

**Uttar Pradesh Employees' State Insurance Homeopathic Pharmacist
Service Rules, 1997**

1. Short title and commencement.
2. Status of the Service.
3. Definitions.
4. Cadre of Service.
5. Source of recruitment.
6. Reservation.
7. Nationality.
8. Academic Qualification.
9. Preferential Qualification.
10. Age.
11. Character.
12. Marital status.
13. Physical fitness.
14. Determination of vacancies.
15. Procedure for direct recruitment.
16. Appointment.
17. Probation.
18. Confirmation.
19. Seniority.
20. Scales of pay.
21. Pay during probation.
22. Criteria for crossing efficiency bar.
23. Canvassing.
24. Regulation of other matters.
25. Relaxation from the conditions of service.
26. Savings.

***The Uttar Pradesh Employees' State Insurance Homeopathic Pharmacist
Service Rules, 1997***

***Published vide Notification No. 4483/36-7-5 (83)-93, dated July 19, 1997,
published in U.P. Gazette, Part 1-Ka, dated, August 30, 1997***

In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing following 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 Uttar Pradesh Employees' State Insurance Homeopathic Pharmacist Service.

Part I

General.

1. **Short title and commencement.**- (1) These rules may be called the Uttar Pradesh Employees' State Insurance Homeopathic Pharmacist Service Rules, 1997

(2) They shall come into force at once.

2. **Status of the Service.**- The Uttar Pradesh Employees' State Insurance Homeopathic Pharmacist Service is a subordinate 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, Employees' State Insurance Labour Medical Service, Uttar Pradesh;

(b) '*citizen of India*' means a person who is or deemed to be a citizen of Indian under Part II of the Constitution;

(c) '*Commission*' means the Uttar Pradesh Subordinate Service Selection Commission;

(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 the 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 Employees' State Insurance Homeopathic Pharmacist 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 procedure prescribed for the time being by executive instructions issued by the Government;

(j) '*year of recruitment*' means period of twelve months commencing from the first day of July of the 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) as given in the Appendix :

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.**- Recruitment to the post of Homeopathic Pharmacist in the service shall be made, by direct recruitment through the Commission.

6. **Reservation.**- Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the provisions of the Uttar Pradesh Public Service (Reservation for

Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994 and the orders of the Government in force at the time of the 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, 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 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 Qualification.**- A candidate for direct recruitment to the post of Homeopathic Pharmacist in the Service must have passed the High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an examination recognised by the Government as equivalent thereto. He must have successfully undergone one year Homeopathic Pharmacist Training Course in an institution recognised by the Government or have two years practical experience as Homeopathic Pharmacist in a Government recognised institution or have two years' practical experience and Homeopathic Pharmacist under a medical practitioner duly registered with the Homoeopathic Medical Board, Uttar Pradesh.

9. **Preferential Qualification.**- A candidate who has-

(i) served in the Territorial Army for minimum period of two years, or

(ii) obtained a 'B' certificate of National Cadet Corps, shall other things being equal, be given preference in the matter of direct recruitment.

10. **Age.**- A candidate for direct recruitment must have attained the age of 18 years and must not have attained the age of more than 32 years on the first day of July of the calendar year in which vacancies for direct recruitment advertised by the Commission :

Provided that the upper-age limit in the case of candidate belonging to the Scheduled Castes and 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 a State Government or by a Local Authority or a Corporation or Body owned or controlled by the Union Government or as State Government shall be ineligible for appointment to the post in the Service. Persons convicted of an offence involving moral turpitude shall also be ineligible.

12. **Marital status.**- A male candidate who have more than one wife living or a female candidate who has married a man already having a wife living shall not eligible for appointment to a post in Service :

Provided that the Government 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 the 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 Hand Book, Volume II, Part III.

Part V

Procedure of Recruitment.

14. Determination of vacancies.- The appointment authority shall determine and intimate to the Commission 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 Scheduled Castes, Scheduled Tribes and other categories under rule 6.

15. Procedure for direct recruitment.- (1) Applications for being considered for selection shall be called by the Commission in the form published in the advertisement issued 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 and other categories in accordance with rule 6, call for interview such number of candidates who fulfil 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 obtain equal marks, the name of the candidate senior in age shall be placed higher in the list. The number of the names in the list shall be larger (but not larger by more than twenty-five per cent) than the number of the vacancies. The Commission shall forward the list to the appointing authority.

Part VI

Appointment, Probation, Confirmation and Seniority.

16.Appointment.- (1) The appointing authority shall make appointment by taking the names of candidates in the order in which they stand in the list prepared under rule 15.

(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.

17.Probation.- (1) A person on substantive appointment to a post in the Service shall be placed on probation for a period for two years.

(2) The appointing authority may for reasons to be recorded, extend the period of probation in individual cases specifying the dates upto 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.

18.Confirmation.- A probationer shall be confirmed in his appointment at the end of the period of probation or extended period of probation, if-

(a) his work and conduct is reported to be satisfactory;

(b) his integrity is certified; and

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

19.**Seniority.**- The seniority of persons substantively appointed in the Service shall be determined in accordance with the Uttar Pradesh Government Servants Seniority Rule, 1991, as amended from time to time.

Part VII

Pay, etc.

20.**[Scales of pay].**- (1) The scales of pay admissible to persons appointed to the Service shall be such as may be determined by the Government from time to time.

(2) The scale of pay of the post of Homoeopathic Pharmacist, in the Service at the time of commencement of these rules is Rs. 1,350-30-1,440-40-1,800-E.B.-50-2,200.

21.**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 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 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 generally to Government servants in connection with the affairs of the State.

22.**Criteria for crossing efficiency bar.**- No person shall be allowed to cross the efficiency bar unless,-

- (1) his work and conduct is found to be satisfactory; and
- (2) his integrity is certified.

Part VIII

Other Provisions

- 23.**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 directly or indirectly for his candidature will disqualify him for appointment.
- 24.**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, regulations and orders, applicable generally to Government Servants serving in connection with the affairs of the State.
- 25.**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 cause under hardship in any particular case, it may, notwithstanding anything contained in the rules applicable to the case, by order, dispense with or 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.
- 26.**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 this regard.

Appendix

[See Rule 4 (2)]

| <i>Name of the post</i> | <i>Number of posts</i> | | |
|-------------------------|------------------------|------------------|--------------|
| | <i>Permanent</i> | <i>Temporary</i> | <i>Total</i> |
| Homeopathic Pharmacists | 1 | 10 | 11 |