

U.P. Minor Irrigation Department (Special Equipment) Mechanic Service Rules, 1992

UTTAR PRADESH

India

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Rule

U-P-MINOR-IRRIGATION-DEPARTMENT-SPECIAL-EQUIPMENT-MECH of 1992

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U.P. Minor Irrigation Department (Special Equipment) Mechanic Service Rules, 1992Published vide Notification No. 3073/54-2-863-90, dated 14th July, 1992In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating recruitment and the conditions of Service of persons appointed to the Uttar Pradesh Minor Irrigation Department (Special Equipment) Mechanic Service :

Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Minor Irrigation Department (Special Equipment) Mechanic Service Rules, 1992.(2)They shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Minor Irrigation Department (Special Equipment) Mechanic Service is a non-Gazetted service comprising Group "C" posts.

3. Definitions.

- In these rules, unless anything repugnant in the subject or context,-(a)"Appointing authority" in respect of the posts of Mechanic, Driller (Heavy Rig), Mechanic (Workshop) and Operator means Chief Engineer and in respect of the posts of Air Compressor Driver, Air Compressor-cum-Truck-Tractor Driver, Mechanical Supervisor, Mechanic (Electrical), Mechanic (Diesel), Mechanic (Mechanical), Driller (in Well Rig), Driller, Assistant Driller, Blaster, Electrician-cum-Welder, Mechanic-cum-Fitter, Fitter-cum-Electrician and Welder-cum-Operator means Personal Assistant to Chief Engineer;(b)"Chief Engineer" means the Chief Engineer, Minor Irrigation Department, Uttar Pradesh;(c)"Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution;(d)"Constitution" means the Constitution of India;(e)"Government" means the State Government of Uttar Pradesh;(f)"Governor" means the Governor of Uttar Pradesh;(g)"Member of the Service" means a person substantively appointed under these rules or under the rules and 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 Minor Irrigation Department (Special Equipment) Mechanic Service;(i)"Substantive appointment" means an appointment, not being an ad hoc appointment, on a post in the cadre of the Service, and 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;(j)"Year of recruitment" means a period of twelve months commencing from the first day of July of a calendar year.

Part II – Cadre

4. Cadre of Service.

(1)The strength of the Service and of each category of posts therein shall be such as may be determined by the Government from time to time.(2)The strength of the Service and of each category of posts therein shall, until orders varying the same are passed under sub-rule (1), be as given in the Appendix :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 various categories of posts in the Service shall be made from the following sources :

(1) Mechanic

... By promotion from amongst substantively appointed Mechanic(Workshop) and Operators who have completed three years' and fiveyears' Service respectively, as such, on the first day of theyear of

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| | recruitment. |
| (2) Mechanic (workshop) | By promotion from amongst substantively appointed ... Operators who have completed three years' Service, as such, on the first day of the year of recruitment. |
| (3) Operator | By promotion from amongst substantively appointed Mechanical Supervisor, Mechanic (Electrical), Mechanic ... (Diesel) Mechanic and Mechanic (Mechanical) who have completed five years Service, as such, on the first day of the year of recruitment. |
| (4) Mechanical Supervisor | (i) 67% by direct recruitment; and (ii) 33% by promotion from amongst substantively appointed Electrician-cum-Welder, Mechanic-cum-Fitter, Fitter-cum-Electrician, and Welder-cum-Operator who have completed three years' Service, as such, on the first day of the year of recruitment: |
| (5) Mechanic (Electrical) | |
| (6) Mechanic (Mechanical) | |
| (7) Mechanic (Diesel) | |
| (8) Mechanic | Provided that if no suitable person is available ... for promotion, the post may be filled by direct recruitment. |
| (9) Electrician-cum-Welder | ... By direct recruitment. |
| (10) Mechanic-cum-Fitter | |
| (11) Fitter-cum-Electrician | |
| (12) Welder-cum-Operator | |
| (13) Driller (Heavy Rig) | By promotion from amongst substantively appointed Air Compressor, Driver and Air ... Compressor-cum-Truck/ Tractor Driver who have completed seven years Service, as such, on the first day of the year of recruitment. |
| (14) Air Compressor Driver. | By promotion from amongst substantively appointed Driller, Assistant Driller and Blaster who have completed three years Service as such, on the first day of ... the year of recruitment and who also possessed a valid driving licence for heavy vehicle for the period of not less than three years preceding the first day of the year of recruitment. |
| Air | |
| (15) Compressor-cum-Truck/Tractor Driver | |

- (16) Driller (in Well Rig) ... By direct recruitment.
(17) Driller
(18) Assistant Driller
(19) Blaster

6. Reservation.

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

Part IV – Qualification

7. Nationality.

- A candidate for direct recruitment to a post in the Service must be-(a)a citizen of India; or(b)a Tibetan refugee who came over to India before 1st January, 1962 with the intention of permanently settling in India; or(c)A person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:Provided that a candidate belonging to category (b) or (c) above must be a person in whose favour a certificate of eligibility has been issued by the State Government:Provided further that a candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh:Provided also that if a candidate belongs to category (c) above, no certificate of eligibility will be issued for a period of more than one year and the retention of such a candidate in Service beyond the period of one year shall be subject to his acquiring Indian citizenship.Note. - A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an examination or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

8. Academic qualifications.

- A candidate for direct recruitment to the various posts in the Service must possess the following qualifications :

Post	Qualification
(1) Mechanical (Supervisor)(2) Mechanic (Electrical)(3) Mechanic (Mechanical)(4) Mechanic (Diesel)(5) Mechanic	... (1) Must have passed High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the Government as equivalent thereto.(2) Must possess a Certificate in the requisite trade from an Industrial Training Institute recognised by the Government.(3) Must possess one year experience of

working in the trade either in a Government Department or a semi-Government Organisation or in a Local Authority or a Corporation or Body owned or controlled by the Union Government or a State Government.

(6) Electrician-cum-Welder(7)
Mechanic-cum-Fitter(8)
Fitter-cum-Electrician(9)
Welder-cum-Operator

(1) Must have passed High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the Government as equivalent thereto. (2) Must possess a Certificate in the trade of Machinist or Fitter or Motor Mechanics or Tractor Mechanic or Lathe Work or Welding or Internal Combustion Engine or Electrician from an Industrial Training Institute recognised by the Government.

(10) Driller (in Well Rig.)(11)
Driller(12) Assistant Driller(13)
Blaster

(1) Must have passed High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the Government as equivalent thereto. (2) Must possess a Certificate in the trade of Electrician or Fitter or Smith or Machinist or Internal Combustion Training Institute recognised by the Government.

9. Preferential qualification.

- A candidate who has-(1)served in the Territorial Army for a minimum period of two years; or(2)obtained a 'B' certificate of National Cadet Corps,shall, other things being equal, be given preference in the matter of direct recruitment.

10. Age.

- A candidate for direct recruitment must have attained the age of twenty-one years and must not have attained the age of thirty-two years on the first day of July of the calendar year in which vacancies are notified under Rule 14 :Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and such other categories as may be notified by the Government from time to time, shall be greater by such number of years as may be specified.

11. Character.

- The character of a candidate for direct recruitment to a post in the Service must be such as to render him suitable in all respects for employment in Government Service. The appointing authority shall satisfy itself on this point. Note. - Persons dismissed by the Union Government or a State Government or by a Local Authority or a Corporation or Body owned or controlled by the Union Government or a State Government, shall be ineligible for appointment to any post in the Service.

Persons convicted of an offence involving moral turpitude shall also be ineligible.

12. Marital status.

- A male candidate who has more than one wife living or a female candidate who has married a man already having a wife living shall not be eligible for appointment to a post in the Service :Provided that the Government may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

13. Physical fitness.

- No candidate shall be appointed to a post in the Service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment, he shall be required to submit a Medical Certificate of fitness in accordance with the rules framed under Fundamental Rule 10, contained in Chapter III of the Financial Hand-Book Volume II, Part III :Provided that a Medical Certificate of fitness shall not be required from a candidate recruited by promotion.

Part V – Procedure for Recruitment

14. Determination of vacancies.

- The appointing authority shall determine the number of vacancies to be filled during the course of the year, as also, the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6. The vacancies for direct recruitment shall be notified to the Employment Exchange. The appointing authority may also invite application directly from the persons who have their names registered in the Employment Exchange. For this purpose, the appointing authority shall issue an advertisement in local daily newspaper besides pasting the notice for the same on the notice board. All such applications shall be placed before the Selection Committee.

15. Procedure for direct recruitment.

(1) For the purpose of direct recruitment there shall be constituted a Selection Committee constituted as follows:

- | | | |
|------|--|--------------|
| (i) | Appointing authority | ... Chairman |
| | An officer belonging to the Scheduled Castes or Scheduled Tribes, nominated by the District Magistrate, if the appointing authority does not belong to Scheduled | |
| (ii) | Castes or Scheduled Tribes. If the appointing authority belongs to Scheduled | ... Member |
| | Castes or Scheduled Tribes, an officer belonging to Scheduled Castes or Scheduled Tribes, to be nominated by the District Magistrate. | |

- (iii) Two officers nominated by the appointing authority, one of whom shall be an officer belonging to minority community and the other of backward class. If such suitable officers are not available in his department or organisation, such suitable officers shall on the request of the appointing authority be nominated by the District Magistrate and on his failure to do so, by reason of non-availability of suitable officers, such officers shall be nominated by the Divisional Commissioner. ... Member

(2) The Committee shall scrutinize the applications and shall, having regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 6, call for interview such number of candidates who fulfil the requisite qualifications as they consider proper. (3) The Selection Committee shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the interview. If two or more candidates obtain equal marks, the Committee shall arrange their names in order of merit on the basis of their general suitability to the Service. The number of the names in the list shall be larger (but not larger by more than 25 per cent) than the number of vacancies. The Selection Committee shall forward the list to the appointing authority.

16. Procedure for recruitment by promotion.

(1) Recruitment by promotion shall be made on the basis of seniority subject to the rejection of unfit through the Selection Committee comprising-

- (i) Appointing Authority ... Chairman
(ii) Two officers nominated by the appointing authority ... Members

(2) The appointing authority shall prepare eligibility lists of the candidates in accordance with the Uttar Pradesh Promotion by Selection (on Posts Outside the Purview of the Public Service Commission) Eligibility List Rules, 1986 and place the same before the Selection Committee along with their character rolls and such other records pertaining to them, as may be considered proper : Provided that where there are two or more feeding cadres-(a) the names of the candidates shall be arranged in the eligibility list in order of the date of their substantive appointment in their respective cadres; (b) if the date of their substantive appointment in the feeding cadre are the same, the candidates belonging to the cadre bearing higher pay scale shall be placed higher in the eligibility list. (3) The Selection Committee shall consider the cases of the candidates on the basis of the records, referred to in sub-rule (2), and if it considers necessary, it may interview the candidates also. (4) The Selection Committee shall prepare a list of selected candidates arranged in order of seniority as it stood in the cadre from which they are to be promoted and forward the same to the appointing authority.

17. Combined select list.

- If, in any year of recruitment, appointments are made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of the candidates from the relevant lists, in such manner that the prescribed percentage is maintained, the first name in the list being of the person appointed by promotion.

Part VI – Appointment, Probation, Confirmation and Seniority

18. Appointment.

(1) Subject to the provisions of sub-rule (2), the appointing authority shall make appointments by taking the names of candidates in the order in which they stand in the lists prepared under Rule 15, 16 or 17, as the case may be. (2) Where, in any year of recruitment, appointments are to be made both by direct recruitment and by promotion, regular appointments shall not be made unless selections are made from both the sources and a combined list is prepared in accordance with Rule 17. (3) If more than one order of appointment are issued in respect of any one selection, a combined order shall also be issued, mentioning the names of the persons in order of seniority as determined in the selection or, as the case may be, as it stood in the cadre from which they are promoted. If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the cyclic order referred to in Rule 17.

19. Probation.

(1) A person on substantive appointment to a post in the Service shall be placed on probation for a period of two years. (2) The appointing authority may, for reasons to be recorded, extend the period of probation in individual cases, specifying the date up to which the extension is made: 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 his substantive post, if any, and if he does not hold a lien on any posts, his services may be dispensed with. (4) A probationer who is reverted or whose Service are dispensed with under sub-rule (3) shall not be entitled to any compensation. (5) The appointing authority may allow continuous Service, rendered in a post included in the cadre of any other equivalent or higher post, to be taken into account for the purpose of computing the period of probation.

20. Confirmation.

(1) Subject to the provisions of sub-rule (2), a probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation, if—(a) he has undergone the training successfully and passed departmental examination, if any; (b) his work and conduct is reported to be satisfactory; (c) his integrity is certified; (d) the appointing authority is satisfied that he is otherwise fit for confirmation. (2) Where, in accordance with the provisions of the Uttar Pradesh State Government Servants' Confirmation Rules, 1991, confirmation is not necessary, the order under sub-rule (3) of Rule 5 of those rules declaring that the person concerned has successfully completed the probation, shall be deemed to be the order of confirmation.

21. Seniority.

- Except as hereinafter provided, the seniority of persons substantively appointed in any category of posts shall be determined in accordance with the Uttar Pradesh Government Servants' Seniority Rules, 1991, as amended from time to time.

Part VII – Pay etc.

22. Scale of pay.

(1)The scale of pay admissible to persons appointed to a post in the Service shall be such as may be determined by the Government from time to time.(2)The scales of pay at the time of the commencement of these rules are given in the Appendix.

23. Pay during probation.

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

24. Criteria for crossing efficiency bar.

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

Part VIII – Other Provisions

25. Canvassing.

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

26. Regulation of other matters.

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

27. Relaxation in the conditions of Service.

- Where the State Government is satisfied that the application of any rule regulating the conditions of Service of person 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 such conditions as it may consider necessary for dealing with the case in a just and equitable manner.

28. Savings.

- Nothing in these rules shall affect reservations and other concessions required to be provided for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders of the Government issued from time to time in this regard. Appendix [See Rules 4(2) and 22(2)]

Sl. No.	Name of post	No. of posts	Scales of pay		
Permanent	Temporary	Total			
1	2	3	4	5	6
1.	Mechanic	9	-	9	1400-40-1800-E.B.-50-2,300.
2.	Driller (Heavy Rig)	24	-	24	1,400-40-1,800-E.B.-50-2,300.
3.	Mechanic (Workshop)	1	4	5	1,350-30-1,440-40-1,800-E.B.-50-2200.
4.	Operator	-	47	47	1,200-30-1,560-E.B.-40-2,040.
5.	Air Compressor Driver	16	2	18	975-25-1,150-E.B.-30-1,660.
6.	Air Compressor-cum-Truck/Tractor Driver	55	19	74	975-25-1,150-E. B.-25-1,600.
7.	Mechanical Supervisor	14	-	14	975-25-1,150-E. B.-30-1,660.
8.	Mechanic (Electrician)	1	-	1	975-25-1,150-E. B.-30-1,660.
9.	Mechanic (Diesel)	1	-	1	975-25-1,150-E.B.-30-1,660.
10.	Mechanic	2	-	2	975-25-1,150-E.B.-30-1,660.
11.	Mechanic (Mechanical)	114	-	114	975-25-1,150-E.B.-30-1,660.
12.	Driller (in Well Rig)	40	2	42	950-20-1,150-E.B.-25-1,500.
13.	Driller	12	-	12	950-20-1,150-E.B.-25-1,500.

14.	Assistant Driller	-	22	22	950-20-1,150-E.B.-25-1,500.
15.	Blaster	49	-	49	950-20-1,150-E.B.-25-1,500.
16.	Electrician-cum-Welder	-	2	2	950-20-1,150-E.B.-25-1,500.
17.	Mechanic-cum-Fitter	-	2	2	950-20-1,150-E.B.-25-1,500.
18.	Fitter-cum-Electrician	2	-	2	950-20-1,150-E.B.-25-1,500.
19.	Welder-cum-Operator	12	3	15	950-20-1,150-E.B.-25-1,500.