

**Uttar Pradesh Service of Engineers (Irrigation Department) (Group 'B')
Service Rules, 1993**

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***Uttar Pradesh Service of Engineers (Irrigation Department) (Group 'B')
Service Rules, 1993***

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In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in suppression of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating the recruitment

and conditions of service of persons appointed to the Uttar Pradesh Service of Engineers (Irrigation Department) (Group "B") :

Part I

General

1. **Short title and commencement.**- (1) These rules may be called the Uttar Pradesh Service of Engineers (Irrigation Department) (Group 'B') Service Rules, 1993.

(2) They shall come into force at once.

2. **Status of the Service.**- The Uttar Pradesh Service of Engineers (Irrigation Department) (Group 'B') 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 deemed to be a citizen of India under Part II of the Constitution;

(c) "*Commission*" means the Uttar Pradesh Public Service Commission;

(d) "*Constitution*" means the Constitution of India;

(e) "*Government*" means the State 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 Service of Engineers (Irrigation Department), (Group 'B');

(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 were no rules in accordance with the procedure prescribed for the time being by executive instructions issued by the Government; and

(j) "*Year of recruitment*" means a period of twelve months commencing from the first day of July of a calendar year.

Part II

Cadre

4. **Cadre of the Service.**- (1) The strength of the Service and of each category of post 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 "A" :

Provided that-

(i) the Governor may leave unfilled or may hold in abeyance any vacant post, without thereby entitling any person to compensation;

(ii) the Governor may create such additional permanent or temporary post as he may consider proper.

Part III

Recruitment

5. **Source of recruitment.**- Recruitment to the posts of Assistant Engineer (Civil or Mechanical) in the Service shall be so arranged that-

(1) 66-2/3 per cent posts in the cadre are filled in by direct recruits selected through the Commission.

(2) 33-1/3 per cent posts in the cadre are filled in by promotees through the Commission. Out of which-

(a) in Civil Branch-

(i) 24 per cent shall be filled in from amongst substantively appointed Junior Engineers (Civil), who have completed ten years service, as such, on the first day of the year of recruitment;

(ii) One per cent shall be filled in from amongst such substantively appointed Computers (Civil) who possess one of the qualifications mentioned in Appendix "B" and who have completed seven years of Service, as such, on the first day of the year of recruitment;

(iii) 7-1/3 per cent shall be filled in from amongst such substantively appointed Junior Engineers (Civil) who possess Bachelor's Degree in Civil Engineering from a recognised Institution or is an Associate Member of Institution of Engineers (India) (Civil Engineering Branch) and who have completed three years Service, as such, on the first day of the year of recruitment;

(iv) 0.6 per cent shall be filled in from amongst such substantively appointed Computers (Civil) who possess Bachelor's Degree in Civil Engineering from a recognised Institution or are Associate Members of the Institution of Engineers (India) (Civil Engineering Branch) and who have completed three years Service, as such, on the first day of the year of recruitment;

(v) 0.4 per cent shall be filled in from amongst such substantively appointed Research Supervisors who possess Bachelor's Degree in Civil Engineering from a recognised Institution or are Associate Member of the Institution of Engineers (India) (Civil Engineering Branch) and who have completed three years Service, as such, on the first day of the year of recruitment.

(b) in Mechanical Branch-

(i) 25 per cent shall be filled in from amongst such substantively appointed Junior Engineers (Mechanical) who have completed ten years Service, as such, on the first day of the year of recruitment; and

(ii) 8-1/3 per cent shall be filled in from amongst such substantively appointed Junior Engineers (Mechanical) who possess Bachelor's Degree in Mechanical

Engineering from a recognised Institution or are Associate Members of Institution of Engineers (India) (Mechanical Engineering Branch) and who have completed three years of Service, as such, on the first day of the year of recruitment:

Provided that the Appointing Authority may regulate the recruitment by promotion in any year of recruitment in such manner that the prescribed percentage for promotion is maintained.

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

Qualifications

7. **Nationality.**- A candidate for direct recruitment to 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, 1963 with the intention of permanently settling in India; or

(c) a person of Indian origin as 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 Assistant Engineer must-

(1) possess a degree in Civil or Mechanical Engineering, as the case may be, from an Institution or an University recognised by the Government; or

(2) be a qualified Associate Member of the Institution of Engineer's (India) Civil Engineering Branch or Mechanical Engineering Branch, as the case may be.

9. Preferential qualification.- A candidate who has-

(i) served in the territorial army for a minimum period of two years; or

(ii) obtained "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 21 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 the vacancies for direct recruitment are advertised by the Commission :

Provided that the upper age limit in the case of candidates 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.

Note. - Persons dismissed by the Union Government or a State Government on by 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 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 pass an examination by a Medical Board :

Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotion.

Part V

Procedure for Recruitment

14.Date of determination of vacancies.- The Appointing Authority shall determine and intimate to the Commission the number of vacancies to be filled during the course of the years as also the number of vacancies to be reserved for a candidate belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6.

15.Procedure for direct recruitment.- (1) Application for permission to appear in the competitive examination shall be invited by the Commission in the prescribed *pro forma* published in the advertisement issued by the Commission.

(2) No candidate shall be admitted to the examination unless he holds a certificate of admission, issued by the Commission.

(3) After the result of written examination has been received and tabulated, the Commission shall having regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and others categories under Rule 6, summon for interview such number of candidates as on the result of the written examination have come upto the standard fixed by

the Commission in this respect. The marks awarded to each candidate at the interview shall be added to the marks obtained by him in the written examination.

(4) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the aggregate of marks obtained by each candidate at the written examination and interview and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtain equal marks in the aggregate, the name of the candidate obtaining higher marks in the written examination shall be placed higher in the list. The number of names in the list shall be larger (but not larger by more than 25 per cent) than the number of vacancies. The Commission shall forward the list to the Appointing Authority.

16.Procedure for recruitment by promotion.- (1) Recruitment by promotion to the post of Assistant Engineer (Civil) or Assistant Engineer (Mechanical) shall be made on the basis of seniority subject to the rejection of unfit in accordance with "Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970" as amended from time to time:

Provided that if there are different feeding cadres the candidates in the higher pay scale shall be placed above in the eligibility list:

Provided further that if two or more cadres are in identical scales of pay the names of the candidates in the eligibility list shall be arranged according to the date of the substantive appointment.

17.Combined select list.- (i) If in any year of recruitment appointments are made both by direct recruitment or by promotion a combined select list shall be prepared by taking the names of candidates from the relevant lists in such manner that the prescribed percentage is maintained, the first name in the list being of the person appointed by promotion.

(ii) The name of Junior Engineers, Computers and Research Supervisors shall be placed in the combined select list in proportion of promotion quota, as defined in Rule 5 in accordance with the pay scale in their respective cadre. The persons promoted from the feeding cadre having higher pay scale shall be senior to the persons promoted from feeding cadre having lower pay scale.

Part VI

Appointment, Departmental Training, Examination, Probation, Confirmation and Seniority

18.Appointment.- (1) Subject to the provisions of sub-rule (2), 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 15, 16 or 17 as the case may be.

(2) Where in any year of recruitment, appointments are to be made both by direct recruitment and by promotion, regular appointments shall not be made unless selections are made from both the sources and a combined list is prepared in accordance with Rule 17.

(3) 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. If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the cyclic order referred to in Rule 17.

19.Probation.- (1) A person on 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, 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.

20.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) he has passed the prescribed departmental examination;
- (b) he has successfully undergone the prescribed training;
- (c) his work and conduct is reported to be satisfactory;
- (d) his integrity is certified, and
- (e) the Appointing Authority is satisfied that he is otherwise fit for confirmation.

21.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 VII

Pay etc.

22.Scale of pay.- (1) The scales of pay admissible to a person appointed to a post in the cadre of the service shall be such as may be determined by the Government from time to time.

(2) The scales of pay shall, until orders verifying the same under sub-rule (1) are passed and unless the Government servant opts for the old scale be as shown in Appendix "A-1".

(3) Higher scale of pay and Personal Scale of pay as mentioned in Appendix A-2 and A-3 respectively shall be allowed to the Assistant Engineers, in individual cases in accordance with the criteria laid down in the orders of the Government issued from time to time.

23.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 including, period of training has passed departmental examination and second increment after two years

satisfactory 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 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 who is 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.

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

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

(ii) his integrity is certified.

Part VIII

Other Provisions

25.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.

26.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.

27. 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, in consultation with Commission 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 when a rule has been framed in consultation with the Commission, that body shall be consulted before the requirements of the rule are dispensed with or relaxed.

28. 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 order of the Government issued from time to time in this regard.

Appendix A-1

[See Rules 4(2) and 22(2)]

<i>Name of post</i>	<i>Permanent</i>	<i>Temporary</i>	<i>Pay scale</i>
Assistant Engineer (Civil)	1762	165	Rs. 2200-75-2800-EB 100-4000.
Assistant Engineer (Mechanical)	350	264	Rs. 2200-75-2800-EB -100-4000.

Appendix A-2

[See Rule 22(3)]

<i>Name of Post</i>	<i>Pay Scale</i>
Assistant Engineer (Civil)	Rs. 3000-100-3500-EB 125-4500.
Assistant Engineer (Mechanical)	Rs. 3000-100-3500-EB 125-4500.

Appendix A-3

[See Rule 22 (3)]

<i>Name of Post</i>	<i>Pay Scale</i>
Assistant Engineer (Civil)	Rs. 3700-125-4700-150-5000.
Assistant Engineer (Mechanical)	Rs. 3700-125-4700-150-5000.

Appendix B

[See Rule 5(2)(a)(ii)]

- (1) Three years Diploma in Civil Engineering awarded by State Board of Technical Education in U.P.
- (2) Diploma in Civil Engineering awarded by any other Institutions recognised by the Government.
- (3) Certificate in Draftsmanship awarded by State Board of Technical Education, U.P. or *Ad hoc* Board of Engineering Education in U.P.
- (4) Certificate of Draftsmanship from Roorkee University.
- (5) Three years Certificate in Draftsmanship from Benaras Hindu University.
- (6) Two and half years Certificate in Draftsmanship from Aligarh University.