

The U.P. Cane Development Department Ministerial Service Rules, 1978

UTTAR PRADESH

India

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Rule

THE-U-P-CANE-DEVELOPMENT-DEPARTMENT-MINISTERIAL-SERVICE of 1978

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The U.P. Cane Development Department Ministerial Service Rules, 1978Published vide Notification No. 3768-CD/46-28 (117)-72, dated December 1, 1978, published in U.P. Gazette, Part 1-(ka) dated 17th February, 1979In 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 above rules, regulating recruitment to posts in, and condition of service of, persons appointed to the Uttar Pradesh Cane development Department Ministerial Service.

Part I – General

1. Short title and commencement.

(1)These rules may be called The Uttar Pradesh Cane Development Department Ministerial Service Rules, 1978.(2)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Cane Development Department Ministerial Service is a subordinate service comprising Group 'C' posts.

3. Definitions.

- In these rules unless there is anything repugnant in the subject or context-(a)'appointing authority' in respect of the post of Junior Clerk-cum Typist:(i)in the district, means the Regional Deputy-joint Cane Commissioners,(ii)at the Headquarters of the Cane Commissioner means the Deputy/Joint/Additional Cane Commissioner (Administration) and, in respect of other posts in the service, means the Cane Commissioner;(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)'Cane Commissioner' means the officer holding the post of the Cane Commissioner, Uttar Pradesh or such other officer to whom powers as such may be delegated by the Government;(e)'Government' means the Governor of Uttar Pradesh;(f)'Governor' means the Governor of Uttar Pradesh;(g)'member of the service' means a person appointed in a substantive capacity, under the provisions of these rules or 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 Cane Development department Ministerial Service;(i)'year of recruitment' means the period of twelve months commencing from the first day of July of a Calendar year.

Part II – Cadre

4. Strength of service.

(1)The strength of the service and of each category of posts therein shall be such as may be determined by the Governor from time to time..(2)The strength of the service and of each category of posts therein shall, until orders varying the same have been passed under sub-rule (1), be as specified in Appendix 'A' to these rules:Provided that-(i)the appointing authority may leave unfilled or the Governor may hold in advance any vacant post without thereby entitling any person to compensation, and(ii)the Governor may create such additional permanent and temporary posts from time to time as may be found necessary.

Part III – Recruitment

5. Source of recruitment.

- Recruitment to the various posts in the service shall be made from the following sources:

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| (i) Head Assistants (at Headquarters) | By promotion on the basis of seniority subject to the rejection of the unfit from amongst the permanent Accountants/Range Accountants. |
| (ii) Accountant (at Headquarters) and Range Accountant. | (i) By direct recruitment.(ii) By promotion on the basis of seniority subject to the rejection of unfit from amongst permanent Section Incharges and permanent Headclerks: Provided that the recruitment shall be so arranged that- |

- (1) as far as possible, 50 per cent posts incadre are held by the direct recruits and rest by promotees.
- (2) in the promotion quota 35 per cent vacanciesare filled from amongst Head Clerks and 15 per cent from amongstSection Incharges:
- Provided further that, if suitable sectionincharges are not available, the field of eligibility may beextended to include permanent Senior Noter and Drafters.
- (iii) Section Incharges (at Headquarters) By promotion on the basis of seniority subjectto the rejection of the unfit from amongst the permanent seniorNoter and Drafters.
- (iv) Senior Noter and Drafters (at Headquarters) By promotion on the basis of seniority subjectto the rejection of the unfit from amongst the permanent JuniorNoter and Drafters:
- Provided that if suitable permanent Junior Noterand Drafters are not available for promotion, the field ofeligibility may be extended to include Junior Clerks-cum-Typistsat the the Headquarters.
- (v) Junior Noter and Drafters (at Headquarters) By promotion on the basis of seniority subjectto the rejection of the unfit from amongst the permanent JuniorClerks-cum -Typists at the Headquarters:
- Provided that if suitable permanent JuniorClerks-cum-Typists are not available for promotion, the field ofeligibility may be extended to include Junior Clerks-cum-Typistsin the District.
- (vi) Junior Clerks-cum-Typists (both at Headquarters and districts)and Paid Apprentices. By direct recruitment in accordance with theSubordinate Offices' Ministerial Staff (Direct Recruitment)Rules, 1975:
- Provided that Paid Apprentices already recruitedand working satisfactorily shall be absorbed before directrecruitment is made to the posts of Junior Clerk-cum-Typists atthe Headquarters.
- (vii) Head Clerks; (Districts) By promotion on the basis of seniority subjectto rejection of the unfit from amongst the permanent SeniorClerks.
- (viii) Senior Clerks (Districts) By promotion on the basis of seniority subjectto the rejection of the unfit from amongst the permanent JuniorClerks-cum -Typists.
- (ix) (a) Stenographer to Cane Commissioner By promotion on the basis of seniority subjectto the rejection of the unfit from amongst the permanentStenographers.
- (b) Stenographers to other officers By direct recruitment.

6. Reservation of Scheduled Castes/Scheduled Tribes, etc.

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

Part IV – Qualifications

7. Nationality.

- No person shall be appointed to the service by direct recruitment unless he is-(a)a citizen of India; or(b)a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India; or(c)a person of Indian origin who has migrated from Pakistan, Burma, Ceylon 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 shall 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 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 may be admitted to an examination or interview conducted by the recruiting authority and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

8. Age.

- A candidate for appointment to the post of Paid Apprentice, Junior Clerk-cum-Typists must be within the age limit prescribed in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975.(2)A candidate for direct recruitment to the posts in the Service, other than the posts of Paid Apprentice and Junior Clerk-cum-Typists, must have attained the age of 21 years and must not have attained the age of more than 27 years on January 1st of the year in which recruitment is to be made, if the posts are advertised during the period January 1 to June 30, and on July 1, if the posts are advertised during the period July 1 to December 31:Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and such other categories, as notified by the Government from time to time, shall be greater by such number of years as may be specified.

9. Academic Qualifications.

- A candidate for direct recruitment to the various posts in the service must possess the following qualifications: Name of post Minimum qualifications Preferential qualifications:

Name of post	Minimum qualifications	Preferential qualifications
1 Accountants and Range Accountants.	(i) Must have passed Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the Governor as equivalent thereto, (ii) Must have passed the Division Test Examination conducted by the Accountant-General, U.P.	Experience of accounts work in Government Offices for three years.
2 Junior Clerk-cum-Typist/Paid Apprentices.	The same as laid down in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975.	
3 Stenographers	(i) Must have passed Intermediate Examination of the Board of High and Intermediate Education, U.P. or an examination recognised by the Governors as equivalent thereto (ii) Must have minimum speed of 80 words and 25 words per minute in Hindi Short-hand and typewriting respectively	Knowledge of English Shorthand and typewriting.

10. Preferential Qualifications.

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

11. Character.

- The character of a candidate for direct recruitment to the service must be such as to render him suitable in all respect for employment in the service. It shall be the duty of the appointing authority to satisfy itself on this point. Note. - Persons dismissed by the Union Government or State Government or by a Local Authority or by any Body, Corporation or undertaking owned or controlled by the Union Government or a State Government, shall be ineligible for appointment to the Service. Persons convicted of an offence involving moral turpitude shall also be ineligible.

12. Physical Fitness.

- No persons shall be appointed as a member of 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 as a member of the service. Before a candidate, selected by direct recruitment, is finally approved for appointment to the service, he shall be required, to produce a medical certificate of fitness in accordance with the provisions of the rules framed under the Fundamental Rule 10, contained in Chapter III of the Financial Hand Book, Volume II, Parts II-IV: Provided that the medical certificate of fitness shall not be required from a candidate recruited by promotion.

13. Marital Status.

- No male candidate who has more than one wife living or a female candidate who has married a man already having a wife living shall be eligible for appointment to the service: Provided that the Governor may, if satisfied that there are special grounds for doing so, exempt any persons from the operation of this rule.

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 and also the number of vacancies to be reserved for persons belonging to the Scheduled Castes, Scheduled Tribes and other categories under Rule 6. The vacancies in the posts to be filled in accordance with the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975 shall be intimated to the Secretary, District Selection Committee and the other vacancies, to be filled by direct recruitment, shall be notified to the Employment Exchange.

15. Procedure for direct recruitment to the post of Accountant/Range Accountant.

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

1. Additional Sugar Commissioner.

2. Additional/Joint/Deputy Cane Commissioner (Administration).

3. Joint/Deputy Cane Commissioner to be nominated by the Cane Commissioner.

(2) The selection committee shall scrutinize the applications and require the eligible candidates to appear in an interview. (3) The selection committee shall prepare a list of candidates in order of merit, as disclosed by marks obtained by them in the interview. If two or more candidates obtain equal marks, the selection committee shall arrange their names in order of merit on the basis of their general suitability for the post. The number of names in the list shall be longer (but not longer by more than 25 per cent) than the number of vacancies.

16. Procedure for direct recruitment to the post of Stenographer.

(1) For the purpose of making recruitment a Selection Committee shall be constituted comprising:

1. Additional Sugar Commissioner.

2. Additional/Joint/Deputy Cane Commissioner (Administration).

3. Additional/Joint/Deputy Cane Commissioner to be nominated by the Cane Commissioner.

Note. - The Senior most Officer preside over the meeting of the Selection Committee.(2)The Selection Committee shall scrutinize the applications and require the eligible candidates to appear in a competitive examination as prescribed by the Government from time to time.Note. - The Syllabus for Competitive examination is given in Appendix 'B'.(3)After the marks obtained by the candidates in the written test have been tabulated, the Selection Committee shall, having regard to the need for securing due representation of the candidates belonging to Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 6, call for interview such number of candidates as, on the result of the written examination, have come up to the standard fixed by the Committee in this respect. The marks awarded to each candidate in the interview shall be added to the marks obtained by him in the written test.(4)The Selection Committee shall prepare a list of candidates in order of merit, as disclosed by aggregate of marks obtained by them in the written test and interview. If two or more candidates obtain equal marks, the candidate obtaining higher marks in the written test shall be placed higher. The number of names in the list shall be longer (but not larger by more than 25 per cent) than the number of vacancies.

17. Procedure for recruitment of Junior Clerk-cum-Typist and Paid Apprentice.

- Recruitment to the post of Junior Clerk-cum-Typist and Paid Apprentice shall be made in accordance with the provisions of Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975 and promotion from Paid Apprentices to the post of Junior Clerk-cum-Typist.

18. 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 constituted under Rule 15.(2)The appointing authority shall prepare an eligibility list of candidates, arranged in order of seniority, and place it before the Selection Committee along with their character rolls and such other records, pertaining to them, as may be considered proper.(3)The Selection Committee shall consider the cases of candidates on the basis of 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 and forward the same to the appointing authority.

19. Combined selection list.

- In case recruitment to a post is to be made both by promotion as well as by direct recruitment, a combined select list will be prepared by taking candidates alternately, the first name being from the list of promoted candidates.

Part VI – Appointment, Probation, Confirmation and Seniority

20. Appointment.

(1) On the occurrence of substantive vacancies, the appointing authority shall make appointment by taking candidates in the order in which they stand in the list prepared under Rules 15, 16, 17, 18 or 19, as the case may be. (2) The appointing authority may make appointments in temporary and officiating vacancies also from the lists, referred to in the sub-rule (1). If no candidate borne on these lists is available, he may make appointment in such vacancies from persons eligible for appointment under these rules: Provided that such appointment to the post of the Junior Clerk-cum-Typist shall not exceed six months or till the next selection whichever be earlier and, in the case of other posts in the service shall not exceed one year or till next selection.

21. Probation.

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

22. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation if he has passed the departmental examination, if any, his work and conduct is reported to be satisfactory, his integrity is certified and the appointing authority is satisfied that he is fit for confirmation.

23. Seniority.

- Seniority in any category of posts in the service shall be determined from the date of substantive appointment and if two or more persons are appointed together, from the order in which their names are arranged in the appointment order. Provided that-(i) the inter se seniority of persons directly appointed to the service shall be the same as determined at the time of selection; (ii) the inter se seniority of persons appointed to the service by promotion shall be the same as it was in the substantive post held by them at the time of promotion. Note. - A candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacancy is offered to him. The decision of the appointing authority as to the validity of the reasons will be final.

Part VII – Pay etc.

24. Scales of pay.

(1) The scales of pay of the persons appointed to the various categories of posts in the service whether substantive, temporary or in an officiating capacity shall be such as may be determined by the Government from time to time. (2) The scales of pay in force at the time of the commencement of these rules are as shown in Appendix A' to these rules.

25. Pay during probation.

(1) Notwithstanding any provision in the Fundamental Rules to the contrary, a member of the service appointed by direct recruitment, will during the period of his probation be allowed his first increment in the time scale when he has completed one year of service and his 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 the period of probation of persons appointed to the service, who held a lien on any post under the State Government shall be regulated by the relevant rules referred to Rule 27. 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.

26. Criteria for crossing efficiency Bars.

- No person shall be allowed to cross:-(1) the first efficiency bar, unless his work and conduct are found satisfactory and unless his integrity is certified; and (2) the second efficiency bar unless he is found to have worked steadily and to the best of his ability, his work and conduct are found to be satisfactory and, in the case of persons other than stenographers, has acquired adequate knowledge of office regulations and procedure, and unless his integrity is certified.

Part VIII – Other Provisions

27. Convessing.

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

28. Other conditions of service.

- In regard to matters, not specifically covered by these rules or by 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.

29. Relaxation of conditions of service.

- When the Government is satisfied that the operation of any rule regulating the conditions of service of the members of the service causes undue hardship in any particular case, it may, notwithstanding anything contained in rules applicable to the case, by order, and, in consultation with the Commission, where necessary 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 just and equitable manner.

30. Saving.

- Nothing in these rules shall effect reservation and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the order issued by the Government from time to time in this regard. Appendix 'A' (See Rules 4 and 23)

Sl.No.	Designation	Number of posts		Scale of pay	
		Permanent	Temporary	Total	
1	2	3	4	5	6
	I-(a) Headquarter Cadre:				
1.	Head Assistant	2	1	3	450-25-575-E. B.-25-700
2.	Accountants	7	1	8	350-15-500-E. B.-20-600-E.B.-25-700
3.	Section Incharge	5	...	5	320-8-324-9-360-E. B.10-440-E. B.-25-700
4.	Senior Noter and Drafter	17	1	18	280-8-296-9-350-E.B.-10-400-E. B.-12-460.
5.	Junior Noter and Drafter	18	1	19	230-6-290-E. B.-9-235-E.B.-10-385.

6.	Junior Clerk-cum-Typist	23	2	25	200-5-250-E. B.-6-280-E.B.-8-320.
7.	Paid Apprentice	...	4	4	200
	(b) Stenographers cadre:				
	Stenographer to the Head of the				
8.	Department	1	...	1	400-20-500-E.B.-20-600
	(CaneCommissioner)B.-20-600.				
9.	Stenographers to other officers	12	14	26	250-7-285-E.B.-9-375-E.B.-10-425.
	II-District Cadre:				
10.	Range Accountant	9	11	20	350-15-500-E.B.-20-600-E.B.-25-70
11.	Head Clerk	26	4	30	280-8-296-9-360-E.B.-10-440-E.B.-
12.	Senior Clerk	75	8	83	230-6-290-E. B.-9-335-E.B.-10-385.
13.	Junior Clerk-cum-Typist	317	57	374	200-5-250-E.B.-6-280-E.B.-8-320.

Appendix 'B'(See Rule 6)Syllabus for the test of stenographersThe subject of the test and the maximum marks on each subject shall be as follows:

- (1) Shorthand and typing (Hindi) ... 100 marks
- (2) Hindi Composition ... 50 marks
- (3) Interview ... 50 marks.

2. The test in shorthand will consist of dictation of a passage in Hindi for five minutes at the speed of 80 words; per minute. One hour will be allowed for transcribing and Typing the shorthand record of dictation. The passage will be selected with a view to testing the candidates not only in their speed in shorthand but also in their knowledge of good and idiomatic Hindi. No candidate will be considered to have qualified for employment whose percentage of errors exceeds 5 in the test.

3. The test in Hindi composition will be of two hours' duration. Candidates will be required to write a letter and/or an essay on a subject.