

U.P. Minor Irrigation Department Boring Technicians Service Rules, 1993

UTTAR PRADESH

India

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Rule

U-P-MINOR-IRRIGATION-DEPARTMENT-BORING-TECHNICIANS-SERVICE RULES, 1993

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U.P. Minor Irrigation Department Boring Technicians Service Rules, 1993Published vide Notification No. 1183-M I-38-4-1345-78, dated 19th October, 1993In 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 conditions of service of persons appointed to the Uttar Pradesh Minor Irrigation Department Boring Technicians Service :

Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Minor Irrigation Department Boring Technicians Service Rules, 1993.(2)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Minor Irrigation Department Boring Technicians Service is a non-Gazetted Service comprising Group 'C' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context,-(a)"Appointing authority" means the Executive Engineer, Minor Irrigation Department of the concerned divisions;(b)"Chief Engineer" means 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)"Commission" means the Uttar Pradesh Subordinate Service Selection Commission;(e)"Constitution" means the Constitution of India;(f)"Government" means the State Government of Uttar Pradesh;(g)"Governor" means the Governor of Uttar Pradesh;(h)"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;(i)"Service" means the Uttar Pradesh Minor Irrigation Department Boring Technicians Service;(j)"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 the time being by executive instructions issued by the Government;(k)"Year of recruitment" means the period of 12 months commencing from the 1st day of July of a calendar year.

Part II – Cadre

4. Cadre of service.

(1)The strength of 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 follows :

Name of post	Permanent	Temporary	Total
(i) Boring Technician	1303	500	1803
(ii) Assistant Boring Technician	1118	-	1118:

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 from time to time, 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 :
(a)Boring Technicians. - By promotion from amongst substantively appointed Assistant Boring Technicians who have completed five years' Service, as such, on the first day of the year of recruitment;
(b)Assistant Boring Technician. - By direct recruitment through the Commission.

6. Reservation.

- Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the order of the Government in force at the time of the 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 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 certificate of eligibility has been issued by the State Government:Provided further that a candidate belonging to category (b) above 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 (b) above, no certificate of eligibility will be issued for a period of more than one year and the retention of such candidate in Service beyond a 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 qualification.

- A candidate for direct recruitment to the post of Assistant Boring Technician-(i)must have passed High School Examination from the Board of High School and Intermediate Education, Uttar Pradesh or an Examination recognised by the Government as equivalent thereto;(ii)must possess-(a)a Certificate awarded by the Government Technical Centre, Gorakhpur in Tube-well Mechanic Course or a Certificate recognised by the Government as equivalent thereto; or(b)A Diploma of two years course awarded by Directorate of Employment and Training, Uttar Pradesh or Industrial Institute in any of the following Trades :(I)Mechanist.(II)Fitter.(III)Motor Mechanic.(IV)Mechanic (Internal Combustion Engine).(V)Plumber.(VI)Tool Maker.(VII)Government Technical Centre, Lal Diggi Park, Gorakhpur Tube-well Machine's Certificate Course.(VIII)Wireman.(IX)Turner.

9. Preferential qualification.

- 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.

10. Age.

- A candidate for direct recruitment must have attained the age of eighteen years and must not have attained the age of more than thirty two years on the first days of July of the calendar year in which vacancies are advertised :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 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 a Local Authority or a Corporation or Body owned or controlled by the Union Government or a State Government shall be ineligible for recruitment to 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 produce 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 Chief Engineer shall determine and intimate to the Commission the number of vacancies to be filled by direct recruitment 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.

15. Procedure for direct recruitment.

(1) Application for permission to appear in the competitive examination shall be called by the Commission in the form published in the advertisement issued by the Commission. (2) No candidate shall be admitted to the examination unless he holds Admit Card issued by the Commission. (3) After the results of the written examination have been received and tabulated, the Commission shall, having regard to need for securing the representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 6, prepare a list of candidates who have come upto the standard fixed by the Commission in this respect. (4) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate at the written examination and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain equal marks, the candidates who are senior in age shall be placed higher in the list. The number of names in the list shall be larger (but not larger by more than 25 per cent) than the number of vacancies. The Commission 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 the unfit through a Departmental Selection Committee comprising-

- (i) Appointing Authority ... Chairman
- (ii) Two officers to be nominated by the Chief Engineer ... Member

(2) The appointing authority shall prepare eligibility lists of the candidates in accordance with the Uttar Pradesh Promotion by Selection (on Post Outside the Purview of the Public Service Commission) Eligibility 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 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 as it stood in the cadre from which they are to be promoted and forward the same to the appointing authority.

Part VI – Appointment, Promotion, Confirmation and Seniority

17. 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 lists prepared under Rule 15 or 16, as the case may be. (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 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.

18. Probation.

(1) A person substantively appointed 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 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 substantive 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 on 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. (6) The Chief Engineer shall call the candidate appointed under Rule 15 for training of such duration as may be prescribed by the Government from time to time. On completion of training, a written test and interview shall be held. The candidates completing the training successfully shall be allowed to continue in Service.

19. Confirmation.

(1) Subject to the provisions of sub-rule (2), a person who is substantively appointed to a post in the Service by direct recruitment and placed on probation under Rule 18, 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. (2) Where, in accordance with the provisions of 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.

20. Seniority.

- 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.

21. Scale of pay.

(1) The scale of pay admissible to persons appointed to 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 as follows:

Name of the Post	Scale of Pay
(i) Assistant Boring Technician	... Rs. 950-20-1,150-E.B.-25-1,500.
(ii) Boring Technician	... Rs 1,200-30-1,400-E.B.-30-1,800.

22. Pay during probation.

(1) Notwithstanding any provision in the Fundamental Rule 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, has passed departmental examination and undergone training, where prescribed, and second increment after two years' of 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 generally to Government servants serving in connection with the affairs of the State.

23. Criteria for crossing efficiency bar.

- No person shall be allowed to cross the efficiency bar unless he has achieved at least 90 per cent over all boring target during the last five years, his work and conduct are satisfactory and unless his integrity is certified.

Part VII – Other Provisions

24. Canvassing.

- No recommendation, 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 candidate to enlist support directly or indirectly for his candidature will disqualify him for appointment.

25. Regulation of other matters.

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

26. Relaxation in 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 a particular case, it may, notwithstanding anything contained in the rules applicable to the case, by order, dispense with or relax the requirement 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.

27. Savings.

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