

The U.P. Superintendent of Excise Service Rules, 1987

UTTAR PRADESH

India

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Rule

THE-U-P-SUPERINTENDENT-OF-EXCISE-SERVICE-RULES-1987 of 1987

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The U.P. Superintendent of Excise Service Rules, 1987Published vide Notification No. 523-E-1/13-127(5)-83, dated February 25, 1987In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing orders on the subject, the Governor is pleased to make the following rules regulating recruitment and the conditions of service of persons appointed to the Uttar Pradesh Superintendents of Excise Service.

Part I – General

1. Short title and commencement.

(1)These rules may be called "The Uttar Pradesh Superintendents of Excise Service Rules, 1987."(2)They shall be deemed to have come into force with effect from July 1, 1979.

2. Status of the service.

- The Uttar Pradesh Superintendents of Excise Service comprises Group 'B' posts.

3. Definitions.

- In these rules unless there is anything repugnant in the subject or context-(a)"Appointing authority" means the Excise Commissioner, Uttar Pradesh;(b)"Constitution" means the Constitution of India;(c)"Commission" means the Public Service Commission, Uttar Pradesh;(d)"Commissioner" means the Excise Commissioner, Uttar Pradesh;(e)"Government" means the State Government of

Uttar Pmdesh;(f)"Governor" means the Governor of Uttar Pradesh;(g)"Member of the Service" means a person substantively appointed under these rules or the rules or orders in force prior to the commencement of these rules to a post in the cadre of the Service;(h)"service" means the Uttar Pradesh Superintendents of Excise Service;(i)"Substantive Appointment" means an appointment, not being an ad hoc appointment on a post in the cadre of the service made after selection in accordance with the rules and, if there are no rules, in accordance with the procedure prescribed for time being by executive instructions issued by the Government;(j)"Year of recruitment" means a period of twelve months commencing from the first day of July of 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
Permanent	Temporary

Superintendents of Excise 44 out of which 5 posts are in abeyance.

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

Part III – Recruitment

5. Source of recruitment.

- Recruitment to the posts in the service shall be made by promotion from amongst permanent Excise Inspectors who have put in at least ten years of service as such on the first day of July 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 the recruitment.

Part IV – Procedure for recruitment

7. Determination of vacancies.

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

8. Procedure for recruitment by promotion.

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

Part V – Appointment, Probation, Confirmation and Seniority

9. Appointment.

(1) On the occurrence of substantive vacancies in the service, the appointing authority shall make appointment from the list of the candidates selected in accordance with the procedure laid down in 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) The appointing authority may make appointments in temporary or officiating capacity also from the lists referred in sub-rule (1). If no candidate borne on the list is available, he may make appointments in such form amongst persons eligible for appointment under these rules. Such appointment shall not last for a period exceeding one year or beyond the next selection under these rules, whichever be earlier, and the provisions of Regulation 5 (a) of the U. P. Public Service Commission (Limitation of Functions) Regulations, 1954, shall apply.

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 upto 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 circumstance 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 the post on which he holds lien. (4) A probationer who is reverted 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 is 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.

(1)Except as hereinafter provided, the seniority of persons in the service shall be determined from the date of the order of substantive appointment and if two or more persons are appointed together, by the order in which their names are arranged in the appointment order :Provided that if the appointment order specifies a particular back date with effect from which a person is substantively appointed that date will be deemed to be the date of order of substantive appointment and, in other case, it will mean the date of issue of the order :Provided further that, if more than one orders of appointment are issued in respect of any one selection the seniority shall be as mentioned in the combined order of appointment issued under sub-rule (2) of rule 9.

Part VI – Pay etc.

13. Scale of pay.

(1)The scale of pay admissible to persons appointed to posts in the service, whether in a substantive or officiating capacity or as a temporary measure, shall be such as may be determined by the Government from time to time.(2)The scale of [pay] [For Latest Pay Scale, please see current G.O.] at the time of the commencement of these rules is Rs. 690-40-970-E.B.-40 1.050-50-1,200-E.B.-50-1,300-60-1,420.

14. Pay during probation.

(1)The pay during probation of persons who have already been 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 person already in permanent Government service shall be regulated by the relevant rules, applicable to Government servants generally serving in connection with the affairs of the State.

15. Criterion for crossing efficiency bar.

- No person shall be allowed to cross-(i)the first efficiency bar unless his work and conduct is found to be satisfactory and unless his integrity is certified, and(ii)the second efficiency bar unless he has worked diligently and to the best of his ability, his work and conduct is found to be satisfactory and unless his integrity is satisfied.

Part VII – Other Provisions

16. Canvassing.

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

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 rule regulating the conditions of service of persons appointed to the service causes undue hardship in any particular case, it may, notwithstanding anything contained in the rules applicable to the case, by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as may consider it necessary for dealing with the case in a just and equitable manner :Provided that the Commission shall be consulted before the requirements of any rule are dispensed with or relaxed.

19. Savings.

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