

- (m) "Secretary" means the Secretary to Government in the Institutional Finance Department and includes a Special Secretary to Government in the Institutional Finance Department;
- (n) "Service" means the Uttar Pradesh ¹Trade Tax Officers (Grade II) Service;
- (o) "Year of recruitment" means a period of twelve months commencing from the first day of July of calendar year.

PART II—CADRE

Cadre of service :

4. (1) The strength of the service shall be such as may be determined by the Governor from time to time.
- (2) The strength of the service shall until orders varying the same are passed under sub-rule (1), be as given below;
- | | |
|-----------------|-----|
| Permanent posts | 416 |
| Temporary posts | 202 |

Provided that—

- (a) the appointing authority may leave unfilled or the Governor may hold in abeyance any vacant post without thereby entitling any person to compensation; or
- (b) the Governor may create such additional permanent or temporary posts as he may consider proper.

PART III—RECRUITMENT

Source of recruitment :

5. (1) Recruitment to the post of ¹Trade Tax Officer (Grade II) shall be made from the following sources :—

- (i) by direct recruitment through the Commission,
- (ii) by promotion through the Commission, from amongst the permanent departmental candidates who have put in at least seven years service in the Department.

(2) Recruitment from the two sources mentioned in sub-rule (1) above shall be so arranged that, as far as may be, 75 per cent of the posts in the cadre of ¹Trade Tax Officer (Grade II) are held by the directly recruited candidates and 25 per cent posts by promotees ;

Provided that out of the promotion quota of 25 per cent mentioned in sub-rule (2) 19 per cent posts will be filled from amongst permanent employees of the following categories who have put in at least 7 years service in the Department.

- (1) Office Superintendent (Headquarters) in the scale of ²Rs.
- (2) Assistant Superintendent (Headquarters) in the scale of ²Rs.
- (3) Head Assistants (Headquarters) in the scale of ²Rs.
- (4) Head Clerk (Regional Offices) in the scale of ²Rs.
- (5) Head Clerk in the office of ¹Trade Tax Tribunal in the scale of ²Rs.
- (6) Noters and Drafdters in the scale of ²Rs.
- (7) Head Clerks (Circle Offices) in the scale of ²Rs. and the remaining 6 per cent from amongst permanent employees of the following categories who have put in at least 7 years service in the Department :—

1. Construed for 'Sales Tax' vide U.P. Sales Tax (Amendment) Act, 1995, dated 25.8.1995.
2. Pay-scale are not being provided here, as after commencement of these rules, the same have been revised a number of times, and are also likely to be revised soon.

**THE UTTAR PRADESH ¹TRADE TAX OFFICERS (GRADE II)
SERVICE RULES, 1983**

No. S.T. 3-4950/X-93-1 (3)-75

Dated, February 21, 1983

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 Uttar Pradesh ¹Trade Tax Officer (Grade-II) Service :

PART I—GENERAL

Short title and commencement :

- 1.(1) These Rules may be called the Uttar Pradesh ¹Trade Tax Officers (Grade II) Service Rules, 1983
- (2) They shall come into force at once.

Status of the Service :

2. The Uttar Pradesh ¹Trade Tax Officer (Grade II) Service comprising Group 'B' posts.

Definitions :

3. In the rules, unless there is anything repugnant in the subject or context :—
 - (a) "Appointing authority" means Commissioner of ¹Trade Tax, U.P. :
 - (b) "Assistant Commissioner" means Assistant Commissioner, ¹Trade Tax :
 - (c) "Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution :
 - (d) "Commission" means the Uttar Pradesh Service Commission :
 - (e) "Commissioner" means the Commissioner of ¹Trade Tax, Uttar Pradesh :
 - (f) "Constitution" means the Constitution of India :
 - (g) "Deputy Commissioner" means Deputy Commissioner, ¹Trade Tax :
 - (h) "Government" means the Government of Uttar Pradesh :
 - (i) "Governor" means the Governor of Uttar Pradesh :
 - (j) "member of the Service" means a person substantively appointed under these rules or the rules or order in force prior to the commencement of these rules, to a post in cadre of the Service :
 - (k) "¹Trade Tax Officer (Grade II)" means an officer appointed as ¹Trade Tax Officer (Grade II) of a circle and includes ¹Trade Tax Officer (Grade II) (Special Investigation Branch) ¹Trade Tax Officer (Grade II) (Mobile Squad), ¹Trade Tax Officer (Grade II) (Check Post), ¹Trade Tax Officer (Grade II) Cum-²Departmental Representative and ¹Trade Tax Officer (Grade II) posted at Headquarters of Commissioner in the Offices of the Deputy Commissioner or Assistant Commissioner, ¹Trade Tax;
 - (l) "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 no rules in accordance with the procedure prescribed for the time being by executive instructions, issued by the Government;

1. Construed for 'Sales Tax' vide U.P. Sales Tax (Amendment) Act, 1995 (Act No. 31 of 1995) dated 25.8.1995.
2. Post of Departmental Representative has since been abolished by U.P. Trade Tax (First Amendment) Rules, 1996, W.e.f. 1.11.1996.

- (1) Stenographer ¹(Rs.....)
- (2) Stenographers (including Stenographers of ²Trade Tax Tribunal) in the scale of ¹Rs.....
- (3) Statistical Assistant in the scale of ¹Rs.....
- (4) Computers in the scale of ¹Rs.....

(3) For the purpose of selection a common eligibility list will be prepared by arranging the name of persons in the higher grade in order of their seniority followed by name of persons in the next lower grade in order of their seniority.

Reservation :

6. 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—QUALIFICATION

Nationality :

7. 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 January 1, 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 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 conducted by the Commission and may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

Academic qualifications :

8. A candidate for direct recruitment to the service must hold a degree from a recognised University and possess working knowledge of Hindi written in Devanagiri Script.

Preferential qualification :

9. 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.

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1. Pay-Scales are not being provided here, as after Commencement of these rules, the same here been revised a number of times, and are also likely to be revised soon.
 2. Construed for 'Sales Tax' vide U.P. Sales Tax (Amendment) Act, 1995, dated 25.8.1995.

10. A candidate for direct recruitment to the service must have attained the age of 21 years and must not have attained the age of more than *28 years on the first day of January 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 the first day of July if the posts are advertised during the period July 1 to December 31.

Provided that—

- (i) the upper age limit in the case of candidates belonging to the Scheduled Castes, Schedule 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;
- (ii) if a candidate would have been entitled in respect of his age to appear at the examination in any year in which no such examination was held he shall be deemed to be entitled in respect of his age to appear at the next following examination.

Character :

11. The character of a candidate for direct recruitment 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 any State Government or by a local authority or by a Corporation or a body owned or controlled by the Union government or a State Government shall be ineligible for appointment to the Service. Persons convicted of any offence involving moral turpitude shall also be ineligible.

Marital status :

12. 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 of 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.

Physical fitness :

13. 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 examination by a Medical Board shall not be necessary in a case of a candidate recruited by promotion.

PART V—PROCEDURE FOR RECRUITMENT

Determination of vacancies :

14. The appointing 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 the Schedule Castes, Scheduled Tribes and other categories under rule 6.

Procedure for direct recruitment :

15. (1) Applications for permission to appear in the competitive examination for direct recruitment shall be called by the Commission in the prescribed form which may be obtained from the Secretary to the Commission.

(2) No candidate shall be admitted to the examination have 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 under rule 6, summon

* Since revised.

Sec. 2 [R. 2]

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.

(3) 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 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%) than the number of vacancies. The Commission shall forward the list to the appointing authority.

Note : The syllabus and rules for competitive examination shall be as indicated in Appendix 'A' which may be amended by the Government in consultation with the Commission as and when it may be found necessary.

Procedure for recruitment by promotion :

16. Recruitment by promotion shall be made on the basis of merit, in accordance with the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970 as amended from time to time.

APPENDIX 'B'

Combined Selection List :

17. If in any year of recruitment appointments are made both by direct recruitment and 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 percentages are maintained the first name being from the list prepared under rule 16.

Illustration

(1) Suppose, in a service, appointment is made both by direct recruitment (D) and by promotion (P) in the ratio of 75 : 25 and, in a particular year, there are 20 vacancies. In such a case, 15 vacancies will go to the direct recruits and 5 vacancies to promotees. After the selections are made the combined Select List shall be prepared in the following cyclic order :

1.	P	11.	D
2.	D	12.	D
3.	D	13.	P
4.	D	14.	D
5.	P	15.	D
6.	D	16.	D
7.	D	17.	P
8.	D	18.	D
9.	P	19.	D
10.	D	20.	D

PART VI—APPOINTMENT, PROBATION, CONFIRMATION AND SENIORITY

Appointment :

18. (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 13, 16 or 17 as the case may be.

¹. Appendix 'A' is not being provided in these book, as it is subject to amendment from time to time.

(2) When in any year or recruitment, appointments are to be made both by direct recruitment and by promotion, regular appointments shall not be made unless selection are made from both the source and a combined list is prepared in accordance with rule 17.

(3) If more than one orders of appointment are issued in respects 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.

(4) The appointing authority may make appointments in temporary or officiating capacity also from the list referred to in sub-rule (1) if no candidate borne on these lists is available, he may make appointment in such vacancy from amongst persons eligible for appointment under these rules. Such appointments shall not last for a period exceeding one year or beyond the next selection under these rules whichever be earlier, and the provisions of regulations 5 (a) of the U. P. Public Service Commission (Limitation of Functions) Regulations, 1954 shall apply.

Probation :

19. (1) A person on appointment to the service in or against a permanent vacancy shall be placed on probation for a period of two years.

(2) The appointing authority may, for a reason to be recorded, extend the period of probation in individual cases specifying the date 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 officiation 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.

Training and departmental examination :

20. During the period of probation, all candidates recruited directly after the commencement of these rules shall be required to pass the departmental examination and to undergo such training and take such examination as may be prescribed.

Confirmation :

21. 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 are reported to satisfactory;

(d) his integrity is certified ; and

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

Seniority :

22. Except as hereinafter provided, the seniority of persons in any category of post shall be determined from the date of the order or substantive appointment and if two or more persons are appointed together by the order in which their names arranged in the appointment order :

Provided that if the appointment order specifies a particular back date with effect from which a person is substantively appointed and, in other cases, it will mean the date of issue of the order :

Provided further that, if more than one order of appointment are issued in respect of any one selection the seniority shall be as mentioned in the combined order of appointment issued under sub-rule (3) of rule 18.

(2) The seniority inter se of persons appointed directly on the result of any one selection, shall be the same as determined by the Commission or, as the case may be, by the Selection Committee :

Provided that 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 reason shall be final.

(3) The seniority inter se of persons appointed by promotion shall be the same as it was in the cadre from which they were promoted.

(4) Where appointments are made both by promotion and direct recruitment or from more than one source and the respective quota of the sources is prescribed, the inter se seniority shall be determined by arranging the names in a cyclic order, in a combined list, prepared in accordance with rule 17, in such manner that the prescribed percentage is maintained :

Provided that :

- (i) Where appointments from any source are made in excess of the prescribed quota, the persons appointed in excess of quota shall be pushed down for seniority, to subsequent year or years in which there are vacancies in accordance with the quota.
- (ii) Where appointments from any source fall short of the prescribed quota and appointments against such unfilled vacancies are made in subsequent year or years, the persons so appointed shall not get seniority of any earlier year but shall get the seniority of the year in which their appointments are made, so, however, that in the combined list of that year, or be prepared under this rule, their names shall be placed at the top followed by the names, in the cyclic order of the other appointees.
- (iii) Where, in accordance with the rules or prescribed procedure, the unfilled vacancies from any source could, in the circumstances mentioned in the relevant rule or procedure be filled from the other source and appointments in excess of quota are so made, the persons so appointed shall get the seniority of that very year as if they are appointed against the vacancies at their quota.

PART VII—PAY ETC.

Scale of pay, special pay and allowances :

23. (1) The scale of pay, admissible to the persons appointed to the various 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 scale of pay at the time of the commencement of these rules are as follows :

PAY SCALES

Pay during probation :

24. (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

1. Pay-Scales are not being provided here, since after commencement of these Rules, the same have been revised a number of times, and are also likely to be revised soon.

first increment in the time scale when he has completed one year of satisfactory service, has passed departmental examination and undergone training, 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 serving in connection with the affairs of the State.

Criteria for crossing efficiency bar :

25. No person shall 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, is well conversant with Urdu script and knowledge of the Uttar Pradesh Sales Tax Act and the Central Sales Tax Act and the Rules framed thereunder and the other connected laws.
- (ii) The second efficiency bar, unless he has acquired a thorough knowledge of the Uttar Pradesh Sales Tax Act and the Central Sales Tax Act and the Rules framed thereunder as also of office procedure : is able to take quick and correct decision, his supervision over his subordinates if found to be adequate he has worked diligently and to the best of his ability, his work and conduct are found to be satisfactory and unless his integrity is certified.

PART VIII—OTHER PROVISIONS

Canvassing :

26. No recommendations, either written or oral, other than those required under these rules, 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 :

27. 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, regulations & orders applicable generally to Government servants serving in connection with the affairs of the State.

Relaxation from the conditions of service :

28. Where the State Government is satisfied that the operation of any rule regulation the conditions of service of persons appointed to the service causes undue hardship in 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 :

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

Saving :

29. Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the order issued by the Government from time to time in this regard.