

The U.P. Industrial Development Authorities Centralized Service Rules, 2018

UTTAR PRADESH

India

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Rule

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The U.P. Industrial Development Authorities Centralized Service Rules, 2018 Published vide Notification No. 1449/77-4-18-81L-13, dated June 22, 2018 and published in the U.P. Gazette, Extraordinary, Part 4, Section (Ka), dated 22nd June. 2018, pp. 25-48 Notification No. 1449/LXXVII-4-18-81L-13, dated June 22, 2018 and published in the U.P. Gazette, Extraordinary, Part 4, Section (Ka), dated 22nd June. 2018, pp. 25-48. - In exercise of the powers under Section 5-A of the Uttar Pradesh Industrial Area Development Act, 1976 (U.P. Act. 6 of 1976) read with Section 18 of the said Act, the Governor is pleased to make the following rules.

Part I – 1. Short title, extent and commencement.

(1) These rules may be called the Uttar Pradesh Industrial Development Authorities Centralized Service Rules, 2018. (2) They shall be applicable to all the Industrial Development Authorities. (3) They shall come into force with effect from the date of their publication in the Gazette.

2. Definitions.

(1) In these rules, unless there is anything repugnant in the subject or context, - (a) 'Act' means the Uttar Pradesh Industrial Area Development Act, 1976; (b) 'Appointing Authority' means the Government; (c) 'Appropriate Commission' means the Commission or the Subordinate Service Selection Commission, as the case may be; (d) 'Authority' means the Industrial Development Authority constituted under subsection (1) of Section 3 of the Act; (e) 'Citizen of India' means a

person who is or is deemed to be a Citizen of India under Part II of the Constitution of India;(f)'Commission' means the Uttar Pradesh Public Service Commission;(g)'Government' means the State Government of Uttar Pradesh;(h)'Member of the service' means a person absorbed against or appointed to a post in the cadre of the service under these rules;(i)'Service' means the Uttar Pradesh Industrial Development Authorities Centralized Services created under the Act;(j)'Subordinate Services Selection Commission' means the Uttar Pradesh Subordinate Services Selection Commission;(k)'State' means the State of Uttar Pradesh;(l)'Year' means a period of twelve months commencing on the first day of July of a calendar year.(2)Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

Part II – Cadre and Strength

3. Cadre of the service.

(1)There shall be categories of posts mentioned in Schedule I in the cadre of service, and they shall consist of posts mentioned against them.(2)The post or posts specified in Schedule I but not in any Authority at the date of commencement of this rule, shall not mean to have been created or come into existence by virtue of the provisions of these rules.

4. Scales of Pay.

- The scales of pay admissible to persons appointed to the various categories of posts in the service shall be such as may be determined by the Government from time to time.

5. Strength.

(1)The strength of each of the posts in the service shall be such as may be determined by the Government from time to time.(2)Until the Government determines the strength of posts envisaged under sub-rule (1), the posts in the service as existing on the date of the publication of these rules in the Gazette shall be as mentioned in Schedule 1:Provided that-(i)the Government may leave unfilled or may hold in abeyance any vacant post, without thereby entitling any person to compensation; and(ii)the Government may create such additional posts as it may consider necessary.(3)The Authorities shall have no power to create any new post or posts without prior sanction of the Government.

Part III – Suitability of Provisionally Absorbed Persons

6. Suitability.

- Suitability of the provisionally absorbed persons for final absorption in the service shall be examined by a Screening Committee appointed by the Government for the purpose. The Committee shall submit its recommendations to the Government, by a date to be specified by the Government,

on the basis of their qualifications, character rolls and service records and after interviewing them if it consider interview to be necessary.

7. Seniority of finally absorbed officers and other employees.

(1)Notwithstanding anything in Rule 27, the seniority of such officers and other employees who are finally absorbed in the service under sub-section (2) of Section 5-A of the Act shall be determined on the criterion of continuous length of service in the Authority, on similar posts.(2)In the case of persons having equal continuous length of service the person older in age shall be senior and in case the age of such persons is same the person drawing higher pay shall be senior.

Part IV – Recruitment

8. Source of recruitment.

(1)Recruitment to the various categories of posts in the service shall be made from the following sources namely-(i)The posts mentioned in Schedule II by direct recruitment;(ii)The posts mentioned in Schedule III by promotion;(iii)The posts mentioned in Schedule IV shall be filled in prescribed percentage from the posts specified and in the manner mentioned in aforesaid clauses (i) and (ii) so however that the odd post, if any, shall be filled by promotion:Provided that mere existence of a vacancy shall not confer any right to anyone for promotion:Provided further that notwithstanding anything contained in this rule or anywhere else in these rules it shall be open to the Government to fill in any vacancy by deputation from amongst the officers serving under the Government or in any other service under the control of the Government.

9. Reservation.

- Reservation for the candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and other categories shall be in accordance with the Uttar Pradesh Public Services (Reservation of Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex-Servicemen) Act, 1993, as amended from time to time and the orders of the Government in force at the time of the recruitment.

10. 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 of January 1962, with the intention of permanent 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 Government:Provided further that a

candidate belonging to category (b) will also be required to obtain a certificate of eligibility granted by the 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 subject to the necessary certificate being obtained by him or issued in his favour.

11. Age.

- A candidate for direct recruitment to any post in the service must have attained the age of 21 years and must not have attained the age of 40 years on January 1 of the year in which the 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 of July 1 to December 31: Provided that-(a) in the case of a person who has already rendered one year's service or more in any of the service in the Authority, the maximum age limit shall be greater to the extent he has rendered continuous service or for a period of seven years whichever is less; (b) a candidate, who was entitled in respect of his age to appear at a selection in any year in which no selection is made though a vacancy existed, shall be deemed to be entitled in respect of his age to appear at the next following selection; (c) the upper age limit in the case of candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes 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; (d) the Government may, by a general or special order relax the maximum age limit prescribed in this rule in favour of any candidate or class of candidates, if it considers it necessary in the interest of fair dealing or in public interest.

12. Character.

(1) 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 the 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 a 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. (2) Every candidate for recruitment shall be required to submit certificate of character from the Principal, head of the institution last attended and from two Gazetted officers (not related to the candidate) in active service of the State or Union Government who are well acquainted with his private life but unconnected with his school, college or University.

13. Physical fitness.

(1) 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-(a) in the case of

candidates for the posts specified in Schedule II and candidate for direct recruitment specified in Schedule IV to pass an examination by a Medical Board; and(b)in the case of other candidate 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.(2)Nothing in sub-rule (1) shall apply to such candidates who are recruited by promotion.

14. Qualifications.

- A candidate for direct recruitment to the various posts in the service must possess such qualifications as are specified in Schedule II and IV.

15. Preferential Qualifications.

- A candidate who has-(1)served in the Territorial army for a minimum period of two years, or(2)obtained a 4B' certificate of National Cadet Corps, shall other things being equal, be given preference in the matter of direct recruitment.

16. Marital Status.

- No Person,-(a)who has entered into or contracted a marriage with a person having a spouse living, or(b)who, having a spouse living, has entered into or contracted a marriage with any person shall not be eligible for appointment to a post in the service:Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and there are other ground for so doing, exempt any person from the operation of this rule.

17. Select List.

- If in any year of recruitment appointments are made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of candidate from the relevant lists, in such a manner that the prescribed percentage is maintained, the first name in the list being of the person appointed by promotion and the second name in list being of the person appointed by direct recruitment and so on.

Part V – Manner of Direct Recruitment

(For the posts mentioned in Schedules II and IV)

18. Determination of vacancies.

- The appointing authority shall determine and intimate to the appropriate Commission, the number of vacancies to be filled during the year and also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and Other

Categories under Rule 9.

19. Procedure for direct recruitment (when recruitment is to be made through competitive examination).

(1) Applications for permission to appear in the competitive examination shall be called by the appropriate Commission in accordance with the procedure prescribed by it. (2) No candidate shall be admitted to the examination unless he holds a certificate of admission, issued by the appropriate Commission. (3) After the results of the written examination have been received and tabulated, the Commission shall, having regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Other Categories under Rule 9, 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 Appropriate 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 if any and recommend such number of candidates as they consider fit for appointment. In case of written examination and interview both has been taken if two or more candidates obtain equal marks in the aggregate, the name of the candidate obtaining higher marks in the written examination shall be placed higher, in the list. The number of the names in the list shall not be larger than the number of vacancy meaning thereby waiting list will not be prepared, but in case of Single Cadre Selection, 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 appropriate Commission shall forward the list to the appointing authority. Note. - The syllabus and rules for competitive examination shall be such as may be prescribed by the appropriate Commission from time to time.

20. Procedure for direct recruitment other than through competition e.g. interview.

(1) Application for being considered for selection shall be called by 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, Other Backward Classes and other categories in accordance with Rule 9 call for interview such number of candidates, who fulfill the requisite qualifications, as they consider proper. (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 interview. If two or more candidates obtained 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 not be larger than the number of vacancy meaning thereby waiting list will not be prepared but in case of Single Cadre Selection the number of the names in the list shall be larger (but not larger by more than 25 per cent) than the number of the vacancies. The Commission shall forward the list to the appointing authority.

Part VI – Manner of Recruitment by Promotion

(For the post specified in Schedules III and IV)

21. Procedure for recruitment by promotion.

- Recruitment by promotion and the posts within the purview of Commission shall be made on the basis of merit/seniority subject to the rejection of unfit in accordance with the Uttar Pradesh Promotion by Selection in Consultation with the Public Service Commission (Procedure) Rules, 1970, as amended from time to time.

22. Determination of vacancy.

- The appointing authority shall determine the number of vacancies to be filled in by promotion during the course of the year, and shall intimate the Selection Committee according to rules and orders prevailing at that time.

23. Recruitment by promotion.

(1) A selection by promotion on the basis of merit/ seniority subject to the rejection of unfit shall be made from the lists of all eligible officers and other employees holding the posts as mentioned in Column 4 of Schedule TIP and Schedule TV' to the posts of Column 2 of concerned Schedule. (2) Selection Committee. - For the purpose of recruitment by promotion there shall be constituted a Selection Committee comprising of- (I) Principal Secretary/Secretary to the Government, Uttar Pradesh Industrial Development Department; (II) Vice-Chairman of any Authority nominated by the Government; (III) Technical Adviser nominated by the Government; (IV) One officer belonging to Scheduled Castes and one for Other Backward Classes nominated by the Government: Provided that in case members of Scheduled Castes and Other Backward Classes is already included in the Selection Committee, nomination of Scheduled Castes and Other Backward Classes member will not be required. (3) Eligibility List. - The appointing authority shall prepare a list to be called the eligibility list of senior most eligible candidates in each category of post containing names, so far as may be, in the following proportion, - (a) For 1 to 5 vacancies. - Twice the number of vacancies likely to occur subject to minimum of 5; (b) For over 5 vacancies. - One and half times the number of vacancies likely to occur subject to a minimum of 10: Provided that if recruitment is to be made for vacancies occurring during more than one year, a separate eligibility list will be prepared in respect of each year. In such a case while preparing the eligibility list for the second and subsequent years, the number of candidates to be included in the eligibility list shall be- (I) For the second year - the number according to the said proportion as mentioned in sub-rule (3)(a) or (b), as the case may be, plus the number of vacancies in the first year; (II) For the third year - the number according to the said proportion as mentioned in sub-rule (3)(a) or (b), as the case may be, plus the number of vacancies for the first and second year, and so on: Provided further that candidates who are not considered suitable for promotion shall not be taken into account in calculating the said proportion, and a note to the effect that they are

considered not suitable shall be added against their names. Explanation.-In this sub-rule "the number of vacancies" means the total number of substantive or temporary vacancies accruing during a year.(4)The Appointing Authority shall, from time to time, forward the eligibility lists and the seniority lists of all persons within the field of eligibility to the Selection Committee.(5)Sending lists to the Selection Committee.-The Selection Committee shall in each case consider the character roll of the candidates and may consider any other factor found relevant in its opinion. Then it shall prepare the list for promotion in order of seniority and forward the same to the appointing authority for appointment.(6)The appointing authority shall appoint the persons approved under sub-rule (5), officers and other employees appointed by promotion in the Authority other than that of their posting, shall be relieved to join to the post of promotion in the Authority concerned and shall be entitled to the benefits of travelling allowances, joining time, etc., as is admissible in the case of transfer from one Authority to another.

Part VII – Appointment, Probation, Confirmation and Seniority

24. Appointment.

(1)Subject to the provisions of sub-rule (2), the appointing authority shall make appointments by taking the name of candidate in the order in which they stand in the lists prepared under Rules 19, 20 and 23, 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 appointments 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 order of appointments 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.If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the cyclic order, referred to in Rule 17.(4)The appointing authority may make appointments in temporary or officiating capacity also from the list referred to in sub-rule (I). If no candidate borne on these lists is available, appointments may be made in such vacancies from amongst persons eligible for appointment under these rules, such appointments shall not last for a period exceeding one year or beyond the next selection under these rules, whichever is earlier, and where the post is within the purview of the Commission, the provisions of Regulation 5-A of the Uttar Pradesh Public Service Commission (Limitation of Functions) Regulations, 1954 shall apply.

25. Probation.

(1)A person on appointment to a post in the service in or against a permanent vacancy, 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 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.(6)During the period of probation, the candidates appointed to the posts in the cadre may be required to undergo such training courses, if any, as may be prescribed.

26. Confirmation.

- Officers and other employees of the service shall be confirmed in accordance with the provisions of Uttar Pradesh State Government Servants Confirmation Rules, 1991 as amended from time to time.

27. Seniority.

- The seniority of officers and other employees of service shall be determined in accordance with the provisions of Uttar Pradesh Government Servant Seniority Rules, 1991 as amended from time to time.

Part VIII – Other Provisions

28. Pay during probation.

- The pay during probation shall be regulated by the relevant rules and orders, applicable to the Government servants.

29. Payment Authority.

- The pay and allowances of officers and other employees of the service shall be paid by the Authority where they are posted for the time being.

30. Leave, leave allowances, officiating pay, fee and honoraria.

(1)Except as otherwise provided in these rules, all matters relating to leave, and leave salary shall be regulated in the manner laid down in the leave rules applicable to the Government servants of like status and all amendments thereto together with all explanations and clarifications issued from time to time shall mutatis mutandis apply.(2)Grant of pay, including officiating pay and additional pay, special pay, honorarium, compensatory allowances, subsistence allowances and the acceptance of fees shall be regulated on the same terms and conditions as are applicable to the Government servants of the same status under the U.P. Financial Hand Book, Volume II, Parts II to IV.(3)Except as expressly provided in these rules, the provisions of the U.P. Fundamental and Subsidiary Rules contained in the Financial Hand Book, Volume II, Parts II to IV and travelling allowance rules

contained in Financial Hand Book, Volume III, shall mutatis mutandis apply. Note. - The corresponding authorities competent to exercise powers under the said Financial Hand Book for purposes of these rules, shall be such as Government may, by order, determine from time to time.

31. Disciplinary Proceedings.

- Subject to such modifications as the Government may make from time to time the rules regarding disciplinary proceedings, appeals and representations against punishments, as are applicable to the Government servants shall apply to the officers and other employees of the service.

Part IX – Age of Retirement and Extension

32. Age of retirement.

(1) Subject to the provisions of sub-rules (2) and (3), the age of retirement from service of all officers and other employees of the service shall be sixty years beyond which no one shall ordinarily be retained in the service. (2) An officer or other employee of the service may by three months notice to the appointing authority seek voluntary retirement at any time after attaining the age of fifty years provided he has completed qualifying service of twenty years. The retirement under this sub-rule shall take effect only after the appointing authority has allowed the officer or other employee of the service to retire: Provided that it shall be open to the appointing authority to allow an officer or other employee of the service to retire without any notice or by a shorter notice. (3) Retirement benefits, if any, shall be available in accordance with and subject to the provisions of the relevant rules applicable to every officer or other employee who retires or is required or allowed to retire under this rule. Explanation. - (1) The decision of the appointing authority under sub-rule (2) to require an officer or other employee to retire as specified therein shall be taken if it appears to the appointing authority to be in public interest but nothing herein contained shall be construed to require any recital in the order of such decision having been taken in the public interest. (2) Every such decision shall, unless the contrary is proved, be presumed to have been taken in the public interest.

33. Incidence of leave charges, T.A., joining time pay and payment authority.

- When an officer or other employee is transferred from one Authority to another, his transit pay and allowance including travelling allowance shall be borne by the Authority to which he is transferred and the leave salary shall be borne by the authority from where the officer or other employee proceeds on leave.

34. Provident Fund.

- Till such time as a common Provident Fund for the service is established, the members of the service shall be governed by the Provident Fund Regulations or Rules by which they were being governed: Provided that notwithstanding anything in the regulations or the rules of such Authority - (a) the minimum amount of subscription to be made by the member of the service to the fund shall

be an amount calculated at the rate in "prescribed percentage" of his emoluments (which term shall mean pay, leave salary or subsistence grant as defined in Financial Hand Book, Volume II) and the contribution thereto, if any, to be made by the Authority shall be at the rate of "prescribed per cent" of the said emoluments both amount being separately rounded off to the nearest whole Rupee (Fifty paise or more counting as the next higher rupee). "Prescribed percentage" relating to minimum amount of subscription to be made by the member of service and contribution of Authority shall be determined by the order of Government as per applicable laws and rules. (b) the subscription made under this rule shall be deposited in a bank in the name of each officer or other employee by the Authority in which such officer or other employee is working and it shall credit its contribution, if any, to such accounts every month.

Part X – Miscellaneous Provisions

35. Regulation of other matters.

- If any dispute or difficulty arises regarding interpretation of any of the provisions of these rules, the same shall be referred to the Government whose decision shall be final.

36. Relaxation from the conditions of service.

- Where the Government is satisfied that the operation of any rule regulating the conditions of service of the member of 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 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.

37. Delegation of powers.

- The Government may delegate any of its powers under these rules to the Chief Executive Officer to the Authority or any other person as it deems fit.

38. 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, Other Backward class and Other Special Categories of persons in accordance with the orders of the Government issued from time to time in this regard.