

The U.P. Prohibition (Excise) Gazetted Service Rules, 1982

UTTAR PRADESH

India

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Rule

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Part I – General

1. Short title and the date of commencement.

- (i) These rules may be called the U. P. Prohibition (Excise) Gazetted Service Rules, 1982.

2. Status of the Service.

- The Uttar Pradesh Prohibition (Excise) Gazetted Service is a Gazetted service comprising Group 'A' and Group 'B' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the 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)"Commission" means the Uttar Pradesh Public Service Commission;(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 appointed in a substantive capacity 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)"Secretary" means the Secretary to Government, Excise Department, Uttar Pradesh;(i)"Service" means the U. P. Prohibition (Excise) Gazetted 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 a period of twelve months commencing from the first day of July of calendar year.

Part II – Cadre

4. Cadre of the 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 are passed under sub-rule (1), be as given in Appendix A :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, or(ii)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 :

	By promotion through the Commission, fromamongst Deputy State Prohibition Officer and permanentProhibition and Social Uplift Officers who have put in minimum of5 years of service as Prohibition and Social Uplift
State	Officers oron higher posts on the first day of July of the year in
(i) Prohibition Officer, U. P.	whichrecruitment is made : Provided that if no suitable officer isavailable for promotion the post may be filled by transfer of anofficer of the U. P. Civil Service Executive Branch.
Deputy State	By promotion through the Commission from amongstpermanent Prohibition
(ii) Prohibition Officer	and Social Uplift Officers.
Prohibition	
(iii) and Social Uplift Officer	(i) By direct requirement through theCommission; and
	(ii) By promotion through the Commission fromamongst permanent Chief Prohibition Organisers ;

Provided that if suitable Chief Prohibition Organisers are not available in sufficient number the field of eligibility may be extended to include permanent Prohibition and Social Uplift Organisers who have put in at least 10 years' service on his post or on a higher post :

Provided further that the recruitment shall be so arranged that, as far as may be possible, 50 per cent posts are held by direct recruitment and the rest by promotions.

6. Reservation.

- Reservation for the candidates 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 the recruitment.

Part IV – Qualifications

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 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, 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 for permanently settling in India; or 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 certificate 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 service must possess a Bachelors degree with Economics and Sociology of a recognised University and must also possess a good knowledge of Hindi in Devnagri script: Provided that preference will be given to candidates who possess one or more of the following qualifications : (i) Master's or Higher Degree in Economics or Sociology or Social Welfare; (ii) A recognised Degree or Diploma in Social Service, Applied Sociology, Social Science, Social Technique, Social Work or Social Service Administration; (iii) A degree in Law; (iv) Practical experience of Prohibition and Social Uplift.

9. Preferential Qualification.

- A candidate who has-(i)served in the Territorial Army for a minimum period of two years;(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 limit.

- A candidate for direct recruitment to a post in the Service must have attained the age of 21 years and must not have attained the age of 35 years on January 1 of the year in which the recruitment is made if the posts are advertised during the period January to June 30 and on July 1 if the posts are advertised during the period from July 1 to December 31 :Provided that the upper age limit in the case of candidates belonging to 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 by a State Government or by a Local Authority or a Corporation or Body owned or controlled by the Union Government or 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 eligible for appointment to a post in the service :Provided that the Governor 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 pass an examination by a Medical Board :Provided that a medical certificate of fitness shall not be required form a candidate recruited by promotion.

Part V – Procedure For Recruitment

14. Determination of vacancies.

- The appointing authority shall determine and intimate to the Commission 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.

15. Procedure for direct recruitment.

(1) Application for being considered for selection shall be called by the Commission in the prescribed form, which may be obtained from the Secretary to the Commission. (2) The Commission 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 as they consider proper and who fulfil the requisite qualifications. (3) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the viva voce. If two or more candidates obtain equal marks, the Commission shall arrange their names in order of merit on the basis of their general suitability for the service. The number of the names in the list shall be large but not larger by more than 25 per cent of the vacancies. The Commission shall forward the list to the appointing authority.

16. Procedure for recruitment by promotion.

- Recruitment by promotion to the post of State Prohibition Officer, U. P. and Prohibition and Social Uplift Officer shall be made on the basis of merit. Promotion to the post of Deputy State Prohibition Officer shall be made on the basis of seniority subject to the rejection of the unfit in accordance with the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time.

17. Combined selection list.

- If appointment has to be made both by direct recruitment and by promotion a combined select list shall be prepared by taking the names of candidates alternately from the lists prepared under Rule 15 and Rule 16, the first name being from the prepared under Rule 16.

Part VI – Appointment, Probation, Confirmation and Seniority

18. Appointment.

(1) Subject to the provisions or sub-rule (2) the appointing authority shall make appointment 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 appointment 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 orders of appointment are issued in respect of any one selection, a combined order shall also be issued, mentioning the name 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 order, referred to in Rule 17.(4)The appointing authority may make appointments in temporary or officiating capacity also from the list mentioned under sub-rule (1). If no candidate borne on these lists is available, he may make appointments in such vacancy from amongst persons eligible for appointment under these rules, such appointments shall be subject to the provisions of Regulation 5 (a) of the U. P. Public Service Commission (Limitation of Functions) Regulations, 1964.

19. Probation.

(1)A person on appointment to a post in the Service in or against a permanent vacancy shall be placed 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 and 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.

20. Training and departmental examination.

- During the period of probation, all candidates appointed to the post of Prohibition and Social Uplift Officer, whether by direct recruitment or by promotion, shall be required to undergo such training and pass such departmental examination as may be prescribed by the Government from time to time.

21. Confirmation.

- A probationer shall be confirmed in his appointment at the end of the period of probation, or the extended period of probation, if-(i)he has passed the prescribed departmental examination,(ii)he has successfully undergone the departmental training, if any,(iii)his work and conduct is reported to be satisfactory, and(iv)his integrity is certified, and the appointing authority is satisfied that he is otherwise fit for confirmation.

22. Seniority.

(1) Except as hereinafter provided, the seniority of persons in any category of post 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 order of appointments are issued in respect of any one selection the seniority shall be as mentioned in the combined order of appointment issued under sub-rule (3) of Rule 18. (2) The seniority inter se of persons appointed directly on the result to any one section, shall be the same as determined by the Commission : Provided that candidate recruited directly may lose his seniority if he fail to join without valid reasons when vacancy is offered to him. The decision of the appointing authority as to the validity of reason shall be final. (3) The seniority inter se of persons appointed by promotion shall be the same as it was in the cadre from which they were promoted.

Part VII – Pay and Allowances

23. Scales of pay.

(1) The scales of pay admissible to persons appointed to the various categories of 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 scales of pay at the time of commencement of these rules are given as follows :

Name of Post	Scale of Pay*
1. State Prohibition Officer, U. P.	Rs. 1,000-50-1,300-E.B.-60-1,600-E.B.-80-1,900.
2. Deputy State Prohibition Officers	Rs. 850-40-1,050-E.B.-50-1,300-60-1,420-E.B.-60-1,720.
3. Prohibition and Social Uplift Officer.	Rs. 690-40-970-E.B.-40-1,050-50-1,200-E.B.-50-1,300-60-1,420.

24. 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 scales when he has completed one year of satisfactory service, has passed departmental examination and undergone training, where prescribed, and second increment after two years' service when he has completed the probation 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 persons who was already holding a post under the Government, shall be regulated by the relevant fundamental rules : For Latest Pay Scale, please see current G.O. 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.

25. Criteria for crossing efficiency bar.

- No person shall be allowed to cross-(i)the first efficiency bar unless he develops complete grasps over departmental rules and regulations and office procedure and unless his work and conduct is found to be satisfactory and his integrity is certified, and(ii)the second efficiency bar, unless he has developed capacity to initiate personnel management and for good public dealing and unless his own conduct if found to be satisfactory and his integrity is certified.

Part VIII – Other Provisions

26. Canvassing.

- No recommendation, either written or oral, other than those required under these rules, 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.

27. 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.

28. Relaxation from condition 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 it may consider necessary for dealing with the case in a just and equitable manner.:Provided that where a rule has been framed in consultation with the Commission that body shall be consulted before the requirements of the rule are dispensed with or relaxed.

29. 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 I[See rule 4 (2)]

Name of the Post	Permanent	Temporary
(1) State Prohibition Officer, U. P.	... 1	...
(2) Deputy State Prohibition Officer	... 1	...
(3) Prohibition and Social Uplift Officer	... 8	...