

The U.P. Food Inspectors (Medical, Health and Family Welfare Department) Service Rules, 1992

UTTAR PRADESH

India

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Rule

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The U.P. Food Inspectors (Medical, Health and Family Welfare Department) Service Rules, 1992Published vide Notification No. 7056/5-10-1992, dated 17th October, 1992In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in suppression 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 Food Inspectors (Medical, Health and Family Welfare Department) Service :

Part I – General

1. Short title and commencement.

(1)These rules may be called the Uttar Pradesh Food Inspectors (Medical, Health and Family Welfare Department) Service Rules, 1992.(2)The shall come into force at once.

2. Status of the Service.

- The Uttar Pradesh Food Inspector (Medical, Health and Family Welfare Department) Service is a subordinate service, comprising Group 'B' and Group 'C' posts.

3. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a)'Appointing authority' means Secretary to the Government, Medical and Health Department;(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 Subordinate Services Selection Commission;(d)"Constitution" means the Constitution of India;(e)"Government" means the Government of Uttar Pradesh;(f)"Governor" means the Governor of Uttar Pradesh;(g)"Member of 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 Food Inspector (Medical, Health and Family Welfare Department) 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 (i), be as given below :

Serial No.	Name of the post	No. of posts	Permanent	Temporary
1	Food Inspector	935	905	30
2	Chief Food Inspector	69	67	2

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 :(1)Food Inspector-By direct recruitment through Commission.(2)Chief Food Inspector-By promotion from amongst substantively appointed Food Inspectors.

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 the 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 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 qualification.

- A candidate for direct recruitment to the post of Food Inspector must possess the following qualification as prescribed under the Prevention of Food Adulteration Rules, 1955, as amended from time to time :(a)Must be a Medical Officer in-charge of health administration of local area; or(b)Must be a graduate in medicine and must have received at least one month training in food inspection and sampling work approved, for the purpose, by the Central Government or State Government; or(c)Must be a graduate in Science with Chemistry as one of the subjects or a graduate in Agriculture or Public Health or Pharmacy or Veterinary Science or a graduate in Food Technology or Dairy Technology or a diploma holder in Food Technology or Dairy Technology from a University or Institution established in India by law or equivalent qualifications recognised and notified by the Central Government for the purpose.

9. Preferential qualification.

- A candidate who has-(i)served in territorial army for a minimum period of two years; or(ii)obtained a 'B' certificate of National Cadet Corps shall, other things 1 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 more than thirty two years on the first day of July of the calendar year in which vacancies are advertised by the Commission :Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and 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 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 services. 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 produce & 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 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 intimated to the Commission.

15. Procedure for direct recruitment.

(1) Application for permission to appear in the competitive examination shall be called by the Commission in the prescribed pro forma published in the advertisement issued by the Commission. (2) No candidate shall be admitted to the examination unless he holds a certificate of admission, issued by the Commission. (3) After the result of the written examination have been received and tabulated the Commission shall have regard to need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories under rule 6, summon for interview such number of candidates as, on the result of the written examination have come up to the standard fixed by the Commission in this respect. The marks awarded to each candidate at the interview shall be added to the marks obtained by him in the written examination. (4) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the aggregate of marks obtained by each candidate at the written examination and interview and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain equal marks in the aggregate the names of candidates obtaining higher marks in the written examination 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 unfit through a Selection Committee constituted in accordance with the provisions of the Uttar Pradesh Constitution of Departmental Promotion Committee (for Posts Outside the Purview of the Service Commission) Rules, 1992. (2) The appointing authority shall prepare eligibility lists of 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 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 in accordance with the procedure laid down in the orders of the Government in force at the time of recruitment and forward the same to the appointing authority.

Part VI – Appointment, Probation, Confirmation and Seniority.

17. Appointment.

(1) The appointing authority shall make appointment by taking the names of the candidates in the order in which they stand in the 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 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 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 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 a post included in the cadre or any other equivalent or higher post to be taken into account for the purposes 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 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; (c) he has successfully completed three months training in food inspection and sampling work under a Food (Health) Authority or in an institution approved for the purposes by the Central Government; and (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.

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 scales of pay admissible to persons appointed to the various categories of posts in 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 as follows :

Name of post	Scale of pay*
1. Food Inspector	1200-30-1560-EB-40-2040
2. Chief Food Inspector	1600-50-2300-EB-60-2660.

*For Latest Pay Scale, please see Current G.O.

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 the time scale when he has completed one year of satisfactory service and second increment after two years' service when he has successfully completed the probationary period and is also confirmed, if so required under Rule 19 :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 are 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 bar.

- No persons 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

24. Canvassing.

- No recommendations, either written or oral, other than those required under the rules applicable to the posts 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 servants serving in connection with the affairs of the State.

26. Relaxation from the conditions of service.

- When the State Government is satisfied that the operation of any rules 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.