

The U.P. Election Directorate (Ministerial) Service Rules, 1993

UTTAR PRADESH

India

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Rule

THE-U-P-ELECTION-DIRECTORATE-MINISTERIAL-SERVICE-RULES-1 of 1993

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Part I – General

1. Short title and commencement.

(1) These rules may be called the Uttar Pradesh Election Directorate (Ministerial) Service Rules, 1993. (2) They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Election Directorate (Ministerial) 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 Chief Electoral Officer;(b)"citizen of India" means a person who is or is deemed to be a citizen of India under Part 11 of the Constitution;(c)"Constitution" means the Constitution of India;(d)"Directorate" means the Election Directorate, Uttar Pradesh;(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 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 Elections Directorate (Ministerial) 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 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 to these rules :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, or(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) Junior Clerk | By direct recruitment and promotion of group 'D'employees in accordance with the provisions of the subordinateOffices Ministerial Staff (Direct Recruitment) Rules, 1985 asamended from time to time. |
| (2) Senior Assistant | By promotion from amongst substantivelyappointed Junior Clerks who have completed five years of serviceas such on the first day of the year of recruitment. |
| (3) Senior Assistant
(Headquarter) | By promotion from amongst substantivelyappointed Senior Assistants who have completed three years ofservice as such on the first day of the year of recruitment. |
| (4) Office
Superintendent | By promotion from amongst substantivelyappointed Senior Assistants (Headquarter) who have completedthree years of service as such on the first day of the year ofrecruitment. |
| (5) Administrative
Officer | By promotion from amongst such OfficeSuperintendents as are substantively appointed and continuing assuch on the first day of the year |

of recruitment.

6. Reservation.

- 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 – 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, 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 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 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 qualifications.

- A candidate for direct recruitment to the post of Junior Clerks must possess the following qualifications : (1) Essential qualifications - Must have passed the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an equivalent examination recognised by the Government. (2) Must have a minimum speed of twenty-five words per minute in Hindi Typing. Preferential qualification : Knowledge of English Typing and experience of working in any Government Office.

9. Preferential qualifications.

- A candidate who has : (1) preferential qualification mentioned in rule 8; (2) served in the Territorial Army for a minimum period of two years; or (3) 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 to the post of Junior Clerk must have attained the age of 21 years and must not have attained the age of 32 on the first day of July of the calendar year in which vacancies for direct recruitment are notified :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 the post of Junior Clerk 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 the post. 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 shall not be eligible for appointment to the 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 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 rates framed under Fundamental Rule 10, contained in Chapter III of the Financial Hand-Book, Volume II; 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 and notify to Employment Exchange, in accordance with the rules and orders for the time being in force, 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 to the post of Junior Clerk.

- Recruitment to the posts of Junior Clerk shall be made in accordance with the procedure laid down in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1985 as amended from time to time.

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 :

1. Appointing authority;

2. An officer belonging to Scheduled Caste or Scheduled Tribe nominated by the appointing authority, if the appointing authority does not belong to Scheduled Caste or Scheduled Tribe. If the appointing authority belongs to Scheduled Caste or Scheduled Tribe, an Officer other than belonging to Scheduled Caste or Scheduled Tribe, nominated by the appointing authority;

3. Two officers nominated by the appointing authority one of whom shall be an officer of the minority community and the other to backward class.

(2) The appointing authority shall prepare an eligibility list of candidates arranged in order of seniority in accordance with the Uttar Pradesh Promotion by Selection (On Posts Outside the Purview of Public Service Commission) Eligibility List Rules, 1986 and place it before the Selection Committee along with their character rolls and such other record pertaining to them as may be considered proper. (3) The Selection Committee shall consider the cases of 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.

Part VI – Appointment, Probation, Confirmation and Seniority

17. Appointment.

(1) Subject to the provisions of the sub-rule (2), the appointing authority shall make appointment by taking the names of the candidates in the order in which they stand in the list prepared under rules 15 and 16 as the case may be. (2) If more than one order of appointment be issued in respect of 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.

18. 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 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, as the case may be, 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 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 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.

19. 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) 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 Servant Seniority Rules, 1991, as amended from time to time.

Part VII – Pay Etc.

21. Scales of pay.

(1) The scales of pay admissible to persons appointed to the various categories of posts in the service, whether in 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 as follows :

Name of Post	Scale of Pay
1. Junior Clerk.	Rs. 950-20-1,150-E.B.-25-1,500.

- | | |
|------------------------------------|--|
| 2. Senior Assistant. | Rs. 1,200-30-1,560-E.B.-40-2,040. |
| 3. Senior Assistant (Headquarter). | Rs. 1,400-10-1,800-E.B.-50-2,300. |
| 4. Office Superintendent. | Rs. 1,400-40-1,600-50-2,300-E.B.-60-2,600. |
| 5. Administrative Officer. | Rs. 1,640-60-2,500-E.B.-75-2,900 |

22. 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 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 direct otherwise. (2) The pay during probation of a person who is 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.

23. Criteria for crossing efficiency bars.

(a) No Administrative Officer or Office Superintendent shall be allowed to cross efficiency bar unless-(1) he has attained sufficient knowledge of procedure, rules and regulations; (2) his control over office is efficient; (3) he has attained sufficient knowledge of departmental work; (4) his work and conduct are found to be satisfactory; and (5) his integrity is certified. (b) No Senior Assistant (Headquarter) or Senior Assistant shall be allowed to cross the efficiency bar unless-(1) he has attained sufficient knowledge of procedure, rules and regulations; (2) his work and conduct are found to be satisfactory; and (3) his integrity is certified. (c) No Junior Clerk or Typist shall be allowed to cross the efficiency bar unless-(1) his work and conduct is found to be satisfactory (2) he possesses a minimum speed of 25 words in Hindi typewriting; and (3) his integrity is certified.

Part VIII – Other Provisions

24. 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.

25. 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 Servant serving in connection with the affairs of the State.

26. 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 it may consider necessary for dealing with the case in a just and equitable manner.

27. Saving.

- 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 Rule 4 (2)] The strength of the service at the time of commencement of these rules.

Sl. No.	Name of post	Number of posts	Total
Permanent Temporary			
1	2	3	4 5
1.	Administrative Officer	1	- 1
2.	Office Superintendent	2	- 2
3.	Senior Assistant (HQ)	6	- 6
4.	Senior Assistant	2	- 2
5.	Junior Clerk	12	- 12