

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. 63/2015/26(100)/XXVII(8)/07, Dated 23 July, 2015 for general information.

GOVERNMENT OF UTTARAKHAND
FINANCE SECTION-8
NO- 63/2015/26(100)/XXVII(8)/07
DEHRADUN:: DATED 23 JULY, 2015

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 recruitment and conditions of service of persons appointed to the Uttarakhand Commercial Tax Tribunal Assistant Registrar Service :-

The Uttarakhand Commercial Tax Tribunal Assistant Registrar Service
Rules, 2015

Part-I-General

Short title and commencement

1. (1) These rules may be called "The Uttarakhand Commercial Tax Tribunal Assistant Registrar Service Rules 2015."

(2) They shall come into force at once.

Status of the service

2. The Uttarakhand Commercial Tax Tribunal Assistant Registrar Service is a Gazetted 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 Chairman, Commercial Tax Tribunal, Uttarakhand;
- (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 the provisions of these rules or rules and orders in force prior to the commencement of these rules to a post in the cadre of the Service;
- (g) "Service" means Commercial Tax Tribunal Assistant Registrar service under the administrative control of the Chairman, Commercial Tax Tribunal, Uttarakhand;

- (h) "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; and.
- (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 Service 4.** (1) The strength of the Service and 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 each category of posts therein shall, until orders varying the same are passed under sub-rule(1) be as given in the annexed '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 posts in the service shall be made by promotion through a Selection Committee on the basis of Seniority, subject to rejection of unfit from the following sources-

- (i) From amongst such substantively appointed Administrative Officer Grade-II, in the pay scale of Rs 9300-34800 (Grade Pay,4600) who have completed 12 years continuous service in his cadre on the first day of the recruitment year.
- (ii) From amongst such Personal Assistants, Grade-1, in the pay scale of Rs 9300-34800 (Grade Pay,4200) who have completed 5 years continuous service in their cadre on the first day of the recruitment year.

Provided that:--

The employees having service more than the prescribed service period on these feeder posts shall be placed at the top in the eligibility list.

Reservation 6. Reservation for the candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and other categories belonging to the State of Uttarakhand shall be in accordance with the orders of the Government in force at the time of recruitment;

Part- IV- Procedure for Recruitment

Determination

vacancies 7. The Appointing Authority shall determine the number of vacancies to be filled during the course of the year in accordance with the rules, for the time being in force and also the number of vacancies to be reserved for candidates belonging to the Scheduled Castes, Scheduled tribes, Other Backward Classes and other categories belonging to the State of Uttarakhand under rule 6.

Procedure for

- Recruitment** 8.(1) Recruitment by promotion to the cadres of the Service shall be made by selection on the basis of seniority, subject to rejection of unfit from amongst the employees, who are eligible for promotion under rule 5 of part-III through the selection committee.
- (2) The selection Committee shall comprise the following:-
- | | |
|---------------------------------------|-------------------------------|
| (i) Chairman, Commercial Tax Tribunal | Chairman/Appointing Authority |
| (ii) Member, Commercial Tax Tribunal | Member |
- (3) The Appointing Authority shall determine the number of each category of vacancies for which selection is to be made.
- (4) The eligibility list of all the candidates included in the field of eligibility along with their character rolls and all such other records, if any, as may be considered necessary and relevant for the purpose, shall be placed before the selection committee.
- (5) The selection Committee, for the purpose of determining the suitability of the candidates eligible for promotion to the post for which selection is to be made, shall consider the cases of all the candidates with reference to their character rolls and other records pertaining to them, placed before it.
- (6) The names of the candidates selected by the selection committee shall be arranged in order of seniority in the cadre from which they are promoted. The names of the candidates in the selection list so prepared shall be twice the number of vacancies for which selection is to be made.
- (7) Thereafter the Appointing Authority shall, in accordance with the rules, issue promotion orders of the candidates recommended for promotion by the Selection Committee.

Part- V- Seniority, Probation and Confirmation

Seniority

9.(1) Except as hereinafter provided, the seniority of a person shall be determined in accordance with the Uttarakhand Government Servants (Seniority) Rules, 2002. If two or more persons are appointed together, their seniority shall be determined by such order in which their names are arranged in the appointment order;
If the appointment order specifies a particular back date with effect from which a person is substantively appointed, that date will be

deemed to be the date of order of subatantive appointment and in other cases it will mean the date of issue of the order;

Provided further that if more than one ordera of appointment are issued in respect of any one selection, the inter se seniority of the candidates shall be the same as mentioned in the combind appointment order issued under rule 15 of the Uttarakhand Government servants (Seniority) Rules, 2002.

- (2) The interse seniority of persons appointed by promotion shall be the same as it was in the cader from which they were promoted;

Provided That-

- (i) Where appointments from any source fall short of the prescribed quota and appointments against such unfilled vacancies are made in subsequent year or year, the persons so appointed shall not get seniority of any earlier year but shall get the seniority of the year in which their appointemts are made, however, in the combined list to be prepared under this rule their names shall be placed at the top followed by the names, of the other appointees in cyclic order.
- (ii) 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 in accordance with the quota.

Probation 10.(1) Every person on appointment to a post in the service in or against a permanent vacancy shall be placed on probation for a period of two years.

- (2) The Appointing Authority may allow continuous service, rendered in an officiating or temporary capacity on a post included in the cadre or any other equivalent or higher post, to be taken in to account for the purpose of computing the period of probation.
- (3) The Appointing Authority may, for reasons 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.

- (4) 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/ her opportunities or has otherwise failed to give satisfaction he/she may be reverted to

his/her substantive post if any, and if he/she does not hold a lien on any post, his/her services may be dispensed with.

(5) A probationer, who is reverted or whose services are dispensed with under sub-rule(4), shall not be entitled to any compensation.

Confirmation 11.(1) A probationer shall be confirmed in his/her appointment at the end of the period of probation or extended period of probation if-

- (a) his/her work and conduct is reported to be satisfactory,
- (b) his/her integrity is certified, and
- (c) the Appointing Authority is satisfied that he/she is otherwise fit for confirmation.

(2) Where, in accordance with the provisions of the Uttarakhand Government Servant (Confirmation) Rules, 2002 confirmation is not necessary, the order, passed under sub-rule(3) of rule 5 of these rules declaring that the person concerned has successfully completed the probation period, shall be deemed to be the order of confirmation.

Part- VI- Pay etc.

Scales of Pay 12.(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 shall be as follows:-

S.N.	Designation	Name of Pay Scales /Pay Band	Pay Band/ Pay Scales	Pay Band
1	2	3	4	5
1.	Assistant Registrar, Commercial Tax Tribunal, Uttarakhand	Pay Band-2	Rs.9300-34800	4600

Pay during

Probation 13.(1) 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 account for increment unless the Appointing Authority directs otherwise.

Part-VII- Other Provisions

Convassing 14. 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/her candidature, will disqualify him/her for appointment.

regulation of
other matters

15. 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 the
conditions of
Service

16. 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

17. 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 of candidates in accordance with the orders of the Government issued from time to time in this regard.

By Order,

(Rakesh sharma)

Additional chief Secretary.

Appendix
[Please see rule 4(2)]

Existing strength of the service and various categories of posts therein-

Sl. No	Designation	No. of Posts		Total
		Permanent	Temporary	
1.	Assistant Registrar, Commercial Tax Tribunal	-	1	1

By Order,


(Rakesh sharma)

Additional chief Secretary.