

Commissioners Offices Ministerial Service Rules, 1980

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The Commissioners Offices Ministerial Service Rules, 1980

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In 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 the Commissioners Offices Ministerial Service.

Part I

General

1. **Short title and commencement.**- (1) These rules may be called the Commissioners Offices Ministerial Service Rules, 1980.

(2) They shall come into force at once.

2. **Status of the service.**- The Commissioners Offices Ministerial Service comprises group 'C' posts.

3. **Definitions.**- In these rules, unless there is anything repugnant in the subject or context-

(a) "appointing authority" means the Commissioner of the Division;

(b) "Additional Commissioner" means the Additional Commissioner of a Division;

(c) "Board" means the Board of Revenue, Uttar Pradesh;

(d) "Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution;

(e) "Commissioner" means the Commissioner of a Division;

(f) "Commissioner's Office" includes the office of the Additional Commissioner;

(g) "Constitution" means the Constitution of India;

(h) "Government" means the Government of Uttar Pradesh;

(i) "Governor" means the Governor of Uttar Pradesh;

(j) "Head of Department" means the Board of Revenue;

(k) "Member of Service" means a person appointed in a substantive capacity under these rules of the rules or orders in force prior to the commencement of these rules to a post in the cadre of the service; and

(l) "year of recruitment" means the period of twelve months commencing from the first day of July of a calendar year;

[(m) "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 rules, in accordance with the procedure prescribed for the time being, by executive instructions issued by the Government].

Part II

Cadre

4. **Cadre of service.**- (1) The Ministerial posts in the office of each Commissioner shall form a separate cadre.

(2) The strength of the Cadre and of each category of posts therein shall be such as may be determined by the Governor from time to time.

(3) The strength of Service and of each category of posts therein shall, until orders varying the same are passed under sub-rule (2), be as given in Appendix I:

Provided that -

(1) the appointing authority may leave unfilled or the Governor may hold in abeyance any vacant post, or

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

Part III

Recruitment

5. **Sources of recruitment.**- Recruitment to the various categories of posts in the service shall be made from the following sources:

Category 'A'	
Junior Assistant (Grade II) Routine Clerk, Record Keeper, Typist, Copyist and Ahalmad. (Rs. 200-320).	1. By direct recruitment and promotion of Group 'D' employees in accordance with the provisions of Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975 as amended from time to time: Provided that Paid Apprentices appointed before the commencement of these rules will be absorbed in posts of category A before appointments are made by direct recruitment and promotion.
Category 'B'	
Junior Assistant (Grade-I) and Reader in the Court of Additional Commissioner (Rs. 230-385).	2. By promotion from amongst permanent incumbents of the posts under Category 'A'
Category 'C'	
Senior Assistant and Sarismedar (Rs. 280-450).	3. [By promotion from amongst the permanent incumbents of the posts under category 'B' in the Commissioner's Office and the permanent Juniors Clerks of the Collect rates of the concerned, division working in this pay scale of Rs. 430-685. Note - For the purpose of promotion a Combined Seniority list shall be prepared by arranging the names of the eligible

	persons in order of seniority as determined from the date of their substantive appointment in the pay scale of Rs. 430-685].
Category 'D'	
Head Assistant (Rs. 450-700)	4. [By promotion amongst the permanent incumbents of the posts under category 'C of the Commissioner's Office and the permanent Senior Assistants of the Collectorate of the concerned division working in the pay scale of Rs. 470-735. Note - For the purpose of promotion a combined eligibility list shall be prepared by arranging the names of the eligible persons in order of seniority as determined from the date of their substantive appointment in the pay scale of Rs. 470-735].
Category 'E'	
Stenographer to Commissioner (Rs. 400-600)	5. By promotion from amongst permanent stenographer to Additional Commissioner and permanent Camp Assistant in the scale of Rs. 300-500.
Category 'F'	
Stenographer to Additional Commissioner and Camp Assistant (Rs. 300-500).	6. By direct 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 Government in force at the time of recruitment.

Part IV

Qualifications

7. **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 January, 1962, with the intention of permanently settling in India; or

(c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon, 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 shall 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 and other qualifications.**- A candidate for direct recruitment to the various posts in the service must possess the following qualifications:

Posts	Qualification
For the posts in category 'A'	As prescribed in the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975 :
	Provided that in the case of the posts of typists a candidate must also possess a minimum speed of 25

	words per minute in Hindi typewriting.
2. Stenographer and Camp Assistant.	(i) Must have passed Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the government as equivalent thereto; and
	(ii) must have a minimum speed of 80 words per minute in Hindi shorthand and 30 words per minute in Hindi typewriting.

9. Preferential qualification.- A candidate who has-

- (i) served in the Territorial Army for a minimum period of two years, or
- (ii) Obtained a 'B' certificate of the National Cadet Corps, shall, other things being equal be given preference, in the matter of direct recruitment.

10.Age.- (1) A candidate for direct recruitment to the post covered by the Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975 must be within the age-limit laid down in the said Rules.

(2) A candidate for direct recruitment to posts not covered by sub-rule (1) must have attained the age of 21 years and must not have attained the age of more than 30 years or January 1 of the year in which 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 July 1 to December 31:

Provided that the upper age-limit in the case of candidate belonging to the Scheduled Castes/Scheduled Tribes 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.

11.Character.- 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 Government 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 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 Governor 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 efficient performance of his duties. Before a candidate is finally approved for appointment, he shall be required to produce a medical certificate of fitness in accordance with the rules framed under Fundamental Rule 10, contained in Chapter III of the Financial Handbook, Volume II, Part III:

Provided that a medical certificate of fitness shall not be required from a candidate recruited 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 the Scheduled Castes, Scheduled Tribes and other categories under rule 6. The vacancies to be filled by direct recruitment shall be notified to the Employment Exchange in accordance with the rules and orders for the time being in force.

15. Procedure for direct recruitment to post of Junior Assistant, grade II.- Subject to the provisions of rule 5, direct recruitment to the post of Junior Assistant, Grade II shall be made in accordance with the procedure laid down in the [Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975 as amended from time to time.]

16. Procedure for direct recruitment to the post of Stenographer and Camp Assistant.- (1) For the purpose of direct recruitment to the post of Stenographer to Additional Commissioner and Camp Assistant there shall be constituted a Selection Committee comprising:

(i) The Commissioner of the Division.

(ii) The District Magistrate of the Headquarters of the Commissioner.

(iii) The Staff Officer of the Commissioner.

(2) The Selection Committee shall scrutinize the applications and require the eligible candidates to appear in competitive test and interview.

(3) After the marks obtained by the candidates in the written test have been tabulated, the Selection Committee shall having regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with rule 6, call for interview such number of candidates as on the result of the written test, have come up to the standard fixed in this respect. The marks awarded to each candidate in the interview shall be added to the marks obtained by him in the written test

(4) The Selection Committee shall prepare a list of candidates in order of merit, as disclosed by the aggregate of marks obtained by them in the written test and interview, if two or more candidates obtain equal marks the candidates obtaining higher marks in the written test shall be the vacancies.

17. Procedure for recruitment by promotion to the post of Head

Assistant.- (1) Recruitment to the post of Head Assistant shall be made on the basis of seniority subject to rejection of the unfit, through the Selection Committee constituted under rule 16 (1).

(2) The appointing authority shall prepare an eligibility list of the candidates arranged in order of seniority and place it before 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 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 and forward the same to the appointing authority.

18.Procedure for recruitment by promotion to the posts not covered by rule 17.- (1) Recruitment by promotion to the posts of different categories shall be made on the basis of seniority subject to rejection of the unfit through the Selection Committee constituted under rule 16 (1).

(2) The appointing authority shall prepare categorywise eligibility lists of the candidates arranged in order of seniority and place it before the Selection Committee along with their character rolls and such record pertaining to them as considered proper.

(3) The Selection Committee shall consider the cases of candidates on the basis of records, referred to in sub-rule (2) and if considered necessary, it may interview the candidates also.

(4) The Selection Committee shall prepare a list of selected candidates arranged in order of seniority and forward the same to the appointing authority.

Part VI

Appointment, Probation, Confirmation Seniority

19.Appointment.- (1) On the occurrence of substantive vacancies the appointing authority shall make appointment by taking candidates in the order in which they stand in the list prepared under rule 15, 16, 17 and 18 as the case may be.

(2) The appointing authority may make appointments in temporary and officiating vacancies also from the lists, referred to in sub-rule (1) If no candidate borne on these lists is available, he may make appointment in such vacancies from persons eligible for appointment under these rules but such appointments in the case of posts to which direct recruitment is made in accordance with the [Subordinate Offices Ministerial Staff (Direct Recruitment) Rules, 1975 shall not last for a period exceeding six months and one year in respect of other posts, or till the next selection whichever is earlier.]

20.Probation.- (1) A person on appointment to a post in the service in or against a substantive 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 for exceptional reasons the period of probation shall not be extended for more than one year and in no case 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.

21. Confirmation.- A probationer shall be confirmed in his appointment at the end of the 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, and

(c) the appointing authority is satisfied that he is otherwise fit for confirmation.

22. Seniority.- Seniority in any category of post in the service shall be determined from the date of order of substantive appointment and where two or more persons are appointed together from the order in which their names are arranged in the appointment order:

Provided that-

(i) the *inter se* seniority of persons directly appointed to the service shall be the same as determined at the time of selection.

(ii) the inter se seniority of persons appointed to the service by promotion shall be the same as it was in the substantive post held by them at the time of promotion

Note - (i) A candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacancy is offered to him. The decision of the appointing authority as to the validity of reasons will be final.

(ii) Where the appointment order specifies a particular back date with effect from which a person is appointed substantively that date will be deemed to be the date of order of substantive appointment. In other cases it will mean the date of issue of the order.

Part VII

Pay Etc.

23.Scales of pay.- (1) The scales of pay admissible to persons appointed to the various categories of posts 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 scales of pay at the time of the commencement of these rules are as follows:

<i>Name of the post</i>	<i>[Scale of Pay]</i>
Junior Assistant Grade II, Routine Clerk, Record Keeper, Copyist, Typist and Ahamed in court of Additional Commissioner and Commissioner.	Rs. 200-5-250-E.B.-6-280-E.B.- 8-320.
Junior Assistant Grade I, Reader in the court of Additional Commissioner.	Rs. 280-8-296-9-350-E.B.-10- 400-E.B.-12-450.
Senior Assistant, Sarishtedar	... Rs. 230-6-290-E.B.-9-335-E.B.- 10-385.
Head Assistant Rs.	... 450-25-575-E.B.-25-700
Stenographer to Commissioner	... Rs. 400-20-500-E.B.-20-600.
Stenographer to Additional Commissioner	... Rs. 300-8-340-E.B.-10-440 E.B.- 12-500
Camp Assistant to Commissioner	... Rs. 300-8 340-E.B.10-440- E.B.-12-500.

24. 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 a person who was already holding a post under the Government, shall be regulated by the relevant fundamental rule:

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.

25. Criterion for crossing efficiency bar.- (1) No Head Assistant or Stenographer to the Commissioner shall be allowed to cross efficiency-bar unless he has worked diligently and to the best of his ability, his work and conduct have been found to be satisfactory and unless his integrity is certified.

(2) A person not covered by sub-rule (1) shall not be allowed to cross-

(i) the first efficiency-bar unless his work and conduct are found to be satisfactory and unless his integrity is certified;

(ii) the second efficiency bar unless he has worked diligently and to the best of his work and conduct are found to be satisfactory and unless his integrity is certified.

Part VIII

Other Provisions

- 26.**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.
- 27.**Transfers**.- (1) Transfers from one post to another in the same office may be made by the Commissioner.
- (2) Transfers from one Commissioners Office to another may be made by the Board and persons so transferred shall retain their lien in the parent cadre.
- 28.**Regulation of other matters**.- In regard to the matters not specifically covered by these rules or by 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.
- 29.**Relaxation from the conditions of service**.- Where the State Government is satisfied that 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 rule 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,
- 30.**Saving**.- Nothing in these rules shall affect the reservation or any other concession required to be provided to the Scheduled Castes, Scheduled Tribes and other categories of persons in accordance with the orders issued by the Government from time to time in this regard.

Appendix

(See Rule 4 and 5)

Statement showing strength of Service and of each categories of posts in the Ministerial Establishment of Commissioner's and Additional Commissioner's Office

Categories of posts

Name of division	Category 'A' No. of posts		Category 'B' No. of posts		Category 'C' No. of posts		Category 'D' No. of posts		Category 'E' No. of posts		Category 'F' No. of posts	
	Temp orary	Perm anent	Temp orary	Perm anent	Temp orary	Perm anent	Temp orary	Perm anent	Temp orary	Perm anent	Temp orary	Perm anent
1 Meerut ...	2	7	2	5	...	4	...	1	...	1	2	1
2 Agra	3	7	1	5	1	4	...	1	...	1	2	1
3 Allahabad	1	9	...	7	1	4	...	1	...	1	1	2
4 Faizabad	1	8	...	4	1	4	...	1	...	1	...	2
5 Garhwal	2	4	1	1	1	3	...	1	...	1	1	...
6 Gorakhpur	4	7	3	5	...	4	...	1	...	1	1	3
7 Jhansi ...	2	7	...	4	1	4	...	1	...	1	1	1
8 Kumaon	...	3	...	2	...	5	...	1	...	1	1	...
9 Lucknow	2	8	...	4	...	5	...	1	...	1	1	1
10 Rukhundi	2	7	2	5	1	4	...	1	...	1	2	1
11 Varanasi	2	6	2	5	1	4	...	1	...	1	2	1
Grand Total	21	73	11	47	7	47	...	11	...	11	14	13