

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. Dated for general information.

**Government of Uttarakhand
Transport Department
No. 169 ix / 157(2010)/2014
Dehradun, Dated March, 2014**

Notification

Miscellaneous

In exercise of the powers conferred by the proviso to Article 309 of the 'Constitution of India' and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating the recruitment and conditions of service of persons appointed to the Uttarakhand Transport (Subordinate) Prosecution Service.

The Uttarakhand Transport (Subordinate) Prosecution Service

Rules, 2014

Part I - GENERAL

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| Short title and commencement | 1. | (1) These rules may be called "The Uttarakhand Transport (Subordinate) Prosecution Service Rules, 2014.
(2) They shall come into force at once. |
| Status of the service | 2. | The Uttarakhand Transport (subordinate) Prosecution Service is a State Service, which comprises Group 'C' posts. |
| Definitions | 3 | In these rules, unless there is anything repugnant in the subject or context –
(a) "Appointing Authority" means the Transport Commissioner;
(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) "Constitution" means the Constitution of India;
(d) "Government" means the State Government of Uttarakhand;
(e) "Governor" means the Governor of Uttarakhand;
(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;
(g) "Service" means the Uttarakhand Transport (Subordinate) Prosecution Service;
(h) "Transport Commissioner" means Transport Commissioner of Uttarakhand; |

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

Part II-CADRE

Cadre of the service 4.

- (1) The strength of the Service and of each category of posts therein shall be such, as may be determined by the Government from time to time.
- (2) The strength of the Service and of each category of posts therein shall, until order varying the same are passed under sub-rule (1), be as given in Appendix-"A"
Provided that –
(a) The Appointing Authority may leave any post unfilled or the Governor may hold it abeyance and no person shall be entitle for compensation in respect thereof;
(b) The Governor may create such additional permanent or temporary posts as he deems fit.

Part III – Recruitment

Source of recruitment 5.

Recruitment in the Service shall be made from the following source:-

Departmental promotion, on the basis of seniority, from such chief assistants who have completed two years service on this post and the such administrative officer, who is law of graduate,

Provided that if eligible candidates in not available for promotion then post may be filled from direct recruitment.

Reservation 6.

Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and Other categories to the state of Uttarakhand. shall be made in accordance with the orders of the Government in force at the time of the recruitment.

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 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 Tanganika 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, Uttarakhand ;

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 citizenships:

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 Qualifications** 8. A candidate for promotion/direct recruitment to the post of Assistant Prosecutor (Transport)-
- (a) Must possess the law Decree from any recognized University or an examination recognized by the Governor as equivalent thereto .
 - (b) Must have through knowledge in Hindi Devanagari Script.
- Preferential Qualification** 9. A candidate, who has-
- (a) Served in the Territorial Army for a minimum period of two years, or
 - (b) Obtained a 'B' certificate of National Cadet Corps.
 - (c) shall other thing being equal, be given preference in the matter of direct recruitment.
- Age** 10. A candidate for direct recruitment must have attained the minimum age of 21 years and must not have attained the age of more than 35 years on the first July of the calender year in which the posts are advertised by the deptment,
- Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes and such other categories, to the state of Utrakhand as may be notified by the Government from time to time, shall be higher by such number of years as may be specified.
- Character** 11. The character of a candidate 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 by 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 not be eligible for appointment to any post in the Service. Person convicted of an offence involving moral turpitude shall also not be eligible.

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 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 physical 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/she shall be required to produce a Medical Certificate of fitness in accordance with the rules framed under Fundamental Rule 10, contained in Chapter III of the Financial Hand Book, Volume II, Part III.

Provided that a Medical Certificate of fitness shall not be required from 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, Other Backward classes and other categorie to the state of Uttarakhand under rule 6.

Procedure of direct recruitment 15. Direct Recruitment on the post, shall be made according the Uttarakhand Group 'C'(outside the perview of Uttarakhand Public Service Commission) Direct Recruitment Rules 2003 or as amended time to time and the rules prevalent at that time.

Procedure for recruitment by promotion 16(1) For the purpose of departmental promotion there shall be constitute a selection Committee which comprises-

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|------|---|----------|
| (a)- | Appointing Authority | Chairman |
| (b)- | An officer, Nominated by Transport Commissioner, who is not below the rank of Regional Transport Officer, | Member |
| (c)- | An officer, nominated by the Transport Commissioner who is not below the rank of Assistant Regional Transport Officer | Member. |

(2) The appointing authority shall prepare an eligibility list of the candidates and place it before the selection committee alongwith there character roles and such other records, pertaining to them, as may be considered proper.

(3) The selection committee shall prepare the list of selected

candidates in order of their seniority and shall forward it, to the appointing authority.

PART VI - APPOINTMENT, PROBATION, CONFIRMATION AND SENIORITY

- Appointment 17.** (1) On the occurrence of substantive vacancies, the Appointing Authority shall make appointments by taking names of the candidates in the order in which they stand in the list prepared under Rule 15, or 16, as the case may be.
- (2) The Appointing Authority may make appointment in temporary vacancies from the lists, referred to in sub-rule (1). If no candidate is available of the List then he may make appointment in such vacancies from persons eligible for appointment under these rules. Such appointment may make for the duration of one year or till the further selection to be made under these rules, which ever is earlier.
- Probation 18.** (1) A person, on appointment to a post in the Service in or against a substantive vacancy, 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 for more that one year and in no case 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 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.
- Confirmation 19.** 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 are reported to be satisfactory,
 - (b) his integrity is certified,
 - (c) the Appointing Authority is satisfied that he is otherwise fit for conformation.

Seniority 20. Except as herein after provided, the seniority of any person shall be determined in accordance with the Uttarakhand Government Servants Seniority Rules, 2002 or as amended time to time.

PART VII - PAY ETC.

Scales of Pay 21. (1) The scales of pay, admissible to persons appointed to the 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 Scales of pay at the time of the commencement of these Rules are given in the "Appendix" A

Pay during probation 22. (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 first increment in the time scale when he has completed one year of satisfactory service, has passed departmental examination and has undergone training, where prescribed, and second increment shall be allowed 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 account for increment unless the Appointing Authority directs otherwise.

(2) The pay during probation of a person who has already been 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 account for increment unless the Appointing Authority directs otherwise.

(3) The pay during probation of a person, who is already in permanent Government service, shall be regulated by the relevant rules, applicable to Government servants generally serving in connection with the affairs of the State.

PART- VIII- OTHER PROVISIONS

Canvassing 23. 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 24. In regard to the matters not specifically covered by these rules or special orders, the persons appointed to the Service shall be governed by the rules, regulations and orders,

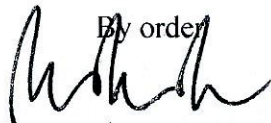
applicable generally to Government servants serving in connection with the affairs of the State.

**Relaxation in 25.
the conditions
of Service**

Where the State Government is 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, 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 26.

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

By order

(Dr. Umakant Panwar)
Secretary.

Appendix "A"

{Please see sub rule(2) of rule 4 and sub-rule (2) of rule 21}

<u>Sr.No.</u>	<u>Name of Post</u>	<u>Number of post</u>	<u>Pay scale(in ₹)</u>
1.	2	3	4
1.	Assistant Prosecutor(Transport)	01	9300-34800 Grade Pay 4200