

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. 56/XII/06/94(05)/2003, dated April 02, 2006 for general information:

No. 56/XII/06/94(05)/2003
Dated Dehradun, April 02, 2006

NOTIFICATION

Miscellaneous

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 Uttarakhand Rural Engineering (Group B):

THE UTTARAKHAND RURAL ENGINEERING (GROUP-“B”) SERVICES RULES, 2006

Part I—General

Short title and Commencement—

1. (1) These rules may be called the Uttarakhand Rural Engineering (Group-“B”) Service Rules, 2006.
- (2) They shall come into force at once.

Status of the Services-

2. The Uttarakhand Rural Engineering (Group-“B”) service as a state service comprising Group-“B” posts.

Definitions—

3. 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 or is deemed to be a citizen of India under Part-II of the Constitution;
 - (c) “Commission” means the Uttaranchal Public Service Commission;
 - (d) “Constitution” means the Constitution of India;
 - (e) “Government” means the Government of Uttaranchal;
 - (f) “Governor” means the Governor of Uttaranchal;
 - (g) “Member of the Service” means a person substantively appointed under these rules or the rules or order in force prior to commencement of these rules to a post in the cadre of the Services;
 - (h) “Service” means the Uttaranchal Rural Engineering (Group-“B”) service;
 - (i) “Substantive appointment” means an appointment not being an adhoc 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;
 - (j) “Year of recruitment” means the period of twelve months commencing from the first day of July of a calendar year.

** As amended vide Notification no. 593/XII/2013/93(05)/2012 dated 25 June 2013*

Part II—Cadre

Cadre of Service--

4. (1) The strength of the service shall be such as may be determined by the Government from time of time.
- (2) The strength of the service shall until orders varying the same are passed under sub-rule (1), be as given in Appendix:

Provided that-

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

Part III--Recruitment

Source of Recruitment—

5. Recruitment to the post of Assistant Engineer (Civil, Electrical and Mechanical) shall be made from the following sources:-

- (i) 41-2/3 per cent vacancies by direct recruitment through the commission, and
- (ii) 8.33 per cent vacancy by promotion from amongst substantively appointed Junior Engineer / Additional Assistant Engineer (Civil, Electrical and Mechanical) and Junior Engineer/Additional Assistant Engineer (Technical) who on the first day of the year of recruitment; after obtaining departmental permission, has completed (Civil, Electrical and Mechanical) engineering degree from any recognized university of India or have equivalent recognized government degree or is member of institution of engineer (India) and who has completed at least three year service, as Junior Engineer/Additional Assistant Engineer or as Junior Engineer/Additional Assistant Engineer or (Technical) through commission on condition of deserving candidate being available. *

Provided that if under these clause suitable or eligible candidates are not available for promotion, these vacancies can be filled through direct recruitment.

- (iii) 50 percent vacancy filled by promotion from amongst substantively appointed Junior Engineer/ Additional Assistant Engineer (Civil, Electrical and Mechanical) and Junior Engineer/ Additional Assistant Engineer (Technical), who have completed at least 7 years of service on the first day of the year of recruitment, through commission.

Provided that the division of vacancies for substantively appointed Junior Engineer/ Additional and subjectively appointed Junior Engineer/Additional Assistant Engineer (Technical), Their number of members ratio will be from their own cadre.

Provided further that under clause (b) and (c) of Rule 5 for the promotion of the post of Assistant Engineer, there will be count of service period on the post of Junior Engineer and where promotion was made on additional Assistant Engineer, there will be count of both the service period of Junior Engineer and Additional Assistant Engineer. **

Reservation--

6. Reservation for the candidates belonging to the 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.

** & ** As amended vide Notification no. 593/XII/2013/93(05)/2012 dated 25 June 2013*

Part IV--Qualifications

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 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) 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, Uttarakhand:
Provided also that if a candidate belongs to category (c) no certificate of eligibility will be issued for period of more than one year and the retention of such a candidate in service beyond that 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.

Academic Qualification—

8. A candidate for direct recruitment to the post of Assistant Engineer must possess the following qualifications:-
- (a) Degree in Civil or Electrical or Mechanical Engineering from any Institution or University recognized by the Government, or
 - (b) Fully qualified Associate member, having passed section "A" and "B" of the Institution of Engineers (India) in Civil, Electrical or Mechanical Engineering.

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 National Cadet Corps, shall, other things being equal, be given preference in the matter of direct recruitment.

Age--

10. A candidate for direct recruitment must have attained the age of 21 years and must not have attained the age of more than 35 years on the first day of July of the year in which vacancies 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.

Character--

11. 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, a Local Authority or by be 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--

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 to a post in the service:
provided that the Government may, if satisfied that there exists 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 to the post of Assistant Engineer by direct recruitment, 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

Determination of Vacancies--

14. The appointing authority shall determine 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 Scheduled Castes, Scheduled Tribes and other categories under rule 6. The vacancies for direct recruitment shall be intimated to the Commission.

Procedure for Direct Recruitment--

15. (1) Application for permission to appear in the competitive examination shall be invited by the commission in the prescribed Performa published in the advertisement issued by them.
(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 the written 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 other under rule 6, summon for interview such number of candidates as, on the result of the written examination, have come up to 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 candidates obtaining higher marks in the written examination shall be placed higher, The number of names in the list shall be larger (but not larger by more than 25 percent) than number of vacancies. The Commission shall forward the list to the appointing authority.
Note-- The syllabus and rules for competitive examination shall be such as may be prescribed by the Commission from time to time.

Procedure for Recruitment by Promotion--

16. Recruitment by Promotion to the post of Assistant Engineer (Civil, Electrical and Mechanical) shall be made, by rejecting the un-eligible candidate on the basis of seniority, in accordance with the Uttarakhand Promotion by selection in Consultation with Public Service Commission (Procedure) Rules, 2003, as amended from time to time.

Combined Select 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 percentage is maintained, the first name in the list being of the person appointed by promotion.

Part VI-- Appointment, Probation, Confirmation and Seniority

Appointment--

18. (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 rules 15, 16 and 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 appointment shall not be made unless selection are made from both the sources and a combined list is prepared in accordance with rule 17.
- (3) If more the one order of appointment are issued in respect of any 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.

Probation--

19. (1) A person 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, extent the period of probation in individual case 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 the probationer has not made sufficient use of his opportunities or his work and conduct is not satisfactory, he may be reverted to his substantive post, if any, 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 at any other equivalent or higher post to be taken into account for the purpose of computing the period of probation.

Confirmation--

20. 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 works and conduct are reported to be satisfactory ;
 - (b) his integrity is certified ;
 - (C) the appointing authority is satisfied that he is otherwise fit for confirmation ; and
 - (d) he has completed training.

Seniority--

21. The seniority of person substantively appointed to a post in the service shall be determined in accordance with the Uttaranchal Government Servants' Seniority Rules, 2002, as amended from time to time.

Part VII-- Pay etc**Scales of pay--**

22. (1) The scale of pay admissible to 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 scale of pay shall, until orders varying the same under sub-rule (1) are passed and unless the Government servant opts for the old scale be as follows :-

Name of the post	Scale of pay
Assistant Engineer	8000-275-13500

- (3) Time pay scale and personal pay Scale to Assistant Engineer shall be allowed in individual cases in accordance with the criteria laid down in the orders of the Government issued from time to time.

Pay during Probation--

23. (1) Notwithstanding any provision in the Fundamental Rules to the contrary, a person on probation if has is not already in permanent Government service, shall be allowed his first increment in the Time Scale when he has completed on year of satisfactory service, and second increment after two years service, when has 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 Government service shall be regulated by the relevant rules, applicable to Governments generally serving in connection with the affairs of the State.

Part VIII--Other provisions**Canvassing--**

24. 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.

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 in the Conditions of Service--

26. Where the State Government in 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 the Commission notwithstanding anything contained in the rules applicable to the case, by orders, 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—

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

Appendix *

[see Rules 4(2)]

Sl.No.	Name of Post	No. of Post
1	2	3
1.	Assistant Engineer (Civil)	67
2.	Assistant Engineer (Electrical)	02
3.	Assistant Engineer (Mechanical)	02
	Total	71

By order,

(R.C.Pathak)
Secretary

- ** As amended vide Notification no. 593/XII/2013/93(05)/2012 dated 25 June 2013*