In pursuance to 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. 14122/23/92 (Vastu)/89, dated June 23, 1992.

GOVERNMENT OF UTTAR PRADESH
PUBLIC WORKS DEPARTMENT
SECTION-3

NOTIFICATION
Miscellaneous.

No. ME-13-3-12 (Vastu) 89.

In exercise of the powers conferred by the provision 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 Public Works Department Architects Service.


PART I - GENERAL.

Short title 1. (1) These rules may be called the Uttar Pradesh Public Works Department Architects Service Rules, 1992.

(2) They shall come into force at once.

Status of the service 2. The Uttar Pradesh Public Works Department Architects Service is a 'State Service comprising Group 'A' and 'B' posts.

Contd....
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 Public Service Commission, Uttar Pradesh;

(d) "Constitution" means the Constitution of India;

(e) "Government" means the State Government of Uttar Pradesh;

(f) "Governor" means the Governor of Uttar Pradesh;

(g) "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;

(h) "Service" means the Uttar Pradesh Public Works Department Architects Service;

Contd...
(i) "substantive appointment" means an appointment, not being an ad-hoc appointment, on a post in a cadre of an service, and after selection in accordance with the rules and if there are no rules, in accordance with the procedures prescribed for the time being by executive instructions, issued by the Government.

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

ART II - CADRE

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 orders varying the same are passed under sub-rule(1), be as follows:

<table>
<thead>
<tr>
<th>Sl. no.</th>
<th>Name of Post</th>
<th>Permanent</th>
<th>Temporary</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Chief Architect</td>
<td>-</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Senior Architect</td>
<td>3</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>3.</td>
<td>Architect</td>
<td>11</td>
<td>-</td>
<td>11</td>
</tr>
<tr>
<td>4.</td>
<td>Assistant Architect</td>
<td>18</td>
<td>2</td>
<td>20</td>
</tr>
</tbody>
</table>
Provided that:

(1) 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**

5. Recruitment of the various categories of posts in the service shall be made from the following sources:

(1) Assistant Architect: Seventy-five percent by direct recruitment through the Commission and twenty-five percent by promotion from amongst substantively appointed Architectural Assistants who have completed five years service, as such, on the first day of the year of recruitment.

(2) Architect: By promotion from amongst substantively appointed Assistant Architects who have completed seven years service, as such, on the first day of the year of recruitment.
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.

Nationality 7. A candidate for the 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

Contd. 6
(c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon or any of the East Africa 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 a period of more than one year and the retention of such candidate in service beyond the period of one year shall be subject to his acquiring Indian citizenship.

[Signature]

[Initials]
A candidate for direct recruitment to the post of Assistant Architect must possess a Bachelor's Degree in Architecture awarded by a University established by an Act of Parliament or of State legislature or equivalent professional qualifications of recognised University or Institution mentioned in the Schedule of Section 14 of Architects Act, 1972.

Preference: A candidate who has:

1. served in the territorial army for a minimum period of two years, or
2. obtained a 'B' Certificate of National Cadet Corps. shall, other things being equal, be given preference in the matter of direct recruitment.
A candidate for direct recruitment to the post of Assistant Architect must have attained the age of twenty-one years and must not have attained the age of more than thirty-two years on July 1 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.

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 local Authority or by 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.

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 exist special grounds for doing so, exempt any person from the operation of this rule.

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

Contd...10
14. Determination of vacancies. 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 Scheduled Castes, Scheduled Tribes and other categories under the rule 6. The vacancies for direct recruitment shall be intimated to the Commission.

15. Procedure for direct recruitment. (1) Application for being considered for selection shall be invited by the Commission in the prescribed proforma published in the advertisement issued by the Commission;

(2) The Commission, shall, having regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Schedule Tribes and other categories in accordance with rule 6, call for interview such number of candidates, who fulfil the requisite qualifications, as they consider proper.

Contd...3
(3) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the interview. If two or more candidates obtain equal marks, the commission shall arrange their names in order of merit on the basis of their general suitability for the service. The number of the names in the list shall be larger (but not larger by more than 25%) than the number of the vacancies. The Commission shall forward the list to the appointing authority.

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

(2) Recruitment by promotion to the posts of Architect, Senior Architect shall be made on the basis of seniority subject to the rejection of unfit and to the post of Chief Architect on the
basis of merit through the Selection Committee constituted as follows:

(A) For the posts of Architect and Senior Architect

(1) Principal Secretary or Secretary or both, as the case may be, to the Government in Public Works Department.

(2) Secretary to the Government in Personnel Department or his nominee not below the rank of Joint Secretary.

(3) Engineer-in-Chief, Public Works Department, Uttar Pradesh

(4) Chief Architect, Public Works Department, Uttar Pradesh

Note - The senior Secretary to the Government shall be the Chairman of the Committee.

(B) For the post of Chief Architect

(1) Chief Secretary ....... Chairman

(2) Principal Secretary or Secretary or both, as the case may be, to the Government in Public Works Department

(3) Secretary to the Government in Personnel Department

Contd... 13
The appointing authority shall prepare an eligibility list or lists, as the case may be, of the candidates in accordance with the Uttar Pradesh Promotion by Selection (Posts Outside Pursuit of the Public Service Commission) Eligibility list Rules, 1986, 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.

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

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 to be appointed by promotion.

Combined select list.
PART VI - APPOINTMENT, PROMOTION CONFIRMATION AND DISCIPLINE

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 or 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 appointments shall not be
                          made unless selections are made from
                          both the sources and a combined list
                          is prepared in accordance with rule 17.

                      (3) If more than one orders of appointments
                          are issued in respect 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.
(1) A person substantively appointed a post in 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 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.
(1) A probationer who is reverted to the services are dispensed with under sub-rule(3) shall not be entitled to any compensation.

(2) The appointing authority may allow continuous service, rendered on 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 20. (1) Subject to the provisions of sub-rule (2), a probationer shall be confirmed in his appointment at the end of the extended period of probation, if -

(a) his work and conduct are reported to be satisfactory;

(b) his integrity is certified; and

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

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

Contd...17
Seniority. 21. The seniority of persons substantively appointed in any category of posts shall be determined in accordance with the Uttar Pradesh Government Servants Seniority Rules, 1991, as amended from time to time.

PART VII - PAY ETC.

Scales of 22. (1) The scales of pay admissible to persons appointed to the various categories of posts in the service 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 given as follows:-

<table>
<thead>
<tr>
<th>Name of Post</th>
<th>Scale of Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Assistant Architect</td>
<td>2200-75-2800-ED-100-4000.</td>
</tr>
<tr>
<td>(ii) Architect</td>
<td>3000-100-3500-12 5-4500.</td>
</tr>
<tr>
<td>(iii) Senior Architect</td>
<td>3700-125-4700-150-500.</td>
</tr>
<tr>
<td>(iv) Chief Architect</td>
<td>5100-150-6150.</td>
</tr>
</tbody>
</table>

Pay during probation. 23. (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 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) They pay during probation of 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 generally applicable to Government Servants serving in connection with the affairs of the State.
24. No Assistant Architect shall be allowed to cross efficiency bar unless his work and conduct are found satisfactory and unless his integrity is certified.

PART VIII – OTHER PROVISIONS.

25. 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.

26. 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.

Contd...20
Where the 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:

Provided that the Commission shall be consulted before the requirements of the rule are dispensed with or relaxed.

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

By order,

[Signature]

[Name]

Secretary.