

The U.P. Assistant Excise Commissioners Service Rules, 1992

UTTAR PRADESH

India

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Rule

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The U.P. Assistant Excise Commissioners Service Rules, 1992Published vide Notification No. 88-E-1/13-60-85, dated January 7, 1992In 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 including the Uttar Pradesh Excise Service (Class II) Rules, 1970, issued with Notification No. 846-E/XIII-138-58, dated February 16, 1970 the Governor is pleased to make the following rules regulating recruitment's and the conditions of service of persons appointed to the Uttar Pradesh Assistant Excise Commission Service :

Part I – General

1. Short title and commencement.

- (i) These rules may be called "The Uttar Pradesh Assistant Excise Commissioners Service Rules, 1992".(ii)They shall come into force at once.

2. Status of the service.

- The Uttar Pradesh Assistant Excise Commissioners Service is a State Service comprising Group "B" posts.

3. Definitions.

- In these rules unless there is anything repugnant in the subject or context-(a)"Appointing authority" means the Governor;(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 Public Service Commission, Uttar Pradesh;(d)"Constitution" means the Constitution of India;(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 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 Assistant Excise Commissioners 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 1st day of July of a calendar year.

Part II – Cadre

4. Cadre of service.

(1)The strength of the Service shall be such as may be determined by the Government from time to time.(2)The strength of the Service shall, until orders varying the same are passed under sub-rule (1), be as follows :

Name of the posts	Number
Permanent	Temporary
Assistant Excise Commissioner, including one post of Personal Assistant to Excise Commissioner.	61(including seven permanent posts held in abeyance). 22

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;(2)the Governor may create such additional, permanent or temporary, posts as he may consider proper.

Part III – Recruitment

5. [Source of recruitment. [Substituted vide Notification No. 3088-E-1/XIII-145-97-T.C.-II, dated 24th November, 1997, published in U. P. Gazette, dated 29th November, 1997.]

- Recruitment to the posts in the service shall be made by promotion through the Commission from amongst such Superintendents of Excise as are substantively appointed and continuing as such on the first day of the year of recruitment :Provided that if in any year of recruitment sufficient number

of candidates are not available for promotion, the field of eligibility may be extended to include such substantively appointed Excise Inspectors who have completed fifteen years' service, as such, on the first day of the year of recruitment. Explanation. - "Fifteen years' service" referred to in the above proviso shall mean fifteen years' service commencing from the date of substantive appointment : Provided further that if sufficient number of eligible or suitable candidates are not available for promotion, the prescribed period of qualifying service may be relaxed by the Government to such extent as it may consider necessary excluding the period of probation prescribed for the post of Excise Inspector.]

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 – Procedure for recruitment

7. Determination of vacancies.

- The appointing authority shall determine and intimate to the Commission the number of vacancies to be filled in 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.

8. Procedure for recruitment by promotion.

- Recruitment by promotion shall be made on the basis of merit in accordance with the Uttar Pradesh Promotion by Selection in consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time.

Part V – Appointment, Probation, Confirmation and Seniority

9. Appointment.

(1) The appointing authority shall make appointment by taking the names of candidates in the order in which they stand in the lists 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 determined in the selection or as the case may be, as it stood in the cadre from which they are promoted.

10. Probation.

- 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.(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 order or any other equivalent or higher post, to be taken into account for the purpose of computing the period of probation.

11. Confirmation.

- 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 is reported to be satisfactory;(ii)his integrity is certified; and(iii)the appointing authority is satisfied that he is otherwise fit for 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.

(1)The scale of pay admissible to persons appointed on a post in the service, whether in a 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 Scale of pay of Assistant Excise Commissioner at the time of the commencement of these rules is Rs. 2,000-75-2,800-E.B-100-4,000.

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, has passed departmental examination and undergone training where prescribed, 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 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.

15. Criterion for crossing efficiency bar.

- No person shall be allowed to cross the efficiency bar unless-(i)his work and conduct are found to be satisfactory;(ii)he has worked diligently and to the best of his ability; and(iii)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 order, 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.

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 :Provided that the Commission shall be consulted before the requirements of any rule are dispensed with or relaxed.

19. Savings.

- Nothing in these rules shall affect reservations 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 orders of the Government issued from time to time in this regard.