authority empowered to transfer the employee.

49.

An employee who does not join his post on the expiry of the joining time allowed to him shall render himself liable to disciplinary action in "the event of unsatisfactory explanation for over stay.

50. Leave.

- (i) The following kinds of leave may be granted to an employee: -(a)Casual leave;(b)Earned leave;(c)Extraordinary leave;(d)Medical leave;(e)Study leave;(f)Maternity leave.(ii)Leave will ordinarily be granted on previous written application.

51.

An employee shall be eligible for casual leave to the extent of not more than 14 days in a calendar year. Not more than seven days' casual leave will be granted at a time to an employee. Casual leave shall not be combined with any other leave. Unveiled casual leave shall lapse at the end of the calendar year.

52.

(i)The maximum amount of earned leave accruing to an employee shall be one-eleventh of the employee's duty period, calculated as one day for every eleven days of duty.(ii)The maximum period of earned leave which can accumulate shall be 120 days. Not more than six weeks' earned leave will ordinarily be taken at one time, but for special reasons, earned leave up to 90 days may be allowed by the leave sanctioning authority.(iii)An employee on earned leave will draw leave salary equal to his average monthly pay drawn during the preceding ten months besides dearness allowance and other allowances, if any, admissible to him.(iv)It shall be at the discretion of the appointing authority to pay salary for equal number of days of earned leave surrendered by an employee provided that no salary shall be given where the leave left to the credit of an employee is less than 30 days on the preceding 30th June. For calculating the salary in lieu of leave, the rate of pay drawn in the month of June last shall apply.

53. Extraordinary leave.

- (i) An employee may be allowed extraordinary leave which shall normally not exceed 90 days on one occasion and twelve months during the entire period of his service:Provided that three years' extraordinary leave may be allowed to an employee who is suffering from a disease requiring long term treatment such as T.B., if his leave application is accompanied by a certificate from a medical authority deemed competent for the purpose by the committee of management of the Co-operative society and the employee has exhausted all his earned and medical leave before he is allowed extraordinary leave.(ii)No pay and allowance shall be admissible during the period of extraordinary leave and the period spent on such leave shall not count for increment.

54. [Substituted by Notification No. 4738/12-C-2-151 (5)-83, dated 13-12-1993.]

An Employee may be allowed medical leave as per relevant rules and procedure applicable to State Government employees from time to time].

55. Study Leave.

- (i) Study leave may be granted to an employee for the study of scientific, technical or similar problems, or in order to undertake special course of instruction subject to the condition that the study or course is to the definite advantage of the society in which he is appointed.(ii)For the purpose of study, extra leave on half-average pay may be granted either in or outside India and shall not extend beyond a period of twelve month(iii)Study leave shall not be granted to an employee of less than 5 years' standing in the service of a co-operative society or who has crossed the age of 60 years.(iv)An employee granted study leave shall himself meet the entire cost of the study/course including passage in the case of foreign travel, railway fare and fees paid for the courses of study.(v)In conjunction with the study leave extraordinary leave may be taken within the limit prescribed under Regulation No. 53.(vi)When considering an application for study leave it shall also be kept in view whether the applicant is in a position to meet the consequent expenses.(vii)An employee applying for study leave shall sign an agreement to the effect that he undertakes to serve the co-operative society for a period of at least three years from his return to duty; and in the event of a breach of this agreement to repay to the society the amount of salary paid to him during study leave.Explanation. - The provisions of study leave contained in the foregoing sub-clauses shall, however, not apply to in-service training organised by Reserve Bank of India, or any National or State Level Co-operative Institution or any State authority to which an employee is deputed by his employer in which case the employee shall be treated as on duty and will be allowed travelling allowance at ordinary rate but no daily allowance.

56. [Maternity leave. [Substituted by Notification No. 4738/12-C-2-151 (5)-83, dated 13-12-1993.]

- A female employee shall be entitled to maternity leave as per relevant Rules and procedure applicable to State Government Employees from time to time.]

57.

The power to grant leave shall vest in such person or authority as may be specified by the appointing authority from time to time.

58.

(i)No leave under these regulations, can be claimed as a matter of right.(ii)In case of maternity leave or medical leave proper medical certificate shall be called for before grant of such leave:Provided

that in case of medical leave not exceeding 15 days such certificate may be dispensed with at the discretion of the leave granting authority.(iii)When the exigencies of service so require, leave of any kind other than medical or maternity leave may be refused or revoked and the employee already availing such a leave may be recalled to duty on such revocation in which case he will be entitled to Travelling Allowance at ordinary rates.(iv)An employee whose continuous leave on medical grounds exceeds one month may be asked to produce a medical certificate from a Civil Surgeon or to have the medical certificate of his medical attendant countersigned by the Civil surgeon. In case the employee fails to furnish the certificate from the Civil Surgeon or fails to get his medical attendant's certificate countersigned by the Civil Surgeon, the employee may be refuse leave on medical grounds and his absence in such a case may be treated as unauthorised.

59.

Unless otherwise provided in any law applicable to co-operative societies for the time being in force all leave to the credit of an employee shall lapse on the date on which he ceases to be in the service of a co-operative society.

60.

An employee shall mention in his leave application his address while on leave and shall keep the said authority informed of any change in the address previously furnished. An employee on leave shall, unless otherwise instructed to the contrary, return to duty on the post he held on the eve of his leave.

61.

An employee who was on leave on medical grounds shall before resumption of duty be required to produce certificate of fitness from his medical attendant.

Chapter VI

Conduct and Discipline

62.

Unless otherwise expressly provided in the order of appointment, whole-time of the employee shall be at the disposal of the co-operative society concerned and he shall serve the co-operative society in the business in such capacity and during such hours and at such place as he may from time to time be directed.

63.

Every employee of a co-operative society shall abide by the provisions of the Act, Rules, Regulations and the bye-laws and the orders issued from time to time by the competent authority thereunder.

64.

No employee shall divulge to any person the business secret of the society or reveal the business information of a confidential nature which during the course of his employment has come to his possession or knowledge or has been collected by him: Provided that with the permission of his superior officer he may communicate only that much of information which is needed by a competent authority for disposal of dispute or conduct or enquiry, inspection, investigation or audit or where such information is required to be produced before a court of law.

65.

Every employee shall have to give an undertaking that he shall keep and maintain secrecy as laid down in Regulation No. 64 failing which he shall be liable for disciplinary action.

66.

(i) Every employee shall serve the concerned co-operative society with honesty and faithfulness and shall use his utmost endeavor to promote the interest of the co-operative society concerned. He shall also show courtesy and attention in all transaction towards share-holders, members and the public dealing with the co-operative society. (ii) Subject to the provisions of any law relating to intoxicating, drinks or drugs for the time being in force in any area, no employee of a co-operative society shall: - (a) While on duty, be under the influence of such drinks or drugs, or (b) [appear in a public place or in the premises of the co-operative Society in a State of intoxication, or] [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]; (c) habitually use such drinks or drugs; (iii) No employee of a co-operative a society shall: - (a) indulge in disorderly or indecent behavior, gambling or betting or committing nuisance within the premises of the society or doing anything which disturbs or dislocates the business of the society; or (b) cause or attempt to cause wilful damage to the property of the society or of persons dealing with the society; or (c) abet or instigate any of the employees for acts of misconduct, omission or violation of duties; or (d) misutilise loans or advances obtained from the society or the property of the society under his charge or care; or (e) [organise or attend any meeting within the premises of the society without the permission of the Secretary of the society] [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]; (f) [join or be a member of a political party] [Inserted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.].

67. [[Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]

No. employee of a Co-operative Society shall take part in any political election or an election pertaining to an elective office of a Co-operative Society except the Society of which he is a member or a legally elected delegate].

68.

No employee shall make any statement to the press or contribute articles to the press or magazine or give any talk on the radio in connection with the affairs of the co-operative society of which he is an employee, without the prior sanction of- (i) Chairman, if the employee in question is the Secretary, and of (ii) the Secretary in all other cases. He shall not ventilate any personal grievances through the press or leaflets.

69.

No employee shall accept, solicit or seek any outside employment or office whether stipendiary, or honorary, without previous permission in writing of the appointing authority.

70. [[Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]

No employee shall join any educational institution for further studies except with the prior permission of the Secretary of the Society. Such permission shall be given for a specified period and course of study, in suitable cases only, when the Secretary is satisfied that it shall not be detrimental to the efficient discharge of the duties of the employee: Provided that not more than 10 per cent of the employees of the Society shall so permitted at one time in an academic year.]

71.

An employee shall not solicit or accept any gift or gratification from any subordinate employee or a person who has any dealings with the co-operative society concerned.

72.

No employee shall personally carry on any other activity for pecuniary gain anywhere on his own account or as an agent for others without prior written permission of the appointing authority.

73.

(i) An employee shall not absent himself from his duties without permission from the Secretary of the society and in the case of the Secretary, from the Chairman of the Society. (ii) An employee who absents himself from duty without leave or overstays beyond his leave, except under circumstances beyond his control for which he must tender a satisfactory explanation, shall not be entitled to draw

any pay and allowances for the period of such absence or over-stay, and shall further be liable to such disciplinary action as may be imposed on him under the circumstances.

74.

An employee must not absent himself from his headquarters of posting except on duty without obtaining the previous sanction from the officer under whose superintendence and control he works.

75.

Every employee shall attend the office punctually and sign the attendance register which shall be put up daily before the Secretary or such officer as may have been authorised by the Secretary for the purpose.

76.

An employee shall not speculate in stock, shares, securities, bullion or commodities of any description.

77.

An employee shall not approach or prefer an appeal (except as provided in these regulations) or represent personally to any member of the committee of management on any matter concerning his service: Provided that nothing herein contained shall be deemed to prohibit an employee from making any legitimate representation concerning his service to the authorities competent to entertain such representation.

78.

(i) An employee shall not borrow money from or in any way place himself under a pecuniary obligation to another employee of: - (a) the same society, or (b) central society to which his employer-society is affiliated or (c) co-operative society which is affiliated to the society in which he is employed. (ii) No employee shall make or permit any member of his family to make any such transaction in the society of which he is an employee or with the society indebted to his employer-society as is likely to embarrass or influence him in the discharge of his duties. Explanation. - "Family" under this regulation shall mean wife, husband, sons and dependants (i) daughters, (ii) brothers, (iii) father, (iv) mother, (v) sisters, (vi) grandsons or grand-daughters.

79.

(i) Every employee shall in the last fortnight of the month of June in every alternate year disclose his assets in writing to - (a) the Chairman, if the employee in question is Secretary, and (b) the Secretary,

in all other cases.(ii)An employee who is in debt shall furnish to the Secretary and if the employee is the Secretary, to the Chairman of the society assigned statement of his position of debt yearly on 30th June and shall indicate in the statement the steps he said is taking to rectify his position. An employee who is in debt and fails to submit the statement or is unable to liquidate his debt within a reasonable time allowed, including extensions, if any, or applies for the protection of an insolvency court, shall be liable to disciplinary action even to the extent of removal.Explanations. - (1) For the purpose of this regulation an employee shall be deemed to be in debt if his total borrowings exclusive of those which are fully secured, exceed his salary for six months.(2)"Reasonable time" shall be a period which may be fixed by the Committee of management keeping in view the financial resources and the commitment of the employee, such period being not less than six months and not more than 24 months besides extension allowed under special circumstances to the extent of further twelve months.(3)[The amount of refundable advance taken by employee from his Provident Fund or the amount of house building/vehicle advance taken by him from the employer society or agencies recognised for the purpose by the State Government, shall not be treated as debt for purposes of this regulation] [Substituted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.].

80.

No employee of a co-operative society shall bid in any auction of the property or produce belonging to the society either directly or indirectly.

81.

No employee of a co-operative society who has a wife/husband living, shall contract another marriage.

82.

No employee of a co-operative society shall enter into or carry on any credit transaction with his society or any other society except as permitted under the Act, Rules or the bye-laws of the society concerned.

83.

(i)An employee arrested for debt or on a criminal charge shall be placed under suspension from the date of his arrest:Provided that if he is released on bail or on recognizance, he may with the approval of the Registrar, be permitted to resume and continue on duty until charges are framed against him by the trying court:Provided further that his duties may be varied if continuance on original duty be inexpedient or prejudicial to the interest of the society in the opinion of the Registrar or the appointing authority.(ii)An employee who is convicted of a criminal charge involving moral turpitude by a Criminal Court shall be liable to dismissal.Explanation. - "Conviction" means sentence of punishment, fine or both.

Chapter VII

Penalties, Disciplinary Proceedings and Appeals

84. Penalties.

- (i) Without prejudice to the provisions contained in any other regulation, an employee who commits a breach of duty enjoined upon him or has been convicted for criminal offence or an offence under section 103 of the Act or does anything prohibited by these regulations shall be liable to be punished by any one of the following penalties: -(a)censure,(b)with holding of increment,(c)fine on an employee of Category IV (peon, chaukidar, etc.).(d)recovery from pay or security deposit to compensate in whole or in part for any pecuniary loss caused to the co-operative society by the employee's conduct,(e)reduction in rank or grades held substantively by the employee,(f)removal from service, or(g)dismissal from service.(ii)Copy of order of the punishment shall invariably be given to the employee concerned and entry to this effect shall be made in the service record of the employee.(iii)No penalty except censure shall be imposed unless a show cause notice has been given to the employee and he has either failed to reply within the specified time or his reply has been found to be unsatisfactory by the punishing authority.(iv)(a)The charge-sheeted employee shall be awarded punishment by the appropriate authority according to the seriousness of the offence:Provided that no penalty under sub-clause (e), (f) or (g) of clause (i) shall be imposed without recourse to disciplinary proceedings.(b)No employee shall be removed or dismissed by an authority other than by which he was appointed unless the appointing authority has made prior delegation of such authority to such other person or authority in writing.(v)The appointing authority or person authorised by him while passing orders for stoppage of increments shall state the period for which it is stopped and whether it shall have effect of postponing future increments or promotion.

85. [Disciplinary proceedings. [Substituted by Notification No. 4738/12-C-2-151 (5)-83, dated 13th December, 1993.]

- (i) The disciplinary proceedings against an employee shall be conducted by the Inquiring Officer [referred to in clause (iv) below] with due observance of the principles of natural justice for which it shall be necessary -(a)The employee shall be served with a charge-sheet containing specific charges and mention of evidence in support of each charge and he shall be required to submit explanation in respect of the charges within reasonable time which shall not be less than fifteen days;(b)Such an employee shall also be given an opportunity to produce at his own cost or to cross-examine witnesses in his defence and shall also be given an opportunity of being heard in person, if he so desires;(c)If no explanation in respect of charge sheet is received or the explanation submitted is unsatisfactory, the competent authority may award him appropriate punishment considered necessary.(ii) (a)Where an employee is dismissed or removed from service on the ground of conduct which has led to his conviction on a criminal charge; or(b)Where the employee has absconded and his whereabouts are not known to the society for more than three months; or(c)Where the employee refuses or fails without sufficient cause to appear before the Inquiring Officer when specifically called upon in writing to appear; or(d)Where it is otherwise (for reasons to be recorded) not possible

to communicate with him, the competent authority may award appropriate punishment without taking or continuing disciplinary proceedings.(iii)Disciplinary proceedings shall be taken by the society against the employee on a report made to this effect by the inspecting authority or an officer of the society under whose control the employee is working.(iv)The inquiring officer shall be appointed by the appointing authority or by an officer of the society authorised for the purpose by the appointing authority:Provided that the officer at whose instance disciplinary action was started shall not be appointed as an inquiring officer nor shall the inquiring officer be the appellate authority.(v)In the case of an erring employee falling in sub-section (c) or clause (i) or sub-clause (a) of clause (ii) of Regulation No. 5, the committee of management of the society, and if so provided in the bye-laws, the Chairman or the Secretary of the society, shall draw up a duplicate charge sheet against the employee and the same shall be communicated to the parent employer who shall, if prima facie case has been made out by the reporting authority, withdraw him from the society and take disciplinary action against him.(vi)An employee other than one referred to in clause (v) may be placed under suspension in the following circumstances by the appointing authority or any other officer authorised for the purpose;(a)When the said authority is satisfied that a prima facie case exists, which is likely to result in the removal, dismissal or reduction in rank of the employee.(b)When an enquiry into his conduct is immediately contemplated or is pending and his further continuance on his post is considered detrimental to the interest of the society.(c)When a complaint against him of any criminal offence is under police investigation for which he has been arrested or he is undergoing trial in a court of law for offence under the Indian Penal Code, U.P. Co-operative Societies Act, 1965 or any other Act or charges have been framed against him by criminal court:Provided that suspension shall be obligatory where it is called for in terms of clause (i) of Regulation No. 83.(vii) (a)An employee under suspension shall be entitled to a subsistence allowance as per relevant rules applicable to State Government employees from time to time.Provided that an employee who is under suspension on the date of coming into force of these regulations shall continue to draw such portion of pay and such allowances as he was allowed to draw for the period of suspension:Provided further that no payment of the subsistence allowance shall be made unless the employee has furnished a certificate, and the authority passing the order of suspension is satisfied that the employee was not engaged in any other employment, business, profession or vocation and had not earned remuneration therefore during the period under suspension.(b)(1) When an employee is reinstated, the authority competent to order the reinstatement shall make specific order regarding pay and allowances to be paid for the period of suspension and whether or not the said period shall be treated as a period spent on duty:Provided that where the authority passing the order of reinstatement is of the opinion that the employee has been fully exonerated or the suspension was wholly unjustified, the employee shall be given the full pay and allowances to which he would have been entitled had he not been suspended.(2)In cases not covered by the proviso to foregoing sub-clause (I) the employee shall be given such proportion of pay and allowance as the competent authority may order.(d)In cases falling under proviso to clause (I) the period of suspension shall be treated as a period spent on duty for all purposes.(e)In cases falling under clause (c) (2) the period of suspension shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be so treated.(f)The order of suspension shall not take retrospective effect.(g)Leave shall not be granted to an employee under suspension.(h)An employee against whom proceedings have been taken either for his arrest for debt or a criminal charge or who is detained under any law for preventive detention shall be considered as

under suspension for the period during which he is so detained in custody or is undergoing imprisonment and not be allowed any pay and allowances other than the subsistence allowance admissible under sub-clauses (a) and (b) for such period until the termination of the proceedings taken against him or until he is released from detention and allowed to rejoin duty as the case may be.(viii)In case of fine, the total amount of fine shall not exceed half months pay or maximum fine, chargeable under the Payment of Wages Act, 1936, where this Act is applicable to the employee concerned and it shall be deducted from his pay in monthly instalments, each such instalment not exceeding one-fourth of his monthly salary.(ix)The order of suspension may be revoked by-(a)The authority which passed the orders, or(b)The appointing authority, if there are sufficient reasons for revocation and the same shall be recorded in the order of revocation.(x)No employee shall ordinarily remain under suspension for more than 6 months:Provided that this condition shall not apply to such cases where the suspension is made on criminal charge on the direction of the court].(xi)[Rules regarding disciplinary proceedings after retirement applicable for the employees of the State Government, shall also be applicable for the employees of the Co-operative Society with due modification from time to time. [Inserted by Notification No. 1425/XLIX-2-2018-5(419)-2017, dated 27.8.2018 (w.e.f. 31-12-1975).]Explanation. - For the purpose of this sub-rules, the word "Governor" has been used under the rules of the State Government, the word "Registrar" shall be deemed to be substituted.(xii)if an employee retires from the service while disciplinary proceedings against him is already in operation, the disciplinary proceedings will continue after his retirement.".]

86. Appeal.

- Orders imposing penalty under sub-clauses (a) to (d) of clause (1) of Regulation No. 84 shall be appealable to the authorities as mentioned in Appendix 'D'.

87.

Order imposing penalty under sub-clauses (e) to (g) of clause (1) of Regulation No. 84 shall not be passed except with the prior concurrence of the Board.

88.

Every appeal shall comply with the following requirements: -(a)it shall be couched in polite and respectful language,(b)it shall contain all material facts and arguments and shall be complete in itself;(c)it shall be accompanied by an attested copy of the impugned order,(d)it shall specify the relief desired,(e)it shall be submitted through proper channel within 30 days from the date of receipt of order imposing the penalty:Provided that where appeal lies to the Board, it may be submitted direct with two copies of the memorandum of appeal duly signed and dated.

89.

An appeal preferred through proper channel under sub-clause (e) of Regulation No. 88 shall be forwarded without undue delay to the appellate authority with the comments of the authority

through which it is submitted.

90.

Save as provided in these regulations, no appeal shall be addressed or endorsed to or bear recommendations of other authorities or persons. A defiance of this regulation as well as any attempt to influence or canvass the appellate authority shall be deemed as breach of discipline rendering the appeal liable to rejection and the employee to action for breach of discipline.

Chapter VIII

Provident Fund, Gratuity, Security, Honorarium and Pay Advance

91. Provident Fund.

- (i) Where a co-operative society has in accordance with the provisions of Rules contained in Chapter XVI of the Uttar Pradesh Co-operative Societies Rules, 1968 established a Contributory Provident Fund, the employees of such Co-operative society shall make contribution to such fund in accordance with the provisions of the said rules and the bye-laws of the co-operative society concerned. (ii) Where it is not obligatory for a co-operative society to establish Contributory Provident Fund in accordance with the provisions of rules referred to in clause (i) above, the employee of such society, shall on completion of twelve months' continuous service, contribute or subscribe each month at least five paise in a rupee of his salary to a fund to be called General Provident Fund for the employees. The subscription or contribution made to such fund, shall be subject to the condition that the total amount of monthly contribution or subscription payable should be rounded to the nearest rupee.

92.

The co-operative society referred to in clause (ii) of Regulation No. 91 shall invest the amount of the fund in the same manner as Contributory Provident Fund in the case of a society referred to in clause (i) of that regulation and credit interest thereon as provided in Rule 203.

93.

A co-operative society referred to in clause (ii) of Regulation No. 91 may allow a subscriber temporary advance to the extent of not more than 50 per cent of the General Provident Fund amount to his credit or three months' pay whichever is less.

94.

A co-operative society falling under the purview of the Employees Provident Fund Act., 1952 (Act No. 19 of 1952) shall, notwithstanding the provisions of the foregoing regulation of this chapter, comply with the provisions and the requirements of the said Act.

95. Gratuity.

- (i) A co-operative society may by a resolution of its committee of management allow to its employee gratuity equivalent to not more than 15 days' salary for every complete year of service (part of the year if less than six months, to be ignored), if he has attained the age of superannuation or has been declared invalid for service by the Civil Surgeon or has been retrenched or these while in service: Provided he has put in ten years of continuous service immediately preceding retirement, invalidation, or retrenchment or five year's continuous service in case of death, as the case may be. In case of death gratuity shall be payable to the nominee of the employee and in the absence of nomination, to his legal heir. (ii) For purposes of meeting its obligations under clause (1), a co-operative society may create Employees' Gratuity Fund.

96. Security.

- (i) Employees of co-operative societies shall furnish such security as may be specified by the Registrar under sub-section (1) of section 120 of the Act. It shall be recoverable in lump sum or in such instalment as may be required by the Registrar. (ii) Interest as admissible, on the savings bank account in the post office, shall be given on the amount of the security of the employee concerned. (iii) When an employee ceases to be in the service of the society or these, the security amount together with interest due shall be refunded to the employee and in the case of death, his heir, within a period of 3 months from the date of completion of audit following cessation of service or death: Provided that the society shall deduct any claim of dues outstanding against such employee.

97. Honorarium.

- No society shall allow honorarium to any of its employee except if expressly admissible under the provisions of the bye-laws of the society or the provisions of the Act, Rules or Regulations.

98. Pay advance.

- No advance of pay or against pay shall be allowed to any employee except under such conditions and to such extent as may be laid down in the bye-laws of the society or special rules of such advance adopted by the society with the approval of the Registrar: Provided that no advance of or against pay shall be allowed to a temporary, part-time, seasonal or casual worker.

Chapter IX

Suits, Criminal Cases and Bonds

99.

(i) Where a civil suit or a criminal case arising out of the circumstances directly connected with the discharge of his duty is filed against an employee of a co-operative society and the employee makes a request for the defence of the case at the cost of the society, the committee of management of the society concerned may consider such request and sanction defence of the case at the cost of the society subject to approval of the Registrar. (ii) While seeking approval of the Registrar under clause (i) the society shall intimate reasons for offering defence at the cost of the society and furnish such other information as the Registrar may require for disposal of the request of the society. Explanation. - Cases of employees having been charged with embezzlement, fraud, corruption or moral turpitude shall not be treated to fall within the scope of this regulation.

100. [Enquiry or action when the case is under Police Investigation or before Court. [Substituted by Notification No. 4738/12-C-2-151 (5)-83, dated 13-12-1993.]

- Even where a case against an employee of a co-operative society is-(a) under police investigation; or (b) pending judicial enquiry or trial; the concerned society may institute or proceed with departmental enquiry and take disciplinary action against the erring employee].

101.

Every employee other than Government servants on deputation shall be required to execute a service agreement bond with his employer co-operative society on a form prescribed for the purpose by the society keeping in view the nature of work, the obligations and the duties of the employee. The agreement bond shall include a condition that the employee shall be bound as under Regulation No. 63.

Chapter X

Miscellaneous

102.

(i) Subject to the provisions of these regulations, a co-operative society shall within three months from the date of coming into force of the regulations (unless an extension of time is allowed by the Board in writing) frame service rules for its employees. (ii) The service rules framed under sub-clause (i) shall be submitted to the Board for approval and shall be operative only after the approval. (iii) Notwithstanding, anything contained in these Regulations the existing employees shall

have an option to continue to be governed by the existing service rules, if any, in the society only in respect of their emoluments and benefits or to opt the new services rules on these matters. Explanations. - (1) Provisions relating to pay, increments and allowance (other than travelling allowance), probation, confirmation, retirement, provident fund, and gratuity, shall be deemed as included in term "emoluments and benefits". (2) In case of any doubt or dispute interpretation in respect of matter mentioned in (1) above, reference shall be made to the Board and its decision shall be final. (3) Existing service rules means authentic service rules framed by and with the approval of the competent authority.

103.

The provisions of these regulations to the extent of their inconsistency, with any of the provisions of the Industrial Disputes Act, 1947, U.P. Dookan Aur Vanijya Adhishthan Adhiniyam, 1962, Workmen's Compensation Act, 1923 and any other labour laws for the time being in force, if applicable to any co-operative society or class of co-operative societies, shall be deemed to be inoperative. [104. Recruitment of dependents of employees dying in harness. - (i) In case an employee of Co-operative Society, who is either permanent in his appointment or if temporary, who has been recruited in accordance with the provisions of the Uttar Pradesh Co-operative Societies Employees' Service Regulations, 1975 and has been holding his post for a minimum continuous period of three years this in harness after the commencement of these Regulations, one member of his family, who is not already employed under the Central Government or a State Government or a Corporation or an undertaking owned or controlled by the Central Government or a State Government, shall on making an application for the purpose, be given a suitable employment under the society concerned provided such member possesses the minimum educational qualifications prescribed for the post and is otherwise fit for appointment thereto. Such employment shall be given to the said member without delay and as far as possible, under the same society in which the deceased servant was employed at the time of his death. (ii) The application for appointment under this regulation, shall be addressed to the appointing authority, and shall inter alia, contain the following details: (a) The name of the society where the deceased employee was working, the post held by him at the time of his death and the date of his death; (b) The names age and other details, particularly pertaining to marriage, employment and status in respect of the surviving members of the family of the deceased employee; (c) Details about financial position of the said members; (d) Educational and other qualifications, if any, and the date of birth of the applicant (with proof). (iii) Notwithstanding the provisions of Regulation 12, a candidate seeking employment under this regulation must have attained the age of 18 years before he is appointed to a post under the society. (iv) Notwithstanding anything contained in clause (i) of Regulation 15, it shall be open to the Board to whom the case shall be referred by the appointing society, to dispense with the procedural requirements of selection, such as written test or interview by a selection committee, and accord its approval to the appointment of the candidate after satisfying itself that the candidate will be able to maintain the minimum standard of efficiency expected of him for the post in question, and that the requirements of Regulations 9 and 14 are fulfilled. (v) Where more than one members of the family of the deceased employee, seek employment under this regulation, the Board shall decide, keeping in view the overall interest of the family of the deceased employee, particularly the widow and the minor members thereof, which of the members should be given employment under the provisions of

this regulation. The decision of the Board in the matter shall be final. Note. - The family, for purposes of this regulation, shall include the wife/husband, sons and unmarried or widowed daughters of the deceased employee.

105.

(i) The Board may, during the course of discharge of the functions enjoined upon it by the provisions of the Uttar Pradesh Co-operative Societies Employees Service Regulations, 1975, cause an inspection to be made, of the records of a Co-operative Society or call for such records for its perusal. It shall be incumbent upon the Secretary of the society and the society to make available to the Board of the Officers, authorised by it in this behalf such records of the society as are required by them for inspection or perusal. (ii) In case of failure on the part of the Secretary of the Society and the Society to furnish the said records, action may be taken by the Registrar against the defaulting officer and the Society.] Appendix 'A' [Under Regulation No. 5 (vii)] Requisition Form

1. (a) Complete name and address of the society (b) Its registration number and date of registration
2. (a) Designation of the post to be filled (b) Number of post required to be filled (c) Nature of post regular or temporary (d) Pay scale of the post.
3. Whether the vacancy to be filled is within the sanctioned strength ?
4. In case it is an addition to the sanctioned strength, whether requirements of Regulation No. 4 have been observed, if so, attach copy of resolution and Registrar's approval.
5. State by what method mentioned in Regulation No. 5 (i) recruitment is sought to be made i.e., 'x.' direct, promotion or deputation
6. When are the selected candidates required to join?
7. Copy of Registrar's order laying down the qualifications for the posts under section 120 be enclosed
8. What is the percentage of Scheduled Caste candidate already in service on the post of the cadre
9. Whether the candidates will be posted within or outside the State.
10. Any other information relevant for the purpose

Notes. - 'x.' (i) Refer to Regulation No 27. (ii) Separate Requisition Form should be used for each type of post. Signature of the Requisitioning Authority, Designation Date..... Appendix 'B' [Regulation No. 25 (b)] Service Book or

1. Name of the Employee
2. Name of the Employer Society

Thumb and Finger Impression of the Employee.

1. Name
2. Race
3. District and place of residence
4. Father's name and residence
5. Date of birth by the Christian era

6. Exact height by measurement
7. Personal marks of identification
8. Signature of the employee
9. Signature and designation of the
Head of the Office or other attesting officer

Note- The entries in page should be renewed or re-attested atleast every five years and signature in lines 8 and 9, should be dated.

| Name of appointment | Whether substantive or officiating and whether permanent or temporary | If officiating here state substantive appointment | Pay in substantive appointRs. P. | Additional pay for officiatingRs. P. |
|---------------------|---|---|----------------------------------|--------------------------------------|
| 1 | 2 | 3 | 4 | 5 |

| Other emoluments falling under the term pay Rs.P. | Date of appointment | Signature of the employee | Signature of the Incharge Officer of attestation of Columns 1 to 8 | Date of termination of appointment |
|---|---------------------|---------------------------|--|------------------------------------|
| 6 | 7 | 8 | 9 | 10 |

| Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the Incharge Officer | Reference to any recorded punishment or censure or reward or prize of the employee |
|--|-----------------------------------|--|
| 11 | 12 | 13 |

Leave account of Sri-----Date of commencement of service-----Date of confirmation-----

| Duty | Leave Earned | Leave at Credit | | | |
|---------|--------------|-----------------|-------------|-------------|-------------|
| | On full pay | Without pay | On full pay | Without pay | Full pay |
| From To | ymd | ymd | ymd | ymd | From to ymd |

Leave taken Balance on return from leave

| Without pay | On full pay | Without pay | Remarks |
|-------------|-------------|-------------|---------|
| Ymd | From To | Ymd | ymd |

Medical Leave Account

| Period of duty | Leave earned | Leave at credit | From to | Leave taken | Balance | Remarks |
|----------------|-----------------------|-----------------------|-----------------------|-----------------------|---------|---------|
| From To y m d | Full Pay/ Half Pay | Full Pay/ Half Pay | Full Pay/ Half Pay | Full Pay/ Half Pay | | |

m d m m m d m d m d m d m d

Appendix 'C' Form of Character Roll[Under Regulation No. 25 (c)]

1. Name
2. Father's name
3. Caste (or religion)
4. Place of residence
5. Date of Birth
6. Officer
7. Educational qualifications
8. Name of the Employer society

A. Name of relatives in OK societies' employment and in the committee of management in the following form.

Name Relationship Office

B. State of Service

Date Appointment Pay District Remarks

C. Remarks recorded by Supporter Officers

Notice of commendation or reward Notice of censure of punishment

Appendix 'D'(Regulation No. 86)

| Nature of punishment | Category of employee punished | Authority inflicting punishment | Appellate Authority |
|-----------------------|----------------------------------|---|--|
| First appeal | Second appeal if any | | |
| 1 | 2 | 3 | 4 |
| | (i) Category I(a) Secretary | ..Chairman..Secretary..(i) Secretary(ii) any officer of Category I authorised for the purposes by the Secretary |Committee of Management...Chairman...Chairman...Secretary. |
| Censure | Other(ii) Category II and III | (i) Committee of Management(ii) Any officer authorised by the Committee of Management. | .. Board.Committee of Management. |
| Stoppage of Increment | (i) ...Employees of any category | | |
| Efficiency bar | | | |
| Fine | Category IV | | Chairman Secretary |

| | | | |
|--|-------------------------------------|---|--|
| Recovery of pecuniary loss from pay or security. | Category I, Category II, III and IV | (i) Secretary (ii) Any officer of Category I or II authorised for the purpose by the Secretary. Committee of Management (i) Secretary (ii) Any officer of Category I, authorised for the purpose. | Registrar, (Co-operative Societies Uttar Pradesh). Chairman Secretary. |
|--|-------------------------------------|---|--|

[Regulations 104 and 105 inserted by Notification No. 432/XII-6-2-85-77, dated 17th May, 1983.]