

# The U.P. Excise Group 'A' Service Rules, 1983

UTTAR PRADESH

India

## The U.P. Excise Group 'A' Service Rules, 1983

### Rule THE-U-P-EXCISE-GROUP-A-SERVICE-RULES-1983 of 1983

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## Part I – General

### 1. Short title and commencement.

(1) These rules may be called the Uttar Pradesh Excise Group 'A' Service Rules, 1983. (2) They shall come into force at once.

### 2. Status of the service.

- The Uttar Pradesh Excise Group 'A' Service is a State service comprising Group 'A' posts.

### 3. Definitions.

- In this rules unless there is anything repugnant in 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)"Constitution" means the Constitution of India;(d)"Government" means the State Government of Uttar Pradesh;(e)"Governor" means the Governor of Uttar Pradesh;(f)"Member of the Service" means a persons 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;(g)"Service" means the Uttar Pradesh Excise Group 'A' Service;(h)"Substantive appointment" means an appointment, not being an ad hoc appointment on a post in the cadre of the service after selection in accordance with the rules and, if there are no rules, in accordance, with the procedure prescribed for the time being by executive instructions issued by the Government;(i)"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 shall be such as may be determined by the Government from time to time.(2)The strength of the service shall, until orders varying the same are passed under sub-rule (1), be as follows :

Name of the post	Number of posts	
Permanent	Temporary	
Joint Excise Commissioner	-	6
Deputy Excise Commissioner	11	6

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

## Part III – Recruitment

### 5. [ Source of recruitment. [Substituted by Notification No. 3204-E/1-XII-65-92, dated 31st August, 1992.]

(1)Recruitment to the post of Joint Excise Commissioner shall be made by promotion from amongst substantively appointed Deputy Excise Commissioners who have completed three years service as such on the first day of the year of recruitment :Provided that if sufficient number of candidates do not come in the field of eligibility, the period of qualifying service may be suitably relaxed by the Government.(2)Recruitment to the post of Deputy Excise Commissioner shall be made by promotion from amongst substantively appointed Assistant Excise Commissioners and Technical Officers who have completed two years service as such, on their respective posts, on the first day of the year of recruitment.]

### 6. Reservations.

- Reservation for the candidates belonging to 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 – Procedure for Recruitment

## **7. Determination of vacancies.**

- The appointing authority shall determine the number of vacancies to be filled during the course of the year as also the number of vacancies, if any, to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under rules 6.

## **8. [ Procedure for recruitment. [Substituted by the U.P. Excise Group 'A' Service (Second Amendment) Rules, 1990.]**

(1)For the purpose of recruitment to the posts in the service, there shall be constituted a Selection Committee comprising-(i)the Secretary to the government in the Excise Department,(ii)the Secretary to Government in the Personnel Department, and(iii)the Excise Commissioner, Uttar Pradesh. The Senior Secretary shall be the Chairman of the Selection Committee.(2)Recruitment by promotion shall be made on the basis of merit through the selection committee constituted under sub-rule (1).(3)The appointing authority shall prepare eligibility list of the candidates in accordance with the Uttar Pradesh Promotion by Selection (on Posts Outside the Perview of the Public Service Commission) Eligibility List Rules, 1986, and place it before the Selection Committee along with their character rolls and such other records pertaining to them as may be considered necessary.Note. - For the purpose of promotion to the post of Deputy Excise Commissioner, under rule 5 (2), a combined eligibility list shall be prepared by arranging the names of Assistant Excise Commissioners and, Technical Officer in order of seniority as determined by the dates of their substantive appointment.(4)The Selection Committee shall consider the cases of candidates on the basis of records referred to in sub-rule (3) and, if it considers necessary, it may, interview the candidates also.(5)The Selection Committee shall prepare a list of selected candidates in accordance with the orders of the Government in force at the time of recruitment and forward the same to the appointing authority.]

## **Part V – Appointment, Probation, Confirmation and Seniority**

### **9. [ Appointment. [Substituted by U.P. Excise Group 'A' Service (Amendment) Rules, 1984 and then by U.P. Excise Group 'A' Service (Second Amendment) Rules, 1990.]**

(1)The appointing authority shall make appointment by taking the names of the candidates in the order in which they stand in the list prepared under sub-rule (5) of rule 8.(2)If more than one orders 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 it stood in the cadre from which they are promoted.(3)[Omitted].

### **10. Probation.**

(1)A person on appointment to a post or service in or against a permanent vacancy shall be placed

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

## **11. Confirmation.**

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

## **12. Seniority.**

- Except as hereinafter provided, the seniority of persons in the service shall be determined from the date of the orders of substantive appointment and if two or more persons are appointed together, by the order in which their names are arranged in the appointment order :Provided that if the appointment order specifies a particular back date with effect from which a person is substantively appointed that date will be deemed to be the date of order of substantive appointment and, in another case, it will mean the date of issue of the order :Provided further that, if more than one order of appointment are issued in respect of any one selection the seniority shall be as mentioned in the combined order or appointment issued under sub-rule (2) of rule 9 :Provided also that where the list prepared under sub-rule (6) of rule 8, in respect of anyone selection, contains the name from both the cadre namely Technical Officer and Assistant Excise Commissioner the seniority inter se of persons selected shall be determined from the date of substantive appointments in the irrespective cadres.

## **Part VI – Pay etc.**

### **13. [ Scales of pay. [Substituted by U.P. Excise Group 'A' Service (Second Amendment) Rules, 1990.]**

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

are as follows :

Name of Post	Scale of pay*
(1) Joint Excise Commissioner	.. 3,200-100-3,500-125-4,875
(2) Deputy Excise Commissioner	.. 3,000-100-3,500-125-4,500]

\*For Latest Pay Scale, please see current G.O.

#### **14. Pay during probation.**

(1)The pay during probation of persons 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.(2)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.

#### **15. Criterion for crossing efficiency bar.**

- No person shall be allowed to cross the efficiency bar unless he has worked diligently and his work and conduct are found to be satisfactory and unless his integrity is certified.

### **Part VII – Other Provisions**

#### **16. Canvassing.**

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

#### **17. 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.

#### **18. Relaxation from the conditions of service.**

- Where the State Government is satisfied that the operation of any rules 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.

## **19. 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 person in accordance with the orders of the Government issued from time to time in this regard.