

# **The U.P. State Government Servants Confirmation Rules, 1991**

UTTAR PRADESH

India

## **The U.P. State Government Servants Confirmation Rules, 1991**

### **Rule**

### **THE-U-P-STATE-GOVERNMENT-SERVANTS-CONFIRMATION-RULES- of 1991**

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The U.P. State Government Servants Confirmation Rules, 1991Published vide Notification No. 1648/47-Ka-4-90-48-89, dated February 7, 1991In pursuance of the provisions of clause (3) article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of Notification No. 1648/XLVII-Ka-4-90-48-89, dated February 7, 1991:In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the Governor is pleased to make the following rules :

#### **1. Short title, commencement and application.**

(1)These rules may be called the Uttar Pradesh State Government Servants Confirmation Rules, 1991.(2)They shall come into force with effect from the date of publication in the Official Gazette.(3)They shall apply to all persons holding a civil post in connection with the affairs of Uttar Pradesh and who are under the rule making control of the Governor under the proviso to Article 309 of the Constitution.

#### **2. Overriding effect.**

- The provisions of these rules shall have effect notwithstanding anything to the contrary contained in any other rules made by the Governor under the proviso to Article 309 of the Constitution, or orders, for the time being in force.

### **3. Definitions.**

- In these rules unless there is anything repugnant in the subject or context,-(a)"Appointing Authority" in relation to any post or service means the authority empowered to make appointment to such post or service under the relevant service rules or the executive instructions issued by the Government;(b)"Constitution" means the Constitution of India;(c)"Cadre" means the strength of a service or part of service sanctioned as a separate unit;(d)"Government" means the Government of Uttar Pradesh;(e)"Governor" means the Governor of Uttar Pradesh;(f)"Government Servant" means a person appointed to a public service or post in connection with the affairs of the State of Uttar Pradesh;(g)"Lien" means the right or title of a Government Servant to hold substantively a regular post, whether permanent or temporary either immediately or on termination of the periods of absence;(h)"Prescribed" means prescribed by the rules made by the Governor under the proviso to Article 309 of the Constitution or by executive instructions issued by the Government in respect of a particular service;(i)"Sendee" means the service as defined in the relevant service rule or the executive instructions issued by the Government from time to time;(j)"Substantive appointment" means an appointment not being any ad hoc appointment, on a post in the cadre of the service made after selection in accordance with the rule and if there were no rules, in accordance with the procedure prescribed for the time being by executive instructions issued by the Government.

### **4. Confirmation where necessary.**

(1)Confirmation of a Government servant shall be made only on the post on which he is substantively appointed (i) through direct recruitment or, (ii) by promotion, if direct recruitment is one of the sources of recruitment or, (iii) by promotion if the post belongs to a different Service.(2)Such confirmation shall be made -(i)against a post, whether permanent or temporary, on which any other person does not hold a lien;(ii)subject to the fulfilment of the conditions of confirmation laid down in the relevant service rules, or executive instructions issued by Government, as the case may be;(iii)formal order shall be necessary to be issued by the appointing authority with regard to confirmation.Explanation. - Notwithstanding the fact that a Government servant is confirmed anywhere else, if he is directly recruited on any post, or is promoted to a post, where direct recruitment is one of the sources of recruitment, he will have to be confirmed thereon.

### **5. Confirmation where not necessary.**

(1)Confirmation will not be necessary if a Government servant is promoted, on a regular basis, after following the prescribed procedure to a post in the cadre where promotion is the only source of recruitment.(2)On promotion to a post referred to in sub-rule (1), the Government servant will have all the benefits that a person confirmed in that grade would have if no probation had been prescribed.(3)Where probation is prescribed the appointing authority shall, on completion of the prescribed period of probation, assess the work and conduct of the Government servant himself and in case the conclusion is that the Government servant is fit to hold the higher grade, he will issue an order declaring that the person concerned has successfully completed the probation. If the appointing authority considers that the work and conduct of the Government servant concerned has not been satisfactory or needs to be watched for some more time, he may revert him to the post or

grade from which he was promoted, or extend the period of probation in the manner prescribed.(4)Where confirmation on a lower feeding post is prescribed as a necessary condition for eligibility for promotion to a higher post, a person confirmed on the lowest post under sub-rule (1) of Rule 4 shall be eligible for promotion to the higher post and his confirmation on the lower feeding post shall not be necessary if his work and conduct on that post has been satisfactory.Illustration(1)In the Lekhpal Service Rules direct recruitment is the only source of recruitment to the post of Lekhpal. "A" is appointed as Lekhpal through direct recruitment, "A" will have to be confirmed on the said post, under sub-rule (1) of Rule 4.(2)"B" a Government servant confirmed on the post of Tehsildar is promoted under the provisions of the [Uttar Pradesh Civil Service (Executive Branch) Rules, 1982] [For this Rules, please see page 430 of this book.] to a post in the Ordinary grade in Uttar Pradesh Civil Service (Executive Branch). "B" will have to be confirmed again, under sub-rule (1) of Rule 4, on the latter post.(3)"C" is appointed as an Assistant Engineer in the Irrigation Department through direct recruitment and "D" is promoted to the post of Assistant Engineer against promotion quota under the provisions of United Provinces Services of Engineers Class II (Irrigation Branch), Rules, 1936. Both "C" and "D" will have to be confirmed on the post of Assistant Engineer because direct recruitment is one of the sources of recruitment to the post of Assistant Engineer.(4)"E" confirmed Assistant Engineer in the Irrigation Department is promoted to the post of Executive Engineer in accordance with the executive instructions issued by the Government. It will not be necessary to confirm "E" on the post of Executive Engineer again because a promotion is the only source of recruitment to the post of Executive Engineer.(5)The post of Upper Division Assistant in Uttar Pradesh Secretariat belongs to the Ministerial service. The post of Section Officer belongs to a different service, namely, the Uttar Pradesh Secretariat Service. "F" a confirmed Upper Division Assistant will have to be confirmed, again on promotion to the post of Section Officer, under sub-rule (1) of Rule 4. On further promotion to the post of Under Secretary and other higher posts, his case will be covered by sub-rule (1) of Rule 5 and "F" will not have to be confirmed again, on the posts in higher grades.(6)Under the Uttar Pradesh Secretariat Service Rules, 1983 only a confirmed Under Secretary is eligible for promotion to the post of Deputy Secretary in the Uttar Pradesh Secretariat Service. The service rules containing the above provision will be deemed to have been amended under sub-rule (4) of rule 5 of these rules to the extent that confirmation will not be necessary for such eligibility for promotion.

## **6. Posts to which these rules shall not apply.**

- These rules shall not apply where appointments are made against post under establishment, which are created for definite and purely temporary periods such as Committees, Commissions of Enquiry, Organisations created for meeting a particular emergency which is not expected to last for more than a few years, posts created for projects for specified periods and purely temporary organisations.

## **7. Right to hold a lien.**

- A Government Servant who is confirmed on a post under sub-rule (1) of Rule 4 or who has been promoted to a higher post and declared under sub-rule (3) of Rule 5 of these rules, as having completed the probation prescribed or who has been promoted on a regular basis, to a higher post where no probation is prescribed, as the case may be, shall be deemed to hold a lien on that post.

## **8. Savings.**

- Nothing in these rules shall affect reservation and other concessions required to be provided for candidates 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.