

In pursuance of the provisions of clause (3) of Article 348 of the constitution of India The Governor of Uttar Pradesh is pleased to publication of the following English translation of notification no. 7065-c/v-1012(5)-52 Date June 15,1966

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In exercise of the power under clause (e) of sub-section (2) of section 42 of U.P. Indian Medicine Act, 1939 (U.P. Act. No/ x of 1939)The Governor of Uttar Pradesh is pleased to make the following rules the same having been previously published with notification no. 6141-c/v-1012(5)-52, dated January 28,1966 as required under sub-section (1) of the said section of the said Act:

PART – 1 (General)

1. Short title and commencement-(1) These Rules may be called the "Registrar of the Board

of Indian Medicine, U.P..Service Rules, 1966".

2. Definition-In these Rules, unless there is anything repugnant in the subject or context:-

(i) "Act" – means the U.P. Indian Medicine Act, 1939 (U.P. Act No. x of , 1939);

(ii) "Board" – mean's the Board of Indian Medicine, Uttar Pradesh constituted under section -3 of the Act.

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

(iv) "State Government" – means the Government of Uttar Pradesh;

(v) "Governor" – means the Governor of Uttar Pradesh;

(vi) "President" – means the President of the Board; and

(vii) "Registrar" – means the Registrar of Board appointed under section 24 of the Act.

3. Designation--The Registrar of the Board shall be whole-time salaried servant of the Board.

PART II - Appointment

4. Appointment--Subject to the provisions of rule 12 the selection for the post of the Registrar shall be made by the Board with the approval of the State Government after inviting applications from the intending candidates through advertisement in Press.

PART III - Qualification.

5. Qualification-No person shall be appointed as a Registrar unless he-

- (1) Essential -- (a) is a citizen of India or a subject of Sikkim:
 (b) is not less than 30 and not more than 45 years of age on the first day of January of the year in which the appointment is made;
 (c) is in good mental and bodily health and free from any physical defect likely to interfere with the efficient discharge of his duties;
 (d) holds a degree of a University established by law in U.P. or of any other University recognised for this purpose by the Governor of U.P.;
 (e) can read and write Hindi in Devanagiri script; and
 (f) possesses administrative capacity and experience of running a Government or public office for at least five years.

(2) Preferential-- (a) possesses a title or diploma or degree in Ayurveda or Unani Tibb registered

able under the Act.

(b) has working knowledge of Urdu.

6. **Character**---The character of a candidate must be such as to render him suitable in all respects

for appointment as Registrar under the Board. The board shall satisfy itself of this point and in

doing so shall follow the general instructions that may be issued by the

state Government on the subject from time to time.

7. **Disqualification**---A person shall be disqualified for appointment as Registrar if --

(a) he has been dismissed from the service of the Central or any State Government or any local authority or has been convicted for a criminal offence involving moral turpitude;

(b) any of his relations is the Chairman or a member of the Board or any of its

Advisory committee at the time of his appointment;

(c) Any of his relations by himself or partner, has any interest indirectly or directly

in any contract with, or employment under, the Board.

Explanation-For the purpose of this rule, "relation" means father, grand-father,

father-in-law, paternal or maternal uncle, son grandson, first cousin, paternal or maternal wife's

, brother, or sister husband.

8. Marital Status--No person, who has more than one wife living, and no woman, who has married a person having already a wife shall be eligible for appointment;

Provided that the Board may, if satisfied, that there are special grounds for exempting any person from the operation of this rule, refer the matter to the State Government, whose decision shall be final.

PART IV – Pay and Allowance.

9. Pay and Allowance—

(1) The scale of pay admissible to a person appointed as Registrar, whether in a substantive or officiating capacity or as a temporary measure, shall be 200-10-240 EB-10-290. EB-10-310-310-15-155-EB-15-400.

(2) The State Government may revise the scale of pay as and when necessary.

(3) The incumbent will also be entitled to dearness allowance as may be sectioned to Government servant from time to time.

Provided that in the case of Government servant transferred to Foreign Service under the Board for appointment as Registrar the conditions of his service shall be regulated by the terms and conditions embodied in the transfer order,

PART V - Recruitment

10. Before a person is appointed as Registrar he will be required to -

(1) produce certificate of good character from the principal/academic officer of the University or College or school in which he was last educated and from two responsible persons (not relations) who are well acquainted with him in private life and are unconnected with his University, College, School, provided the Board may make such further inquiry regarding his antecedents and character as it may deem necessary; and

(2) Produce a certificate of fitness from a civil surgeon.

11. Canvassing--No recommendation, either written or oral, other than that required under these

rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support, directly or indirectly for his candidature by other means shall disqualify him for appointment.

PART (VI) - Probation to Confirmation.

12. Probation-(1) A candidate on appointment to the post of Registrar in or against a substantive vacancy shall be placed on probation for a period of two years.

Provided that the appointing authority may for sufficient reasons to be recorded in writing, extend the period of probation for a further period not exceeding one year. Any such order shall specify the date up to which the extension is made;

"Explanation Continuous service rendered in an officiating or temporary capacity in the post shall be counted for computing the said period of probation."

(2). If it appears at any time during or at the end of the period or probation, or the extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities, or if he has otherwise failed to give satisfaction, his service may with the approval of the State Government be dispensed with by the Board.

(3) A person whose services have been dispensed with under sub-rule (2) shall not be entitled to any compensation.

13. Confirmation- A person appointed as Registrar shall be confirmed in his appointment at the end of the period or probation, or the extended period of probation, as the case may be, with the previous approval of the State Government provided:-

- (a) His work and conduct, are found to be satisfactory ;
- (b) His integrity is certified and
- (c) The Board thinks that he is fit for confirmation.

14. Efficiency bar-- No person shall be allowed to cross the efficiency bars unless he has worked efficiently and his integrity is certified.

15. Termination of service after Probation-The term of office of a person appointed as a Registrar, other than a Government servant transferred on foreign service under the Board, shall not terminate until he has :-

- (a) given his resignation addressed to the President in writing and it has been accepted in writing by the Board, or he ceases to be in service by the operation of the rules regulating the retirement of the Board's servants; or
- (b) given the Board at least three months' notice or has paid or assigned to the Board a sum equal to his three months' notice or has paid or assigned to the Board a sum equal to his three months' pay in lieu of notice or
- (c) been given by the board not less than three months' notice on a sum equal to three months' pay in lieu of notice or
- (d) been dismissed, discharged or removed according to the provisions of the Act or the rules made thereunder.

VII - Punishments and Appeal

16. The Board shall subject to the provisions of sub-section (2) of Section 24 of the Act have the power to inflict the following punishments on the Registrar, namely

- (a) Censure;
- (b) Withholding of increments;
- (c) Reduction in pay;
- (d) Recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of order
- (e) Removal from service which does not disqualify him from future employment;
- (f) Dismissal from service which ordinarily disqualifies him from future employment.

Provided that the order of punishment or removal or dis-missal shall not be valid

unless passed by a resolution supported by not less than two -thirds of the members, including the

President, constituting the board.

17Procedure-(1)(a). No order, other than an order based on facts which have led to his conviction in a criminal court, of dismissal, removal or reduction in pay shall be passed unless he had been intimated in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself.

(b) The grounds on which it is proposed to take action shall be reduced in the form of a definite charge or charges, which shall be communicated to the Registrar together with a statement of the allegations on which each charge is based and of any other circumstance which it is proposed to take into consideration in passing orders in the case.

(c) He shall be required, within a reasonable time, to put in a written statement and to state whether he desires to be heard in person.

(d) Thereafter, an enquiry shall be held by the President of the Board or any other person or persons authorized by the Board. At that enquiry oral evidence if any, shall be heard on such of the allegations as are not admitted, and he shall be entitled to cross-examine the witnesses, to give evidence in person and to have, such witnesses called, as he may wish. Provided that the enquiring authority may for special and sufficient reasons to be recorded in writing, refuse to call a witness.

(e) The proceedings shall contain sufficient record of evidence and a statement of the findings and the grounds thereof.

(f) The enquiring authority may also separately from these proceedings make his own recommendation regarding the punishment to be imposed on the Registrar.

(2). Sub-rule (1) shall not apply where it is proposed to terminate the employment of a probationer whether during or at the end of period of probation. In such cases, the probationer shall be apprised of the grounds of such proposal, given an opportunity to show cause against the action to be taken against him, and his explanation in this behalf if any, shall be duly considered before orders are passed by competent authority.

(3). After the enquiry against the Registrar has been completed and after the board had arrived at provisional conclusions in regard to the penalty to be imposed, the Registrar, if the penalty proposed is dismissal, removal or reduction in pay, shall be supplied with a copy of proceedings, excluding the recommendations, if any, in regard to the punishment proposed by the enquiring authority and asked to show cause by a particular date, which affords him reasonable time, why the proposed penalty should not be imposed on him

(4). Whenever the Board is satisfied that good and sufficient reasons exist for adopting such a course it may impose the penalty of:

- (i) Censure or
- (ii) Stoppage at an efficiency bar;

Provided that it shall not be necessary to frame formal charges against the Registrar or to call for his explanation.

(5). In all cases where the Board Imposes the penalty of:-

- (i) Withholding increments in the time scale at stages where there is no efficiency bar, or (ii)

recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or

breach of order; formal proceedings embodying a statement of the offence or fault, the explanation of

the Registrar and the reasons for punishment shall be recorded.

18. Suspension-Notwithstanding anything to the contrary in rule 22 the Board may, in exceptional

cases, for sufficient reasons to be recorded in writing and with the approval of the State Government,

suspend Registrar pending an enquiry at any time and immediately proceed

with the investigation of the charge or charges against him.

19. Subsistence allowance- When a Registrar is suspended, he shall be given by the Board a subsistence allowance for the period of suspension. The amount of such allowance shall be determined

in accordance with provision of Fundamental rule 53 of Financial Handbook Volume II Part II as

amended from time to time.

20. Special Rules of punishment for Government servant lent to the Board on foreign service---(1). The services of the State Government servant may be lent to Board for employment as Registrar on such terms and conditions as the State Government may decide,

(2). When the Board decides that disciplinary proceedings should be started against a Government servant under the employ of the Board a copy of the decision together with all relevant material and records of the case shall be forwarded by the President to the authority competent to punish the employee as Government servant and such authority shall thereafter take necessary action in accordance with the provisions contained in the disciplinary rules of the Government service to which he belongs subject to the general or special order of Government issued from time to time in this behalf.

21. Appeals-(1). The registrar may appeal to the State Government against any order of punishment passed by the Board,

(ii). The appeal shall –

(a) contain all material statements and arguments relied on by the appellant,

(b) not be written in disrespectful or improper language;

(c) be submitted through the President, and

(d) be filed within 30 days of the communication to the appellant of the order appealed against.

(iii) A Government servant against whom disciplinary action has been taken under Rule 20 may appeal in accordance with the provisions contained in the disciplinary rules of the Government service to which he belongs.

(iv) The State Government may call for the record of the case and after consideration of the points raised in the appeal shall pass such order as appears to it just and equitable having regard to all the circumstances of the case:

Provided that when the punishment is proposed to be enhanced by the State Government, the person concerned shall be given opportunity to show cause against the proposed enhancement.

PART VIII - OTHER PROVISIONS

22. All other matters relating to the conditions of service of the Registrar not specifically provided for herein, shall be re-regulated as far as possible by the orders of the State Government for Government servants of comparable status.

23. **Retirement**-The age of retirement from service of the Registrar shall be 58 years, beyond which he shall not be ordinarily retained in the service of the Board, except with the previous Approval of the State Government. No extension shall be granted to the Registrar so as to retain him beyond the date on which he attains the age of 60 years. .

24. **Leave**- All matters relating to leave and leave allowances of the Registrar, as far as possible, shall be regulated in the manner applicable to Government servants under the Financial Handbook, Volume II, Parts II to IV (U.P. Fundamental and Subsidiary Rules).

25. **Provident Fund**-The Registrar is not entitled to pension. He may get the benefit of a Provident Fund Scheme, which may be established with the approval of the State Government.

26. **Relaxation from conditions of service**-Where the State Government is satisfied that the operation of any rule regulating the conditions of service causes any undue hardship, it may, notwithstanding anything contained in the rules, by order dispense with or relax the requirements of that rule subject to such extent and conditions as may be considered necessary for dealing with the case in a just and equitable manner.