

In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification No.- 121/VII-Nyaya-8-99-Adhi.-24/65/98, dated August 31, 1999.

**GOVERNMENT OF UTTAR
PRADESH**

NYAY ANUBHAG-8

**No.121/VII-Nyay-8-99-Adhi-
24/65/98**

**Lucknow Dated : 31st August,
1999**

Notification

In exercise of the powers conferred by sub section (3) of Section 3-A and section 7 of the U.P. Public Services (Tribunal) Act, 1976 and in supersession of all the existing rules and orders on the subject, the Governor is pleased to make the following rules regulating the recruitment to certain categories of Group 'D' posts and the conditions of service of persons appointed on such posts in The State Public Services Tribunal.

**THE UTTAR PRADESH STATE PUBLIC SERVICES (TRIBUNAL) GROUP
'D' EMPLOYEES SERVICE RULES, 1999**

Part I

GENERAL

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| Short title and Group 'D' commencement | 1. | (1) These rules may be called the Uttar Pradesh State Public Services(Tribunal) Employees Service Rules, 1999. |
| Status of the Service will Service | 2. | (2) They shall come into force at once.
The Uttar Pradesh State Public Services Tribunal Group 'D' Employees comprise of Group 'D' posts. |
| Definitions context - citizen of | 3. | <p>In these Rules, unless there is anything repugnant in the subject or</p> <p>(a) "appointing authority" means the Chairman of the State Public Services Tribunal;</p> <p>(b) "Citizen of India" means a person who is or is deemed to be a India under Part-II of the Constitution.</p> <p>(c) "Constitution" means the constitution of India;</p> <p>(d) "Government" means the Government of Uttar Pradesh.</p> <p>(e) "Governor" means the Governor of Uttar Pradesh;</p> <p>(f) "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;</p> <p>(g) "Other Backward Classes of Citizens" means the backward classes of citizens specified in Schedule-I to the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;</p> <p>(h) "Registrar" means the Registrar of State Public Services Tribunal;</p> <p>(i) "Retrenched Employee" means a person -</p> <p style="padding-left: 40px;">(i) who was employed on a post under the rule making power of the Governor in permanent, temporary or officiating capacity for a total minimum period of one year, out of which at least 3 months service must have been continuous service;</p> <p style="padding-left: 40px;">(ii) whose services were or may be dispensed with due to reduction or winding up of the establishment; and</p> <p style="padding-left: 40px;">(iii) in respect of whom a certificate of being a retrenched employee has been issued by the appointing authority but does not include a person employed on ad-hoc basis only.</p> <p>(j) "Service" means the Uttar Pradesh State Public Services (Tribunal)Group 'D' Employees Service;</p> <p>(k) "Substantive appointment" means an appointment, not being an adhoc</p> |

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;

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

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orders
4. [(1) The strength of the service and of each category of posts therein shall be such as may decided by the Government from time to time;]
(2) The present strength of the service and of each category of posts therein shall, until varying the same are passed under sub-rule (1), be as given below :-

Serial No.	Name of the Post	Number of Posts		Total
		Permanent	Temporary	
1	Daftari	1	1	2
2	Cyclostyle Operator	-	1	1
3	Zamadar-cum-Orderly	10	3	13
4	Messenger	2	-	2

1- Substituted by Uttar Pradesh State Public Service Tribunal (Group-D) Employees Service (First Amendment) Rules, 2009 (No 368/VII- Nyay-8-2009-26/12/2006 Dated 26 October 2009)

5	Peon	20	7	27
6	Bundle Lifter	-	4	4
7	Farrash	-	2	2
8	Chowkidar	-	2	2
9	Library Attendant	-	1	1
10	Sweeper	-	2	2

Provided that the appointing authority may leave unfilled or the Governor may hold in abeyance any post, without thereby entitling any person to compensation :

Provided further that the Governor may create such additional permanent or temporary posts as he may consider proper.

PART III

RECRUITMENT

Source of 5 recruitment The recruitment to the various categories of posts in the service shall be made from the following sources :-

- (a) Peon, Messenger, - By direct recruitment
Chowkidar, Farrash,
Bundle Lifter, Library
Attendant, Sweeper.
- (b) Zamadar-cum-Orderly - By promotion from
substantively appointed

peons.

(c) Daftari/Cyclostyle Operator - By promotion from
Amongst

substantively appointed
qualified peons,

Messengers and Farrash :

Provided that where no eligible or suitable candidate is available for promotion to a particular post which is required to be filled by promotion the post may be filled by direct recruitment.

Reservation 6. Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the Uttar Pradesh Public Services (Reservation for Physically Handicapped, Dependents of Freedom Fighters and Ex- Servicemen) Act, 1993, the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994, as amended from time to time and the Orders of the Government in force at the time of recruitment.

PART

IV

Qualifications

Nationality

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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 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 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 interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

Age
of 18
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A candidate for direct recruitment to a post in the service must have attained the age years and must not have attained the age of more than 35 years on the first day of July the calendar year in which vacancies for direct recruitment are advertised :

Provided that the upper age limit in the case of candidates belonging to

Scheduled Government Academic Qualification Class		Castes, Scheduled Tribes and such other categories as may be notified by the from time to time shall be greater by such number of years as may be specified.]
	9.(a)	candidate for direct recruitment to the posts of peon Messenger, Chowkidar, Farrash, Bundle Lifter, Library Attendent, Daftari and Cyclostyle Operator must have passed VIII examination.
	(b)	No educational qualifications are required for any other categories of post but preference will be given to a person who is educated or is at least able to read and write Hindi in Devnagri Script.
	(c)	No person shall be eligible for appointment as Daftari, unless he
----- 1- Substituted by Uttar Pradesh State Public Service Tribunal (Group-D) Employees Service (First Amendment) Rules, 2009 (No-368/VII- Nyay-8-2009-26/12/2006 Dated 26 October 2009)		
		possess requisite knowledge of book binding and has good experience of that work,
	(d)	No person shall be eligible for appointment as Cyclostyle Operator or any other post requiring technical knowledge, unless he possesses the requisite technical knowledge, and has good experience pertaining to the particular job.
	(e)	A candidate for recruitment to each category of posts in the Service must know cycling :
		Provided that this condition shall not be applicable to female candidates.
	(f)	A candidate who has served in the Territorial Army for a minimum period of two years shall, other things being equal, be given preference in the matter of direct recruitment to the service.
Character be	10	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 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.
Marital Status who has appointment to a for Physical Fitness mental	11.	A male candidate who has more than one wife living or a female candidate married a man already having a wife living shall not be eligible for post in the service : Provided that the Government may, if satisfied that there exist special grounds doing so, exempt any person from the operation of this rule.
	12.	No candidate shall be appointed to a post in the service unless he be in good 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 III of the Financial Hand Book, Volume II, Part III : Provided that a Medical Certificate of fitness shall not be required from a candidate recruited by promotion.
Chapter		PART V Procedure for Recruitment
Determination of filled vacancies	13	[(1)The appointing authority shall decide the number of vacancies to be during the course of the year of recruitment as also the number of

vacancies to
Tribes

be reserved for candidates belonging to Scheduled Castes, Scheduled and other categories under Rule 6.]

(2) The appointing authority shall notify the vacancies in the following manner :-

- (a) by issuing advertisement in daily newspaper having wide circulation, (b) by pasting the notice on the notice board of the office or by advertising through Radio/Television and other Employment newspaper, and
(c) by notifying vacancies to the Employment Exchange.

-- 1- Substituted by Uttar Pradesh State Public Service Tribunal (Group-D) Employees Service (First Amendment) Rules, 2009 (No-368/VII- Nyay-8-2009-26/12/2006 Dated 26 October 2009)

Procedure for direct
recruitment

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the
Chairperson.

(1) For the purpose of direct recruitment there shall be constituted a Selection Committee comprising :

(i) Appointing Authority or a Member of the Tribunal nominated by appointing authority -----

(ii) An officer holding group 'A' post in the Tribunal or in a Government

Department belonging to the Scheduled Caste or a Scheduled Tribe nominated by the appointing authority, if the appointing authority or the Member nominated by the appointing authority or the Registrar as the case may be does not belong to the Scheduled Castes or Scheduled Tribes, If the appointing authority or a member nominated by the appointing authority or the Registrar, as the case may be belongs to the Scheduled Caste or Scheduled Tribe, an officer other than belonging to the Scheduled Castes, Scheduled Tribes or Other Backward Classes holding Group 'A' post in the Tribunal or in a Government Department shall be nominated by the appointing authority

.....Member

(iii) An officer belonging to other backward classes, nominated by the appointing authority, if the appointing authority or the Member nominated by the appointing authority or the Registrar as the case may be does not belong to the other backward classes. If the appointing authority or the Member nominated by the appointing authority or the Registrar as the case may be belongs to the other backward classes, an officer other than belonging to other backward classes, or the Scheduled Castes or Scheduled Tribes shall be nominated by the appointing authority.

.....Member (iv) Registrar, State Public Services Tribunal .

.....Member

(2) The Selection Committee will scrutinise the applications and require the eligible candidates to appear before it for interview. The total marks for the interview shall be 50.

(3) The Selection Committee shall give weightage to the retrenched employees by awarding marks in the following manner :-

- (a) For the first completed year of service 5 marks
(b) For the next and every completed year of Service ...5 marks

Provided that the maximum marks awarded to the retrenched employees under this sub-rule shall not exceed 15 marks.

(4) The Selection Committee shall arrange in the list the names of the candidates in

order of merit according to the marks awarded at the interview. The number of the candidates in the select list will be larger for the various categories (but not larger by more than 25%) than the number of vacancies for which the selection has been made.

Procedure for recruitment by accordance promotion the from

15. (1) Recruitment by promotion shall be made on the basis of seniority subject to the rejection of the unfit, through the Selection Committee constituted in with the Uttar Pradesh Constitution of Departmental Promotion Committee (for posts outside the purview of the Service Commission) Rules, 1992, as amended time to time.

NOTE :- Nomination of the officers for giving representation to Scheduled Castes, Scheduled Tribes and Other Backward Classes in the Selection Committee shall be made in accordance with the order made under Section 7 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994.

(2) The Registrar shall prepare eligibility lists of the candidates in accordance with the Uttar Pradesh Promotion by selection (on posts out side the purview of the Public Service Commission) Eligibility List Rules, 1986, as amended from time to time, and place the same before the Selection Committee along with their character rolls and such other records pertaining to them as may be considered proper.

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

(4) The Selection Committee shall prepare list of selected candidates in order of seniority as it stood in the cadre from which they are to be promoted and forward the same to the appointing authority.

Combined select list recruitment and the percentage is promotion.

- 16 If, in any year of recruitment appointments are made both by direct 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 maintained, the first name in the list being of the person appointed by

PART VI

APPOINTMENT, PROBATION CONFIRMATION AND SENIORITY

Appointment stand in

17. (1) Subject to the provisions of sub-rule (2), the appointing authority shall make appointments by taking the names of candidates in the order in which they the lists prepared under the Rules 14, 15 or 16 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 combined list is prepared in accordance with Rule 16.
- [(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 merit as decided in the selection or, according to seniority as it stood in the cadre from which they are promoted, as the case may be, If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the order, referred to in Rule 16.]

Probation on

18. (1) A person on substantive appointment 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 circumstance 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 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.

-- 1- Substituted by Uttar Pradesh State Public Service Tribunal (Group-D) Employees Service (First Amendment) Rules, 2009 (No-368/VII- Nyay-8-2009-26/12/2006 Dated 26 October 2009)

Confirmation 19. (1) The provisions of the Uttar Pradesh State Government Servants Confirmation Rules, 1991 shall, mutatis mutandis, apply to a person appointed to the service.

(2) Subject to the provisions of sub-rule (3) 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 is reported to be satisfactory, and

(b) his integrity is certified.

(3) Where, in accordance with the provisions of the Uttar Pradesh State Government Servants Confirmation Rules, 1991, confirmation is not necessary, the order under sub-rule 3 of rules 5 of those rules declaring that the person concerned has successfully completed the probation shall be deemed to be the order of confirmation.

Seniority the 20. The seniority of persons substantively appointed in any category of posts in service shall be determined in accordance with the Uttar Pradesh Government Servants Seniority Rules, 1991, as amended from time to time.

PART VII

Pay etc.

Scale of Pay 21 1. (1) The scales of pay admissible to persons appointed to the various categories of posts in the service, shall be such as may be decided by the Government from time to time.]

(2) The scales of pay at the time of the commencement of these rules are given as follows :-

	Name of post	Scale of Pay
1	Peon, Messenger, Chowkidar Farrash, Sweeper, Bundle- Lifter, Library Attendant	Rs.2550-55-2660-60-3200
2	Zamadar-cum-Orderly	Rs.2610-60-3150-65-3540
3	Daftari, Cyclostyle-Operator	Rs.2610-60-3150-65-3540

Pay during Probation. 22 person (1) Notwithstanding any provision in the Fundamental Rules to the contrary, a

on probation, if he is not already in permanent Government Service, shall be allowed his first increment in the timescale 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.

(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.

(3) The pay during probation of a person already in permanent

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1- Substituted by Uttar Pradesh State Public Service Tribunal (Group-D) Employees Service (First Amendment) Rules,

2009 (No-368/VII- Nyay-8-2009-26/12/2006 Dated 26 October 2009)

Government Service shall be regulated by the relevant rules, applicable generally to Government servants serving in connection with the affairs of the State.

Criteria for crossing efficiency bar 23. No person shall be allowed to cross the efficiency bar unless his work and conduct is found to be satisfactory and unless his integrity is certified.

PART VIII

Other Provisions

Canvassing rules 24. No recommendation, either written or oral, other than those required under the 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.

Regulation of other matters 25. 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.

Relaxation from the regulating the conditions of service in 26. Where the State Government is satisfied that the operation of any rule conditions of service of persons appointed to the service causes undue hardship 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.

Savings to be 27. Nothing in these rules shall affect reservations and other concessions required 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.