

# THE EMPLOYEES SERVICE RULES

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 N. 2292-C/V-930-1957, dated February 29, 1968.

In exercise of the powers conferred by section 56 of the Uttar Pradesh Homoeopathic Medicine Act, 1951 ( U. P. Act no. VIII of 1952), as amended from time to time, the Governor is pleased to make the following rules, the same having been previously published, as required under section 57 of the said Act, under notification no. 2292-C/V-930-1957, dated October 13, 1966, and further to direct that these rules shall come into force from the date of publication of this notification in the official Gazette.

## **Rules regulating the privileges, salary and allowances and other conditions of services of the Registrar and other staff of the U. P. Homoeopathic Medicine Board.**

### **Part I General**

**1.** ( 1 ) These Rules may be called the Service Rules of the Registrar and other staff of the U. P. Homoeopathic Medicine Board.

( 2 ) They shall come into force with effect **from their final** publication in the Uttar Pradesh Gazette.

**2. Designation and grades of posts—**There shall be a post of registrar, and such other posts of officers **and** servants, which the Board may create from time to time, under section 28 of the Act, **with the** previous approval of the State **Government**. The designations and grades of the posts existing on the **date of the coming into force** of these **rules shall be as given its Appendix 'A'**.

**3. The Registrar and other staff of the Board shell** be whole-time **salaried servants of the** Board.

### **Part III - Appointment**

**4. Appointment ( 1 )** The Registrar shall be appointed by the Board with the previous approval of the State Government.

( 2 )

The selection shall be made by the Board after inviting applications from the intending candidates through advertisement in the prominent newspapers including local newspapers.

( 2 ) Other staff shall be appointed by the Board after inviting names of the candidates from the District Employment Exchange within a reasonable time to be fixed by the Chairman Where no name is forwarded by the Exchange within the fixed time or if the number of names forwarded is less than four times the number of vacancies notified the Board shall invite applications directly by advertising in the prominent daily newspapers including local papers.

**5. Recruitment by promotion**—For purposes of recruitment by promotion, a selection on the basis of seniority, subject to the rejection of the unfit, shall be made by the appointing authority from among all the eligible employees of the Board. who may have put in at least five years of substantive service on the first day of January in the year in **which** the selection is made. For making appointments and **determining** seniority, the Board shall take into consideration the relevant papers including the character rolls and personal files, if any, of all the eligible candidates and the gradation list. If in making an appointment a senior employee is superseded, the grounds for supersession shall be recorded.

**6. Determination of source of recruitment** — The question whether recruitment to the posts mentioned in Appendix 'A' shall be made by direct recruitment or by promotion **or partly from both** sources. and in the last mentioned case in **what proportion** shall be determined by **the appointing authority in accordance with the general or special instructions of the Government which may be issued from time to time.**

**Part III — Qualification**

**7. Qualifications for appointment as Registrar and other staff**— ( 1 )  
No person shall be appointed as a Registrar unless he-

( a ) is a citizen of India or a subject of Sikkim;

**(3)**

- ( b ) is not less than thirty years, and more than forty-five Years of age on the first day of January next following the year in which the application for selection are invited;
- ( c ) is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performances of his duties.
- ( d ) holds a degree of University established by law in Uttar Pradesh or of any other University recognised for this purpose by the Governor of Uttar Pradesh;
- ( e ) can thoroughly read and write Hindi in Devanagri script; and
- ( f ) possesses adequate experience of office work.

( 2 ) For appointment to the post of Registrar, preference will be given to a candidate who possesses qualifications mentioned in the Schedule of the U. P. Homoeopathic Medicine Act, 1951 ( U. P. Act no. VIII of 1952 ) as amended from time to time.

( 3 ) As for the other staff of the Board, apart from the age qualification noted against each Post in Appendix 'A' ( the qualifications mentioned in clauses (a), (c) and (e) of sub-rule ( 1 ) of this rule **shall** also apply.

**Explanation-** The age and educational qualifications prescribed for the posts mentioned in Appendix 'A' are for the candidates to be recruited directly.

**8. Disqualifications-** A person who is dismissed from the service of the Central or any State Government or any local authority or who has undergone a sentence of imprisonment for a criminal offence involving moral turpitude shall not be eligible. for appointment on any post under the Board.

**9. Appointment of relations-** No person who is a relative of the Chairman or a member of the Board shall be appointed to any post under the Board except with the prior sanction of the State Government. While seeking prior sanction the exact relationship of the candidate with the Chairman or a

**( 4 )**

member of the Board shall be brought to the notice of the State Government.

**Explanation-** For the purpose of this rule "relation" means father, grandfather. father-in-law, paternal or maternal-uncle, son, grand son first cousin paternal or maternal, wife's brother or sister's husband, wife, husband, daughter, grand daughter, mother and grand-mother.

**10. Age** -A candidate for recruitment to a post under the Board, other than the post of the Registrar, shall be not less than eighteen years and not more than forty-five years of age on the first day of January of the year in which the applications for selection are invited.

**11. 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 to posts under the Board. 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.

**12. Representation of Scheduled Castes-** Reservation for Scheduled Castes in respect of posts under the Board shall, as far as possible. be in accordance with such principles as may from time to time be applicable to services under the State Government or as provided under specific orders of the State Government.

**Part IV-Pay and Allowances**

**13. Pay and Allowances- ( 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 Rs. 200-10-240-E. B.-10-290-E. B.-10-310-15-355 -E. B.-15-400.

( 2 ) The scale of pay admissible to other staff shall be as given in Appendix "A",.

( 3 ) The State Government may if considered necessary, make changes in the scales of pay mentioned in sub-rules ( 1 1 and ( 2 ).

( 5 )

#### **Part V— Recruitment**

**14. Submission of certificate etc, by candidates—** Before a person is appointed as Registrar to any other post under the Board he will be required to-

( 1 ) Submit a declaration specifying his exact relationship, if any, with the Chairman or a member of the Board, and the details of debt which, if any, he owes, and a declaration of his assets;

( 2 ) **Character—** 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 or School, provided the Board may make such further inquires regarding his antecedents and character as it may deem necessary; and

( 3 ) **Medical Certificate—** produce a certificate of fitness from a Civil Surgeon in case of Registrar, or from a registered medical practitioner, in the case of other staff.

#### **Part VI—Probation and Confirmation**

**15. Probation—( 1 )** Every candidate on appointment to a post under the Board in or against a substantive vacancy shall be placed on probation for two years; provided that the appointing authority may extend the period of probation in individual cases for a further period not exceeding one year. Any such extention shall specify the exact date upto which the extention is granted; provided further that appointment in officiating and temporary vacancy, if continuous may *be* taken into account in computing the period of portion for that post or a post in an identical scale in that cadre to a period of one year.

( 2 ) If it appears at *any* time curing or at the end of Probation that the person has not made sufficient use of his opportunities, or if he has otherwise failed to give satisfaction, his services shall be dispensed with by the Board and in the case of Registrar with the approval of the State Government.

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

( 6 )

**16. Confirmation—** A person appointed as Registrar or occupying any other post shall be confirmed in his appointment at the end of the period of probation : ( 1 ) in the case of the Registrar by the Board with the previous approval of Government; and (ii) in any other case by the Board, if-

( a ) his work and conduct are found satisfactory; ( b ) his integrity is certified; and

( c ) the Board thinks that he is fit for confirmation.

**17. Efficiency Bar-** No person shall be allowed to cross the efficiency bars prescribed for different posts unless he has worked efficiently and to the best of his ability and unless his integrity is certified.

**18. 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.

**19. Termination of service of Registrar after probation—**The period of office of a permanent officer or servant of the B3.3r3 shall not terminate until-

( a ) his resignation has been accepted by the Board, which shall in the case of Registrar, **be not accepted without previous approval** of the State Government; or

( b ) he has given the Board at least three month's notice or has paid or assigned to the Board a sum equal to his three months' pay; or

( c ) he has been dismissed, discharged or removed according to the provisions of the Act and the rules made there under; or

( d ) he has *been* given by the Board not less than three months's notice or a sum equal to three months' pay in lieu of notice;

Provided that the service of a permanent employee of the Board shall not be terminated by notice under clause (b) except

( 7 )

where the proposed termination is necessary under same scheme of retrenchment, sanctioned by the Board and the State Government and in all cases, where the service of the junior-most person or persons are not terminated the reason for it shall be recorded by the Board and a representation against such termination would be to the State Government within thirty days of the communication of the order to the employee concerned.

**20. Termination of service of temporary servants- ( i )** The services of a temporary employees of the Board shall be liable to termination in the case of Registrar with the prior approval of the State Government and in any other case without such approval, at any time by one month's notice in writing given either by the employees to the Board or by the Board to the employees;

Provided that in the case of notice by the Board, the latter may substitute for the whole or part of this period of notice, **pay in lieu** thereof;

Provided further that it shall be open to the Board to relieve an employee without any notice by such employee or accept **notice for** a shorter period without requiring the employee to pay any penalty in lieu of notice.

( 2 ) In this rule "Temporary" service means officiating **and** substantive service in a temporary post and officiating service in a permanent post under the Board.

( 3 ) Nothing in this rule shall apply to-

( a ) servants engaged on contract, or

( b ) government servants lent to Board on deputation

#### **Part VII—Punishment and appeals**

**21.** The Board shall have the power to inflict the following punishments on its employees namely;

( a ) Censure;

( b ) Withholding of increments Including step-page at an efficiency

bar;

**( 8 )**

( c ) Reduction to lower post or time scale or is a lower state in a time scale;

( d ) Recovery from pay of the whole or part of any pecuniary loss caused to the Board by negligence or breach of orders,

( e ) Suspension;

( f ) Removal from service which does not disqualify hen, from future employment; and

( g ) Dismissal from service which ordinarily disqualifies from future employment.

Provided that in the case of Registrar the order of punishment shall not be valid unless passed by a resolution supported by not less than two-third of the members constituting the Board :

Provided further that any order of the Board punishing or removing the Registrar from his office shall be subject to the approval of Government

**22. Procedure—( 1 ) (a)** No order of dismissal, removal or reduction in rank (which includes reduction to a lower post or time scale, or to a lower stage in a time scale but excludes the reversion to a lower post of a person who is officiating in a higher post) of a Registrar or other servant of the Board shall be passed unless he has 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. 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 person concerned together with a statement of the facts on which each charge is based and of any other circumstances which are proposed to be taken into consideration in passing orders in the case. 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. If he so desires or if the Board' so directs an enquiry shall be held by the Chairman of the Board. At that enquiry oral evidence shall be heard on such of the allegations as are not admitted and he shall be entitled to cross examine the witnesses, give evidence in person and, have such



( 9 )

witnesses called, as he may wish; provided the Chairman may, for special and sufficient reasons to be recorded in writing refuse to call a witness. Neither the Board nor the employee shall be entitled to be represented by a counsel. The proceedings shall include the evidence and a statement of the findings with reasons thereof. The Chairman may apart from these Proceedings, make his own recommendations regarding the Punishment to be imposed on the employee.

( b ) Sub rule ( 1 ) ( a ) shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may for sufficient reasons to be recorded in writing be waived, where there is difficulty in observing exactly the requirements of the rule *and* those requirements can in the opinion of the inquiring officer be waived without injustice to the person charged.

( 2 ) Sub-rule ( 1 ) ( a ) shall also not apply where it is Proposed to terminate the employment of a probationer whether during or at the end of the period of probation, or to dismiss, remove or reduce in rank a temporary employee of the Board, for any specific fault or on account of his unsuitability for the service. In such cases, the probationer or temporary employee concerned 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 *it any shall be* duly considered before orders are passed by the competent authority.

( 3 ) After the enquiry against an employee of the Board has been completed and after the punishing authority has arrived at provisional conclusions in regard to the penalty to be imposed, the employee charged shall, if the penalty proposed is dismissal, removal or reduction in rank, be supplied with a copy of the proceedings prepared under sub-rule (1) (a) excluding the recommendations, if any, in regard to punishment proposed by the Chairman and be given a notice stating the penalty proposed to be imposed on him and calling upon him to submit by a particular date which *'Midi* him reasonable time, as *he* may wish to make on the proposed penalty, wooded

**( 10 )**

that such representation shall *be* based on the evidence adduced during the enquiry;

Provided that, if for sufficient reasons, the Punishing authority disagrees with any part or whole proceeding under sub-rule ( 1 ) ( a ) the point or points of such disagreement together with a brief statement of the grounds therefor or shall also be communicated to the employee charged along with the copy of proceedings under sub-rule ( 1 ) ( a ).

**23.** ( a ) Wherever the punishing authority is satisfied that good and sufficient reasons exist for imposing such penalty on the Registrar, or other servant, it may-

- ( i ) censure him or
- ( ii ) stop his increment at an efficiency bar;

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

( b ) In all cases where the punishing authority 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 orders. formal proceeding embodying a statement of the offence or fault, the explanation of the servant and the reasons for punishment shall be recorded.

**24. Suspension - (1)** Notwithstanding anything to the contrary in the preceding rule, the Board may in exceptional cases, for sufficient reasons to be recorded in writing, suspend with the approval of the State Government in the case Of Registrar and without such approval in any other case, pending enquiry against him and immediately proceed with the investigation of the charge or charges against him.

( 2 ) When an employee has been placed under suspensions and the Inquiry Into his conduct results In his *dismissal*

( 11 )

or removal from service, the order **of** dismissal or removal shall take effect from the date of such order.

**25. Subsistence Allowance—** When an employee is suspended, he may be **given** by the Board a subsistence allowance for the period of suspension. The amount of such allowance shall be determined in accordance with the provisions applicable to the servants of the State Government.

**26. Officers lent to the Board—( 1 )** The services **the** State Government servant may be lent to Board on such terms and conditions as the Government may in each case decide.

( 2 ) A Government servant lent to the Board may at any time be recalled by the Government.

( 3 ) 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 Chairman 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.

**27. Appeals— ( 1 )** The Registrar or any other emp'oyee **of the** Board, if he is not a government servant, shall be entitled to appeal to the State Government from an order of punishment **passed** by the Board.

( 2 ) 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 Chairman, and**

( 12 )

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

( 3 ) The State Government after consideration of the points raised in the appeal shall pass such order as it thinks proper :

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

**28. Leave—** All matters relating to leave and leave allowances of the employees of the Board shall be regulated in the manner applicable to government servants under the Financial Handbook, Volume II, Part II to IV ( U. P. Fundamental and Subsidiary Rules ).

**29. Retirement —** The age of retirement from service of all officers and servants of the Board shall be 58 years beyond which no one shall ordinarily be retained in the service of the Board, except with the previous approval of Government.

No extension shall be granted to an employee so as to retain him beyond the date on which he attains the age of 60 years.

**30. Provident Fund —** Servants of the Board are not entitled to pension. They may **get the benefit** of a Provident Fund Scheme, which may be **established with the** approval of the State Government.

#### ***Pert VIII— Miscellaneous Provisions***

**31.** All other matters relating to the conditions of service of the Registrar and other staff not specifically provided for herein shall be regulated by the orders of the State Government. In determining any such matters the Government shall take into consideration the rules framed for government servants of the corresponding status, namely;

( i ) in *the* case of Registrar, subordinate gazetted service;

( 13 )

- (ii) in the case of other staff, subordinate non wetted service, and
- (iii) in the case of class IV staff, class IV service.

**32.** Relaxation from conditions of service When, 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

• •

## APPENDIX 'A'

Designation, qualifications and scales of pay of the staff of the Board of Homoeopathic Medicine, Uttar Pradesh.

	Designation,	qualifications	Age at recruitment		Scale of pay	No. of posts
			Minimum	Maximum		
	1	2	3	4	5	6
1.	Registrar	See Rule 7	30	45	Rs. 200-10-240-EB-10-290 EB-10-310-15-355-EB-15-400 which was later on revised to Rs. 225-15300-15-360-20-380-20-480-20-500.	1
2.	Office Superintendent	Degree of a University	18	45	Rs. 150-6-180-EB-10-230 EB-10-260.	1
3.	Noter and Drafter	Ditto	18	45	Rs. 120-6-150 EB-6-180- EB-8220.	2
4.	Accountant	Ditto	18	45	Ditto	1
5.	Stenographer. Cum-typist	Intermediate Examination	18	45	Rs. 120-6-150-EB-6-180- EB-10230-EB-10-250.	1
6.	Typist and Routine Clerks	High School	18	45	Rs. 100-4-120-EB-5-145- EB-5170-EB-5-180.	1
7.	Daftari	---	18	45	Rs. 60-1-65-EB-1-70- EB-1-75 EB-1-80.	1
8.	Peon	---	18	45	Rs. 55-1-60-EB-1-65- EB-1-70 EB-1-75.	4
9.	Chaukidar	---	18	45	Ditto	

*By order*  
 Ram Krishna Trivedi  
 Sachiv