

# **The U.P. Employees' State Insurance (Chief Pharmacists) Service Rules, 1997**

UTTAR PRADESH

India

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### **Rule**

### **THE-U-P-EMPLOYEES-STATE-INSURANCE-CHIEF-PHARMACISTS-SERVICE-RULES-1997**

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The U.P. Employees' State Insurance (Chief Pharmacists) Service Rules, 1997Published vide Notification No. 1508/36-7-5 (98)-93, dated July 19, 1997, published in U. P. Gazette, Part 1-Ka, dated, August 30, 1997In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating recruitment and conditions of service of persons appointed to die Uttar Pradesh Employees' State Insurance (Chief Pharmacists) Service :

## **Part 1 – General**

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

- (i) These rules may be called the Uttar Pradesh Employees' State Insurance (Chief Pharmacists) Service Rules, 1997.(ii)They shall come into force at once.

### **2. Status of the Service.**

- The Uttar Pradesh Employees' State Insurance (Chief Pharmacists) Service is a State 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 Director;(b)'backward classes' means the backward class of citizens specified in Schedule I of the Uttar Pradesh Public Service (Reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;(c)'Constitution' means the Constitution of India;(d)'Director' means the Director, Employees' State Insurance Scheme Labour Medical Services, Uttar Pradesh;(e)'Government' means the State 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 order in force prior to the commencement of these rules to a post in the cadre of the Service;(h)'service' means Employees' State Insurance (Chief Pharmacists) Service;(i)'Substantive appointment' means an appointment not being 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 the 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 Appendix :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 temporary or permanent posts from time to time as he may consider proper.

## **Part III – Recruitment.**

### **5. Source of recruitment.**

- Recruitment to the posts of Chief Pharmacists in the Service shall be made by promotion through the Selection Committee from amongst substantively appointed Pharmacists who have completed twelve years service as such on the first day of the year of recruitment;

### **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 – Procedure for Recruitment**

### **7. 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 the Scheduled Castes, Scheduled Tribes and other categories under rule 6.

### **8. 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 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, as amended from time to time ; Provided that if the Selection Committee so constituted does not include persons each belonging to Scheduled Castes/Scheduled Tribes and Backward Classes then an officer belonging to such Castes/Tribes, classes as are not represented in the Selection Committee shall be nominated by the appointing authority as a member of the Selection Committee. (2) The appointing authority shall prepare eligibility lists of the 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 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 V – Appointment, Probation, Confirmation and Seniority**

### **9. Appointment.**

(1) The appointing authority shall make appointments by taking the names of candidates in the order in which they stand in the list prepared under rule 8. (2) If more than one order 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 it stood in the cadre from which they are promoted.

### **10. Probation.**

(1) A person on substantive appointment to a post in the service in or against a permanent vacancy shall be placed on probation for a period of probation 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.(4)A probationer who is reverted 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 of any other equivalent or higher post, to be taken into account for the purpose of computing the period of probation.

## **11. 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-(i)his work and conduct are reported to be satisfactory;(ii)his integrity is certified; and(iii)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.

## **12. 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 VI – Pay, Etc.**

### **13. [Scale of Pay] [For current Scale of Pay, please see the Pay Scales introduced by the State Government, from time to time.].**

(1)The scale 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.(2)The [scale of pay] [For current Scale of Pay, please see the Pay Scales introduced by the State Government, from time to time.] to the post of Chief Pharmacists in the Service at the time of the commencement of these rules is Rs. 1400-40-1600-50-2300- E.B.-60-2600.

## **14. 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 completed period of the probation 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 a person who was already holding a post under the Government, shall be regulated by the relevant fundamental rules :Provided that if the period of posts 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 a permanent Government Service shall be regulated by the relevant rules applicable generally to Government servants serving in connection with the affairs of the State.

### **15. Criteria for crossing efficiency bar.**

- No person shall be allowed to cross the efficiency bar unless his work and conduct are reported to be satisfactory and unless his integrity is certified.

## **Part VII – Other provisions**

### **16. 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.

### **17. 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, regulation and orders applicable generally to Government Servants serving in connection with the affairs of the State.

### **18. 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.

### **19. 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 the regard.Appendix[See Rule 4 (2)]

Name of the post    Number of posts

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Permanent	Temporary	Total	
1	2	3	4
Chief Pharmacist ...		10	10