

CHAPTER - II

STAFF

[1] APPOINTMENTS

(i) Ad-hoc

C.L. No. 29/Ve-4/Admn.(D) dated 5th May, 1985

The District Judges are requested to dispose of the pending matters of regularisation of adhoc appointees in accordance with the law laid down by a Division Bench of Allahabad High Court in Writ petition No. 1207/1984 U.P. Civil Court's Ministerial Service Association through its General Secretary, Lucknow v. State of U.P. and others, wherein it has been held that adhoc appointees who fulfil the requisite conditions, as laid down in the Regularisation Rules, shall be considered by the District Judge for regularisation.

C.L. No. 16/IVh-36, Admn. "G" dated 27th March, 1989

Adhoc appointments which are generally made in the district courts of class III employees bring bad name to the judgship, and, therefore, it has to be discouraged. It may be resorted to only in very urgent cases.

C.L. No. 17/Admn. (D) Section dated March 12, 1991

Concerning Ad hoc employees working in the Judgship

I am directed to say that since in some Judgship ad hoc employees are retained in service according to the sanction made by Government whereas simultaneously in some other Judgships they are ceased to act, the ultimate result of such abrupt retrenchment is that a number of representations are filed before the Court, Considering this aspect of the matter and also to maintain an uniform policy on the subject the Court has been pleased to direct you to send a complete list of employees working on ad hoc basis in your Judgship. It must also indicate the dates from which the ad hoc appointment were given to each of such employees. Their nature of appointment may also be specified whether they are appointed under Rule 269 General Rules (Civil) to clear off the arrears for a certain period or their appointment is on year to year basis under Government Order.

You may also inform the Court whether retention of such employees is necessary in future considering the work load of Judgship. Also specify whether present strength is insufficient to cope with the work load of Judgship. If so, you may send justification within a week from the receipt of Court's order so that matter may be moved to Government for creation of regular posts.

I am also to add that Government often puts barrier on fresh appointments and issue orders for termination of ad hoc appointees-. You are hereby informed that you may not act merely on Government orders in this regard without prior permission of this Court as it kills the interest of litigant public and if you have ceased the employees merely on the basis of G.O., their services be restored so that work may not suffer.

C.L. No. 35/Ve-4/Admn. (D) dated May 27. 1992

Appointment of class III employees on Ad-hoc basis

I am directed to inform that no ad hoc appointment on class III posts be made without prior approval of Hon'ble the Chief Justice.

C.L. No. 66/2007Admin(D) : Dated :13.12.2007.

Recruitment of Staff .

It has been brought to the notice of the Hon'ble Court that a large number of vacancies are pending in various judgeships of the State which is hampering the judicial functioning of the Subordinate courts which are already under tremendous constraint due to mounting rate of new cases being filed every year necessitating the increase in the existing sanctioned strength of the staff. Therefore the Hon'ble Court has desired that in the first place, to surmount this problem, in all the judgeships, the existing vacancies be filled up immediately making recruitment under the existing Rules, Circular Letters and the G.Os. adopted by the Court.

Therefore you are requested to kindly fill up the existing vacancies in your judgeship at the earliest in accordance with the existing Rules C.Ls. And the G.Os.

C.L. No. 36 Dated : Allahabad : July 19, 1996

Information Regarding ad hoc Appointments made in the Judgeships subordinate to High Court it has come to the notice of the Hon'ble Court that ad-hoc appointments have been made by the District Judges without the prior permission/sanction of the Hon'ble Court,

The Hon'ble Court has directed that the District Judges should furnish, the following information's so that appropriate action in the matter may be taken:

1. State the number, the name of the candidates with details of parentage, their addresses, the date of their appointments and the period for which they have been appointed,
2. Whether any previous permission of the Hon'ble Court has been obtained before making such appointments/, if so, the copy of the order communicated by the Hon'ble Court may be enclosed.
3. State whether the appointments have been made under Rule 269 of. General Rules (Civil) or any other provisions contained in any Statuette
4. Also enclose the photo-stat copy of the appointment letters.

I am therefore, to request you to kindly comply the directions of the Hon'ble Court by furnishing the aforesaid information's at the earliest.

C.L. No. 10/Admn. (D) dated March, 11, 1997

Information regarding Ad-hoc appointments made in the Judgeship. to High Court

I am directed to refer to the courts circular letter No. 36/Admn. (D) dated 19.7.1996 on the above subject and to request you kindly to furnish requisite informations as asked for therein to the court, at a very early date.

(ii) Apprentices

G.L. No. 451/A dated 8th February, 1923

All apprentices in a judgeship should be brought on to one consolidated list and District Judges should assign them to various courts and post them as required to fill casual vacancies.

(iii) Amins

G.L. No. 15/A-9 dated 7th May, 1940

The Court considers that a District Judge is not obliged to insist that a candidate for the post of Amin should have passed in theoretical and practical survey, if he is satisfied that the requirement of Chapter XXI, rule 522 of the General Rules (Civil), 1957 are fulfilled; but except in special circumstances, exemptions should not be granted.

C.L. No. 65/Ve-501 dated 1st August, 1968

Only trained Amins should be appointed to the post of Amins, if available and only those untrained officials should be appointed as Amins who give an undertaking to take the training of Amins at the Kanungo Training School at Hardoi.

(iv) Stenographers

G.L. No. 19/Ve-47-6(4) dated 20th December, 1946

Government has sanctioned a post of stenographer for each permanent Civil Judge or Small Cause Court Judge. A stenographer may also be entertained on a temporary basis in the scale sanctioned by the Government, for additional courts of Civil Judge, if any, in each judgeship.

C.L. No. 106/Ve-47 dated 22nd November, 1961and

C.L. No. 9/Ve-47 dated 18th February, 1965

When an official is substantively appointed as a stenographer of the court of a District Judge or the court of an Additional District Judge, his name, date of birth and also the date of confirmation should be communicated to the Court, indicating the vacancy in which he is confirmed.

C.L. No. 67/Ve-47 dated 19th July, 1969

Annual remarks in respect of stenographers should not be sent to the Court as the Selection Grade in their cadre has been abolished in terms of the report of the U.P. Pay Rationalization Committee.

(v) Retrenched employees

C.E. No. 96 dated 15th November, 1967

Attention is invited to U.P. Absorption of Retrenched Employees Rules, 1967, published in U.P. Gazette, dated November 4, 1967. In clarification of rule 2(b) of the said Rules it has been decided that the certificate to be granted to employees liable to retrenchment will be granted in proforma No. 1 by the concerned appointing authority.

It is further decided that in case of those employees also who have already been retrenched, a certificate by the concerned appointing authority will be necessary which will be in proforma No. 2.

Under sub-rule (2) of rule 4, cent-per-cent reservation will be made for retrenched employees on all class IV posts and technical posts of class III which are beyond the purview of the Public Service Commission.

C.E. No. 7 dated 16th January, 1969

Attention is also invited to para 3 of G.O. No. 41/2/67 Appointment (Kha), dated May 28, 1968, under which cent-per-cent: reservation of class IV posts and such technical posts of class III category as are not under the purview of the Public Service Commission, has been granted for the retrenched employees and it is clarified that in those establishments where there is a provision for appointment of paid apprentices, the post of apprentices will be reserved cent-per-cent for the retrenched employees, that is, only such employees will be appointed on all the posts of the paid apprentice.

(vi) Copyists

G.L. No. 3/Ve-81 dated 27th February, 1952

As the outturn of a typist is more than that of an ordinary copyist, appointments in the copying office should, so far as possible, be made from amongst persons who know typewriting.

C.L. No. 62 dated 1st November, 1955

District Judges should employ only such copyist as can write legibly. Indiscriminate appointment of copyists is undesirable and must be guarded against.

G.L. No. 7/Ve-77 dated 10th May, 1952 read with

C.L. No. 119/Ve-77 dated 17th November, 1952 and

C.L. No. 125/Ve-77 dated 6th December, 1969

All District Judges in Uttar Pradesh have been empowered to entertain extra temporary copyists in the lowest sanctioned scale in their Copying Department at a cost not exceeding Rs. 600 in a year (excluding clearness allowances) in each judgeship, in case all the copyists are fully engaged and additional staff is necessary to cope with the work in order to ensure speedy disposal.

Normally ordinary copies should be issued within a week. If such copies are issued after a week, without any special circumstances, the work should be treated to be falling in arrears.

At the end of each financial year the expenditure incurred on this account should be reported to Government.

The charge will be debited to “27 -Administration of Justice-D-Civil and Sessions Court-(f) Record Room or Copy making charges”^{*} and every effort should be made by

^{*} Now 2014 Administration of Justice – 105 Civil and Sessions Court – 06 Record Room or Copy making charges.

District Judges to meet the cost on the above account by affecting savings on non-essential items in their sanctioned budget allotment.

C.L. No. 48 dated 26th July, 1962

Under GO. No. A-l-3431/X-14(9)-1961, dated September 12, 1961, the District Judges, in supersession of the C.L. No. 7/Ve-77, dated May 10, 1952, have been authorised to entertain extra copyists and execution clerks in the lowest sanctioned scale subject to the condition that no demand for extra funds or supplementaries will be entertained on account of this delegation (vide serial no. 10 of the Caption "Temporary Establishment" in the Annexure to the G.O. referred to).

In case they find it necessary to entertain any extra temporary copyist or copyists which they cannot do for want of savings in their budget they should immediately move the Court in the matter with facts and figures justifying their demand so that the Court may sanction the entertainment of such temporary post or posts for a period not exceeding one year in view of the powers delegated to the Court under serial no. 2182-1954, dated August 5, 1955 and provide funds from the grant placed at its disposal.

C.L. No. 67/Ve-77 dated 9th June, 1952

District Judges should notify such appointments made by them to Government through the High Court.

C.L. No. 80/Ve-77 dated 19th July, 1952 read with

G.L. No. 24/Ve-77-1 dated 11th September, 1974

While reporting to the Court the appointment of additional copyist or while applying for extra assistance in the Copying office, District Judges shall furnish information on the points mentioned below:

- (1) Existing number of copyists, permanent and temporary.
- (2) Number of words copied out by each one of the copyists during the six months preceding the month in which extra assistance is asked for. The number of English and Urdu or Hindi words, in manuscript or type, should be shown separately.
- (3) Number of days on which each copyist worked during the six months.
- (4) Average number of words (English and Urdu or Hindi, in manuscript or type, to be shown separately) applied for, by applicants for copies, during the twelve preceding months.
- (5) Number of English and Urdu or Hindi words in manuscript or type pending for copy.
- (6) Whether the copyists were allowed to avail of the whole of the last vacation; if not, the number of days in the vacation on which each copyist worked.
- (7) Reasons for accumulation of arrears.

C.L. No. 95-1 dated 19th October, 1957

The practice of allowing the Head Copyist the assistance of a copyist who, in lieu of the assistance rendered by him, is exempted from giving his daily outturn of work is objectionable as it contravenes the provisions of rule 267, Chapter X of General Rules (Civil), 1957.

Previous sanction of the Court may, however, be obtained where it is considered necessary to exempt a copyist from doing copying work.

C.L. No. 31/VIIIb-1 dated 27th April, 1963

As far as practicable, English and Hindi typists should work on English and Hindi typewriter respectively and should not be permitted to prepare copies by hand.

(vii) Temporary execution clerks

C.L. No. 114 dated 13th November, 1953

Whenever execution work falls heavily in arrears on account of creation of additional courts, proposal for appointment of an execution clerk for the permanent or temporary court of Civil Judge or Munsif, as the case may be, may be submitted to the Court with facts and figures in support of the case.

(viii) Additional staff for temporary and Honorary Courts

C.L. No. 73/B dated 30th October, 1950

Temporary staff of additional courts should, unless there are orders to the contrary, be employed only from the date the presiding officer takes over charge and should be disbanded on the presiding officer handing over charge or the court becoming vacant as the case may be.

G.L. No. 53/B dated 18th September, 1934

The Staff attached to a temporary court such as that of a temporary Additional District and Sessions Judge which is provided for a specified period should, in the interest of economy, be dismissed when the court has been expressly held in obedience or when the presiding officer goes on leave for more days and no substitute is provided.

After the temporary court has been revived or on the return of the presiding officer from leave, the sanctioned staff should be re-employed.

C.E. No. 40/IXg-19 dated 19th June, 1964

As a measure of economy, Government have decided that on the non-plan side, except in Public Sector commercial takings, staff for new offices and new schemes under the heads of department should be drawn from the existing staff under their control by internal rearrangement and the powers to create temporary posts delegated to them should be exercised only when it is necessary to abolish a post and to create another in its place with a view to giving effect to such rearrangement. When it is absolutely impossible to make any such adjustments and entertainment of new staff is unavoidable the matter should be referred to the Government in the administrative department.

(ix) Central Nazir

L. No. 1624/2-A-(1) dated 11th June, 1918

The Munsarim is responsible for drawing the attention of the District Judge to orders, contained in the letter referred to in the margin, whenever the post of the Central Nazir has to be filled up. In making the appointment the District Judge should consider the hardship upon Deputy and Assistant Nazirjs when an outsider is brought over their heads. It will be difficult to expect efficiency from the Central Nazir if on the occurrence of every vacancy the post is given to a man who has not gone through the inferior grades.

G.L. No. 3617 dated 25th September, 1924

Whenever an official of the court has to carry on the duties of Nazir or the permanent incumbent of any other office and which duties do not properly belong to the office of the official carrying on such duties, he should carefully follow the rules relating to the office of the absentee in the discharge of his duties. It is desirable that some members of the staff should be trained in the duties of “accountant Nazir” so that in the Nazir’s absence another trained official may be in a position to discharge his duties.

(x) Readers and Ahalmads

C.L. No. 4 VIIIs-88 dated 31st January, 1955

In order to prevent loss through dishonesty, negligence or connivance of the court officials, it is essential that care is taken in selecting official to work as Readers and Ahalmads. An official whose integrity is beyond doubt should be appointed to fill up these posts.

(xi) Mali-Chaukidars

G.L. No. 3765/A-6(1) dated 13th September, 1915

Mali-Chaukidars on a fixed salary should be appointed in place of chaukidars at all sessions bungalows, so that not merely the grounds outside but the bungalows themselves and their contents may be kept in a clean and proper condition.

C.L. No. 32/Admn. (G) Sec./2005dated 29th Oct, 2005

Appointments on posts under sub Rule 3 of Rule 4 of the Uttar Pradesh Subordinate Civil Court Inferior Establishment Rules, 1955.

I am desired to say that the Hon’ble Court (Hon’ble Mr. Justice Sunil Ambwani) in C.M.W.P. No. 24665 of 2003-Sachin Kumar and others Vs. State of U.P. and others connected with C.M.W.P. No. 24298 of 2003-Dinesh Kumar Yadav Vs. District Judge, Baghpat and others has held that though no procedure for appointment to the post of Chaukidar, Mali, Waterman and Sweeper is prescribed under the Uttar Pradesh Subordinate Civil Court Inferior Establishment Rules, 1955 but still the discretion given to the District Judge under rule 4(3) of 1955 Rules is not to be exercised on his whims and for oblique purposes. The discretion given to the District Judges to make appointments on the post of Chaukidar, Mali, Waterman and Sweeper is by way of a trust and must therefore, be exercised in accordance with settled principle of fairness, transparency and reasonableness. The appointment on a civil post even if made at the sole

discretion of the eligible person, and thereafter by following a selection procedure which should be fair, transparent and reasonable.

I am, therefore, directed to send out herewith a copy of judgment and order dated 22.4.2005 in Writ Petitions afore detailed, for information, guidance and compliance faithfully

C.L. No. 131/Admn. (D) dated 9th December 1994

Security Guards for Courts Premises and raising of strength of Chaukidars.

In the Matter of security guards for courts premises and raising the strength of Chaukidars for the Subordinate Courts, the Hon'ble Chief Justice and Judges have been pleased to direct that this matter be considered on a case by case basis. If, therefore, security guards are, in your opinion, required to be posted in the premises of the courts in your Sessions Division or the strength of Chaukidars requires to be raised, a specific reference may be made, in this behalf, with full justification for it.

This Circular Letter is being issued in supersession of Circular Letter No. 122 of November 23, 1994

(xii) Kursi-Bunker

C.E. No. 58/Ve-105/Admn. (D) dated 4th September, 1984

The District Judges are requested to comply with the instruction contained in G.O.No. 7479(2)/Seven-Subordinate Courts-512/82 dated 31st Dec., 1983 directing engagement of blind persons as "Kursi-Bunker" on daily wages when so needed.

(xiii) Process-servers

G.L. No. 40/Vlc-4 dated 17th May, 1949

In judgeships where the process-serving staff may be found to be in excess of requirements, the services of temporary or officiating hands among process-servers and peons including orderly peons should be dispensed with and no further recruitment made against permanent or temporary vacancies until the strength of process-servers is brought down to a level conforming to the standard prescribed by rule 123, General Rules (Civil), 1957. The services of extra process-servers may be utilised to the best advantage such as peons or bastabardars in the record room or in any other department where their services may be properly utilised.

C.L., No. 38/Vlc-4 dated 5th April. 1958

The District Judges should examine from time to time say after every six months, the strength of process-serving staff of their judgeships and, if the staff is found to be in excess of the actual requirement, steps should be taken to reduce the strength by not filling up permanent, temporary or leave vacancies.

C.L. No. 28 dated 13th March, 1970

The position of the process-servers should be reviewed annually keeping in view the observations/recommendations contained in the Report on the Reorganisation and Rationalisation for the Civil Court Offices in Uttar Pradesh and the provisions of rule 123 of the General Rules (Civil), 1957, Volume I. Steps should be taken for providing extra

duties to the process-serving staff in the absence of enough work or to keep the posts in abeyance.

While forwarding proposals for entertainment of peons, orderlies, bundle lifters, etc. mention may be made whether or not the work proposed to be allotted to those members of the staff can be allotted to the surplus process-serving staff, if any.

(xiv) Peons for record-room

G.L. No. 2628/385 dated 7th August 1912

District Judges should attach a peon to the record-room. He should in no case be a process-server and should not, so far as possible be changed. Changes in the record-room especially in the case of the low paid staff are to be deprecated and District Judges should satisfy themselves that employees in the record room are given no other work.

(xv) Orderly peons

C.L. No. 80 dated 7th August 1958, read with

G.O. No. 1982-A/III-170K/1958 dated 16th June, 1958

The Government have decided that officers doing court work should not be allowed to retain more than two peons, be they orderly peons or court messengers. Accordingly the District Judges should not retain with them more than two peons. None of the two peons allowed to the District Judges should be attached with them outside normal office hours.

(xvi) Peon for Amins

C.L. No. 58/Vlc-3 dated 22nd May, 1961

Civil Court Amins are exempt from the operation of the orders contained in Government letter no. 708-A/III-22-K-1961, dated April 13, 1961 and are allowed to have peon.

(xvii) Staff of Judge Family Court

C.L. No. 7/Ve-4/ Admn.'D' Sec: Dated: 1-4-1999

Provision for the staff of Judges Family court.

The matter of regulating the services of Class III and Class IV employees appointed in Family Court in the State of Uttar Pradesh is in consideration of the Hon'ble Court. Before finality is achieved the Hon'ble Court has issued the following directions for strict compliance by all.

1. No appointment/recruitment shall be made by the Judge Family Court in the State of Uttar Pradesh from the date of the issuance of the Circular order/ notification of any Class III or Class IV posts created in their Courts.
2. In case or any urgent circumstances which may require the necessity of further staff of class III and IV employees to the Family Court, the same may be met from the establishment of the district concerned in consultation with the Judge, Family Court.

3. In case of any demand being made during this period by the Judge, Family Court for Class III and Class IV employees the District Judge of that district is directed to provide class III and Class IV employees from its establishment.

I am, therefore, directed to communicate the aforesaid directions of the Court for strict compliance till further orders.

(xviii) Drivers

C.L.No. 50: Dated; August 29, 1996

Creation of the post of drivers in the pay scale of Rs. 950-20-1150-EB-25-1500.

I am directed to send herewith a copy of the G.O. No. 797/VII-Nyay-9 (Budget) 20 (B) 95, dated March 14, 1996, on the above subject and to say that the Hon'ble court has already given an order to M/s Hindustan Motors Limited, 9/1, R.N. Mukherjee Road, Calcutta to supply 164 Cars of which the allocation of the Cars in the Judgeships are given herein as under:

Name of Judgeships	No. of Cars
Agra	09
Kanpur Nagar	08
Varanasi	09
Ghaziabad	08
Mathura	05
Meerut	10
Moradabad	07
Azamgarh	06
Faizabad	05
Jaunpur	05
Barabanki	04
Badaun	04
Deoria	05
Etawah	04
Bahraich	03
Allahabad	09
Lucknow	10
Dehradun	04
Haridwar	02
Nainital	02
Bareilly	07
Aligarh	06
Gorakhpur	06
Gonda	05
Muzaffar Nagar	05
Basti	04
Bulandshahar	04
Etah	04
Ghazipur	04

I am, therefore, to request you kindly to make the appointment of the drivers equal to the number of cars allotted to your Judgeship in the pay scale of RS. 950-20-1150-EB-25-1500, after the receipt of the cars from the authorised dealer M/s Hindustan Motors Ltd., Calcutta.

संख्या 797/सात-न्याय-1(बजट)20(ब)/95

न्याय अनुभाग-9 (बजट) लखनऊ

दिनांक 14 मार्च 1996

विषय: मा0 उच्चतम न्यायालय के निर्देशानुसार उत्तर प्रदेश न्यायिक सेवा के अधिकारियों को पूल में स्टाफकार एवं कार चालकों के पदों की स्वीकृति।

महोदय,

मुझे यह कहने का निदेश हुआ है कि मा0 उच्चतम न्यायालय के निर्देशानुसार उत्तर प्रदेश उच्चतर न्यायिक उ0 प्र0 न्यायिक सेवा के अधिकारियों को पूल में वाहन उपलब्ध कराने हेतु 208 स्टाफ कारों के क्रय के लिए रूपया 423.11 लाख (रूपये चार करोड़ तेइस लाख तथा ग्यारह हजार मात्र) को धनराशि के व्यय को श्री राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं।

2. उत्तर प्रदेश के न्यायिक सेवा के अधिकारियों को पूल में उपलब्ध करायी जाने वाली 261 स्टाफ कार के लिए 261 कार चालकों के अस्थायी पद, वेतनमान रूपया 950-20-1150-द0रो0-25-1500 में इस शासनादेश जारी होने या नियुक्ति तिथि से, जो भी बाद में हो 28 फरवरी, 1997 तक के लिए, यदि इसके पूर्व बिना किसी सूचना के यह पद पहले ही समाप्त न कर दिए जायें, सृजन करने को श्री राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं।

3. उक्त कार चालकों को मंहगाई तथा अन्य भत्ते इस सीमा तक प्राप्त होंगे, जिस सीमा तक समय समय लागू नियमों एवं राजाज्ञाओं द्वारा उनके अधिकारी होंगे।

4. उक्त गाड़ियों का क्रय वर्तमान स्टोर परचेज नियमों के अन्तर्गत किया जायेगा।

5. इस सम्बन्ध में होने वाला चालू वित्तीय वर्ष 1995-96 के आय व्ययक में अनुदान संख्या-42 के अधीन लेखा शीर्षक 2014-न्याय प्रशासन आयोजनेतर-105-सिविल और सेशन न्यायालय-03-जिला तथा सेशन न्यायाधीश-08-कार्यालय के प्रयोग के लिए स्टाफ कारों और अन्य मोटर गाड़ियों का क्रय के नामे डाला जायेगा।

C.L. No.39/ve-107/Admin. (D)/Dated: 5-9- 2007

Compensatory honorarium to the Drivers vide Office Memorandum. No. 4-E.M./90-Ka-4-2007, dated 6.7.2007.

I am directed to enclose herewith the Officer Memorandum No.- 4- E.M./90-Ka-4-2007, dated 6.7.2007 issued by the Government of Uttar Pradesh, on the above subject and to request you to kindly follow the directions given therein.

(xix) Typist for S.A.O.

C.L. No. 123/Admn. (D) dated November 23,1994.

I am directed to say that the Court has been pleased to order that a post of typist be created for the Senior Administrative Officer in your Judgeship.

I am therefore, to ask you kindly to furnish your report in the light of G.O No 1924/Sat-Aa-Nya-13/89, dated 19.8.1988 issued on the subject.

(2) ABSORPTION OF EMPLOYEES

C.L. No. 54/Ve-4/Admn. (D) dated May 30, 1994

Absorption of class III and IV employees on shifting of Courts from one Judgeship to another.

I am directed to say that the Court has made following directions in connection with the absorption of Class III and IV employees of the respective Judgeships whose services are likely to be affected due to shifting of courts from one Judgeship to another:

1. That every effort be made to ensure that the shifting of the court does not result in the termination of the service of any employee on the grounds that such employee has become surplus.
2. That in the first instance option be invited from employees for transfer to the place to which the court has been shifted.
3. That in the event of the requisite staff not opting for transfer the junior most staff in class III and IV on the establishment of the Judgeship concerned be transferred.
4. That in the first instance ad hoc employees, if any, be transferred before regular employees are selected for transfer.
5. That employees transferred against their consent shall be given priority in transferring back to their original place of appointment if and when the court is next shifted to that place.
6. That transferred staff will be entitled for T.A., D.A, and joining time and he will be given his due seniority at the new station and his seniority will be counted from the date he is working in the scale against substantive vacancy.

All the District Judges concerned are requested kindly to send the informations through special messenger by 3rd June, 1994 about the names, Pay scales, nature of appointment of such class III and IV employees who are likely to be ceased due to shifting of courts to other districts and such particulars of those employees also who are opting for being transferred to such other districts and thereafter transfer orders will be sent by this Court about such employees and in the meanwhile no employee will be ceased and no fresh appointment will be made against the post available, arising out of shifting of such courts.

The District Judges of the places where the courts are being transferred are also requested to send the requirement of staff, along with their post and pay scales through special messenger by the above mentioned date, consequent upon such shifting.

C.L No. 64/Ve-4/Admn. (D) dated July 27,1994

Absorption of class III and IV employees on shifting of Courts from one Judgeship to another Judgeship.

In continuation of C.L. No. 54/Ve-4/Admn. (D) dated 30.5.1994, I am directed to say that the Court has further been pleased to make following directions on the above subject:-

- (1) That candidates from the existing select list duly prepared for the District be given preference in filling up vacancies caused by the shifting of Courts as against ad hoc employees other than such ad hoc employees as are entitled to regularisation under the rules;
- (2) If after absorbing candidates from the select list vacancies are available, they may be filled from amongst ad hoc employees who have become surplus on account of shifting of Courts; and
- (3) That the services of the left over ad hoc employees of the Districts from where Courts have been shifted, be terminated.

I am, therefore, to request you kindly to make compliance of the directions with immediate effect.

C. L. No, 21/2007 : Admin 'G' Dated : 14 May, 2007

Entitlement of Class IV Employees.

With reference to above I am directed to inform that the Hon'ble Court has laid down following criteria for entitlement of Class IV employees at the residence of the Judicial Officers :-

“In the District Courts also, on the same pattern each additional District Judge will be permitted to have two employees at his residence and a Judicial Officer below the rank of the Addl. District Judge in the Subordinate courts will be permitted to have only one class IV employee at their residences.

.....the District Judges in the district judgeships will be permitted to have four employees at their residences”

I am, therefore, to request you to kindly ensure strict compliance of the directions quoted herein as above and make the arrangement as per directions of the Court immediately.

C.L. No. 24/Ve-4/Admn.(D)/Sec:Dated: 25-9- 1999

Regarding taking officials on deputation in newly created Judgeship to fill up the promotional posts from parent District.

It has come to the notice of the Court that the District Judges of the parent districts have not favourably responded for sparing the staff to the newly created Judgeship. The Court has considered the matter.

I am directed to convey the following decision of the Court for strict compliance in the matter of taking official on deputation in newly created Judgeship to fill up promotional posts from parent district.

- (i) District Judges of the parent district be requested to serve a general notice inviting options from the willing officials of the Judgeship for joining on transfer at the newly created district.

- (ii) Options may also remain open for one up promotion, and
- (iii) The list of all such officials who will prefer to go to the newly created district be scrutinized by the District Judges of the parent Judgeship and also of the newly created Judgeship and after giving final shape to the same be referred to the High Court for the transfer of those officials.

I am, therefore, directed to communicate you the aforesaid direction of the Court for strict compliance.

C.L. No. 14/VIIb-104/Admn.(D), dated 15th April, 2005

Re-habilitation of class III and class IV ex-employees of abolished Fast Track Courts in various Judgeships of the State.

I am directed to say that aforesaid matter was brought to the notice of the Court, after considering the Hon'ble court has been pleased to resolve that during the period while the final decision about fast track courts is pending phased absorption of the above employees be made by the District Judges as under :-

- (i) If vacancies for promotion in the next higher scale of pay are available, the District Judges may undertake exercise to fill up promotional posts and all eligible existing regular class III and class IV employees should be immediately considered for promotion strictly as per rules.
- (ii) On the basis of seniority (length of service) and suitability and continuous utility of the said ex-ad hoc employees, they may be offered re-employment on ad-hoc basis in the concerned district judgeship where at they were earlier working in the Fast Track Courts against the available vacancies in ministerial and inferior establishment of the judgeship provided the said ex-ad hoc employee of the Fast Track Courts so desires and is willing to seek employment in the judgeship on ad-hoc basis for a fixed term in the initial scale of pay/initial fixed pay.
- (iii) If no vacancy at the said district Judgeship is available, the information of the said ex-ad hoc employee (s) may be communicated to other judgeships within the same administrative zone and if the ex-ad hoc employee (s) in the same judgeship are not available the ex-ad hoc employees of other judgeship who are willing to work in such out side court be offered ad hoc employment after preparing their inter-se seniority at the level of administrative zone.
- (iv) If the sufficient vacancies are not available in the same administrative zone, the left over ex-ad hoc employees may be considered in the adjoining administrative zone following the same principles as laid down above.

If still some ex-ad hoc employees remain for want of vacancies, they may be considered for providing ad-hoc employment in any of the Judgeship where the vacancies are available. The information in respect of (iii), (iv) and (v) above may be collected at the High Court level and after preparing a common seniority list of such persons

appropriate employment may be offered under the direction of the High Court, by the concerned appointing authority

The entire re-employment above indicated, should be on ad-hoc basis and subject to filling the vacancies in concerned judgship on regular basis in accordance with rules where the re-employed ad-hoc employees may if necessary, be given an opportunity to compete after giving relaxation in the matter of age etc.

It has been directed that rehabilitation of such persons by re-ad hoc employment against vacancies in ministerial and inferior establishment of the Districts Judgships may be considered provided if prior approval of the Hon'ble the Chief Justice as is required under Circular Letter No. 35/Ve-4/Admn. (D), dated 27.5.1992 and Circular Letter No. 9/VIIb-104/Admn. (D), dated 29th April, 1998, is accorded.

It has been also resolved that no advertisement be issued as the persons to be employed are already on the list. Further resolved that no reservation regarding caste etc. be made as the persons are already employed.

I am, therefore, directed to communicate you the aforesaid directions of the court for strict compliance.

[3] DYING IN HARNESS

Family member of a government servant dying in harness

C.L. No. 63/Ve-4 dated 26th April, 1974

Directions contained in G.O, no, 6/12/1973-Niyukti-4 dated December 21, 1973 regarding employment of the members of the family of a government servant dying in harness should be followed.

C.L. No. 26/Admn.(D) Section dated July 4, 1995

Directions regarding appointment under Dying in Harness Rules, 1974

I am directed to say that the Court has been pleased to order that the application of a dependant of an employee who died in harness, shall be considered for appointment in the district where he/she had last served or last resided.

The Court has further taken a decision that regarding relaxation in upper age limit for appointment Hon'ble the Chief Justice may exercise his discretion keeping in view the facts and circumstances of each case.

C.L. No. 93/Ve-4/Admn. (D) Section dated October 3, 1994

Appointment of dependants of employees dying in harness under the Uttar Pradesh Recruitment of Dependants of Government Servants, Dying in Harness Rules, 1974

I am directed to say that certain guidelines have been prescribed by the Hon'ble the Supreme Court of India in regard to the claims for appointment under the Dying in Harness Rules on compassionate grounds in SLP No. 10504 of 1993* Umesh Kumar Nagpal v. State of Haryana and others) connected with SLPs Nos. 2385 of 1994 (Anil Malik v. State of Haryana). A copy of the judgment delivered on May 4, 1994 is enclosed

* The Judgement of the Hon'ble Supreme Court referred in this CL has been reported in 1994 (4) SCC 138

herewith. The guidelines so prescribed may kindly be strictly followed in future and while submitting report to the Court in this regard the test prescribed in the Uttar Pradesh Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 together with G.Os. on the subject should strictly be adhered to by you.

[4] RESERVATION:

Representation of Scheduled Caste

C.L. No. 25/Ve-94 dated 11th March, 1970

While making recruitment to the ministerial and inferior establishments in the judgeship the District Judges should see that the instructions contained in G.O. No. 65/3/69-Ra-Aki (M.R. 13), dated June 9, 1969 and G.O. No. 65/9/69-Ra-Aki, dated February 12, 1970, regarding representation of scheduled caste candidates in government service are strictly complied with.

C.L. No. 85/Ve-94 dated 31st May, 1971 and

C.L. No. 142/Ve-94 dated 3rd December, 1975

Directions regarding representation of scheduled caste and backward class candidates should be strictly followed while making appointment to the subordinate court staff.

C.L. No. 38/Ve-94 dated 23rd March, 1976

All efforts should be made to complete the prescribed quota for scheduled caste/tribes candidates in government service while making appointments to class III and class IV posts.

C.E. No.83/Ve-94/Admn. (D) dated 7th December, 1987

All the District Judges are requested to take necessary steps to fill the vacancies according to the percentage prescribed for reservation of scheduled castes and scheduled tribes candidates.

C.E. No. 77/Ve-9 Admn. (D) dated 28th November, 1985

The District Judges are requested to comply with the instructions contained in Government Letter No. 2886/Ten-58/11787/85, dated 4th October, 1985, regarding filling of reserved seats for scheduled castes in accordance with the G.O. No. 65/25/73(2)-Ra. Eki. dated 10th May, 1976.

C.E. No. 73/Ve-94 dated 19th July, 1970

Quarterly statements regarding recruitment of scheduled caste candidates should be sent to the Chairman, Minority Commission, Vidhan Bhavan, Lucknow within 15 days of the close of every quarter.

C.E. No. 15/Ve-97 dated 17th Februry, 1973

District Judges should make a sympathetic consideration of applications for employment received from persons engaged in service of ex-rulers according to State Government G.O. No. 46-11/72 Sa Pra-Anu, (2) Lucknow, dated October 28, 1972.

C.L. No 52/Ve-94/Admn. (D) dated September 25, 1992

Representation of Scheduled Caste and Scheduled Tribes, reservation quota in Subordinate Courts.

I am directed to invite your attention to Court's circular letters issued from time to time noted on the margin, on the above subject, and to request you kindly to ensure that

1. C.L. No. 25/Ve-94 dated 11.3.1970
2. C.L. No. 85/Ve-94 dated 31.5.1971
3. C.L. No. 142/Ve-94 dated 3.12.1975
4. C.L. No. 38/Ve-94 dated 23.3.1976
5. C.E. No. 83/Ve-94 dated 7.12.1987
6. C. No. 77/Ve-9 dated 28.11.1985

while making recruitment in the ministerial and inferior establishment in the Judgeships, Rules regarding reservation quota in respect of representation of Scheduled Caste & Scheduled Tribes candidates in Government services, are strictly complied with.

C.L. No. 134/Ve-94/Admn. (D) dated December 12, 1994

Regarding reservation facility provided to SC/ST and other Backward Classes in Government Services

I am directed to enclose herewith Government letter No.1/1/ 94/Karmik-1/94, dated 29-3-1994 alongwith its enclosure Notifications No. 481/Ka-1/94-1/1/1994, Notification No. 482/ka-1/94-1/1/1994, GO No. 483/ka-1/94-1/1/1994, G.O. No. 484/Ka-1/94- 1/1/1994 all dated 29-3-1994, on the above subject and to request you to follow these notifications and Government Orders, save reservation in promotion and forming Committee consisting of a member of SC/ST and one member of Backward class, as provided in G.O. No. 483 dated 29.3.94.

उत्तर प्रदेश लोक सेवाओं में अनुसूचित जातियों, अनुसूचित जन-जातियों और अन्य पिछड़े वर्गों के लिए आरक्षण।

शासनादेश संख्या 1/1/94-कार्मिक- 1-94, दिनांक 29 मार्च 1994

उपरोक्त विषयक समसंख्यक शासनादेश दिनांक 25 मार्च, 1994 का कृपया अवलोकन करें जिसके साथ “उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जन-जातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम, 1994” की प्रति अनुपालनार्थ संलग्न कर प्रेषित की गई थी।

2- उपरोक्त के क्रम में उपर्युक्त अधिनियम, 1994 की विभिन्न धाराओं के तहत निम्नलिखित अधिसूचित आदेश/आदेश जारी किए गए हैं:-

- (1) अधिसूचना संख्या 481/ का-1/94-1/1/1994, दिनांक 29 मार्च 1994
- (2) अधिसूचना संख्या 482/ का-1/94-1/1/1994, दिनांक 29 मार्च 1994
- (3) शासनादेश संख्या 483/ का-1/94-1/1/1994, दिनांक 29 मार्च 1994
- (4) शासनादेश संख्या 484/ का-1/94-1/1/1994, दिनांक 29 मार्च 1994

3. उपरोक्त अधिसूचित आदेश/आदेशों की एक-एक प्रति संलग्न करते हुए आपसे यह अनुरोध करने का निदेश हुआ है कि कृपया सभी स्तरों पर उक्त अधिसूचित आदेश/आदेशों का अनुपालन सुनिश्चित करने का कष्ट करें। यह भी अनुरोध है कि उपरोक्त से अपने अधीनस्थ सभी अधिकारियों/प्राधिकारियों को भी आप कृपया अवगत करा दें ताकि इन का सभी संगत मामलों में कड़ाई से अनुपालन सुनिश्चित किया जा सके।

No. 481/Ka-1-94-1.1.94 dated March 29, 1994.

In exercise of the powers under sub-section (5) of Section 3 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994 (U.P. Act No. 4 of 1994), the Governor is pleased to issue the following roster for applying the reservation under sub-section (1) of the said section:-

- | | |
|--------------------------|--------------------------|
| 1. Scheduled Caste | 51. Unreserved |
| 2. Unreserved | 52. Scheduled Caste |
| 3. Other Backward Class | 53. Unreserved |
| 4. Unreserved | 54. Other Backward Class |
| 5. Scheduled Caste | 55. Unreserved |
| 6. Unreserved | 56. Scheduled Caste |
| 7. Other Backward Class | 57. Unreserved |
| 8. Unreserved | 58. Other Backward Class |
| 9. Other Backward Class | 59. Unreserved |
| 10. Unreserved | 60. Unreserved |
| 11. Scheduled Caste | 61. Other Backward Class |
| 12. Unreserved | 62. Unreserved |
| 13. Other Backward Class | 63. Scheduled Caste |
| 14. Unreserved | 64. Unreserved |
| 15. Scheduled Caste | 65. Other Backward Class |
| 16. Unreserved | 66. Unreserved |
| 17. Other Backward Class | 67. Other Backward Class |
| 18. Unreserved | 68. Unreserved |
| 19. Other Backward Class | 69. Scheduled Caste |
| 20. Unreserved | 70. Unreserved |
| 21. Scheduled Caste | 71. Other Backward Class |
| 22. Unreserved | 72. Unreserved |
| 23. Other Backward Class | 73. Scheduled Caste |
| 24. Unreserved | 74. Unreserved |
| 25. Scheduled Caste | 75. Other Backward Class |
| 26. Unreserved | 76. Unreserved |
| 27. Other Backward Class | 77. Other Backward Class |
| 28. Unreserved | 78. Unreserved |
| 29. Other Backward Class | 79. Scheduled Caste |
| 30. Unreserved | 80. Unreserved |
| 31. Scheduled Caste | 81. Other Backward Class |
| 32. Unreserved | 82. Unreserved |
| 33. Other Backward Class | 83. Scheduled Caste |
| 34. Unreserved | 84. Unreserved |
| 35. Scheduled Caste | 85. Other Backward Class |
| 36. Unreserved | 86. Unreserved |
| 37. Other Backward Class | 87. Other Backward Class |
| 38. Unreserved | 88. Unreserved |

39. Other Backward Class	89. Scheduled Caste
40. Unreserved	90. Unreserved
41. Scheduled Caste	91. Other Backward Class
42. Unreserved	92. Unreserved
43. Other Backward Class	93. Scheduled Caste
44. Unreserved	94. Unreserved
45. Scheduled Caste	95. Other Backward Class
46. Unreserved	96. Unreserved
47. Scheduled Tribe	97. Scheduled Tribe
48. Unreserved	98. Unreserved
49. Scheduled Class	99. Scheduled Caste
50. Unreserved	100. Unreserved

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 no. 482/Ka-1-1994 dated March 29, 1994.

No. 482/Ka-1-94-1-1-94, dated Lucknow, March 29, 1994

In exercise of the powers under sub-section (1) of Section 4 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994 (U.P. Act no. 4 of 1994), the Governor is pleased to entrust the appointing authority with respect to the public services and posts on which he is empowered to make appointment and the Principal Secretary or the Secretary, as the case may be of the concerned department, where the appointing authority is the Governor with the responsibility of ensuring the compliance of the provisions of the said Act.

चयन समितियों में अनुसूचित जाति/अनुसूचित जन-जाति तथा अन्य पिछड़े वर्ग के अधिकारियों का नामांकन।

शासनादेश संख्या 483/का-1/94-1/1/1994, दिनांक 29 मार्च 1994

“उत्तर प्रदेश लोक सेवा (अनुसूचित जातियाँ, अनुसूचित जन-जातियों व अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम, 1994” की धारा 7 में प्रावधानित है कि राज्य सरकार आदेश द्वारा सेवा नियमावलियों के अधीन या अन्यथा गठित होने वाली चयन समितियों में अनुसूचित जाति या अनुसूचित जन-जाति तथा नागरिकों के अन्य पिछड़े वर्गों को प्रतिनिधित्व देने के लिए अधिकारियों के नाम-निर्देशन की व्यवस्था करेगी।

2. उक्त धारा द्वारा प्रदत्त शक्ति का प्रयोग करके राज्य सरकार द्वारा निर्णय लिया गया है कि जहाँ चयन समितियों में अनुसूचित जाति या अनुसूचित जन जाति तथा अन्य पिछड़े वर्ग के अधिकारी के नामांकन का वर्तमान नियमों में कोई प्रावधान न हो, वहाँ इस विषय में तात्कालिक प्रभाव से निम्नलिखित व्यवस्था लागू की जाय:-

- (1) जहाँ निर्धारित चयन समिति में सम्मिलित सदस्यों (अध्यक्ष सहित) में कम से कम एक सदस्य अनुसूचित जाति या अनुसूचित जन-जाति तथा एक सदस्य अन्य पिछड़े वर्ग से सम्बन्धित न हो, वहाँ अनुसूचित जाति या अनुसूचित जन-जाति के एक तथा अन्य पिछड़े वर्ग के एक अधिकारी को चयन समिति में अनिवार्य रूप से नामित किया जाय।
- (2) उक्त नामांकन चयन समिति के अध्यक्ष द्वारा किया जाएगा।
- (3) यह व्यवस्था सीधी भर्ती व पदोन्नति दोनों प्रकार के चयनों में लागू होगी।

3. यह भी अनुरोध है कि उपरोक्त व्यवस्था से अपने समस्त/सम्बन्धित अधीनस्थ अधिकारियों को भी अवगत कराने का कष्ट करें ताकि प्रत्येक मामले में उपरोक्तानुसार चयन समिति का गठन सुनिश्चन किया जा सके।

राज्याधीन सेवाओं में आरक्षण हेतु जाति प्रमाण-पत्र

शासनादेश संख्या 484/का-1/94-1/1/1994, दिनांक 29 मार्च 1994

राज्याधीन लोक सेवाओं में सीधी भर्ती के प्रक्रम पर अनुसूचित जातियों, अनुसूचित जन-जातियों व नागरिकों के अन्य पिछड़े वर्गों को आरक्षण देने की व्यवस्था “उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जन-जातियों और अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम, 1994” में की गई है अन्य पिछड़े वर्ग का विवरण उपरोक्त अधिनियम की अनुसूची-एक में अंकित है, परन्तु अनुसूची एक में समाविष्ट वर्ग का सदस्य होते हुए भी ऐसे व्यक्तियों का आरक्षण अनुमन्य नहीं है जो उक्त अधिनियम की धारा 3 की उपधारा (1) के परन्तुक के साथ पठित अनुसूची-दो से आच्छादित होते हैं।

2. उक्त आरक्षण अधिनियम के तहत आरक्षण-सुविधा प्राप्त करने के लिए “जाति प्रमाण पत्र” प्रस्तुत किया जाना आवश्यक है। अधिनियम की धारा 9 में यह प्राविधानित है कि ऐसा जाति प्रमाण-पत्र ऐसे प्राधिकारी या अधिकारी द्वारा तथा ऐसी रीति तथा प्रारूप में जारी किया जाएगा, जैसा राज्य सरकार आदेश द्वारा उपबन्ध करें।

3. उक्त धारा 9 द्वारा प्रदत्त शक्ति का प्रयोग करके सरकार द्वारा यह निर्णय लिया गया है कि भविष्य में ऐसा प्रमाण-पत्र जिलाधिकारी/अतिरिक्त जिलाधिकारी/ सिटी मजिस्ट्रेट/परगना मजिस्ट्रेट/तहसीलदार, जिसके क्षेत्र में सम्बन्धित अभ्यर्थी निवास करता हो अथवा वहां उसका जन्म हुआ हो, द्वारा जारी किया जाएगा। अनुसूचित जाति व जन-जाति के लिए ऐसा प्रमाण-पत्र किसी अन्य वेतन भोगी मजिस्ट्रेट या सम्बन्धित जनपद के जिला समाज कल्याण अधिकारी द्वारा भी प्रदान किया जा सकता है। शासन द्वारा अनुसूचित जाति तथा अनुसूचित जन-जाति एवं अन्य पिछड़े वर्ग के लिए जाति प्रमाण-पत्र के प्रारूप निर्धारित किए गए हैं, अतः

4. अनुरोध है कि निर्धारित प्रारूप में सक्षम प्राधिकारी/अधिकारी द्वारा ऐसे प्रमाण-पत्र जारी किए जाएं व इस प्रकार जारी प्रमाण-पत्र प्रस्तुत किए जाने पर उपर्युक्त अधिनियम के तहत आरक्षण के सम्बन्ध में नियमानुसार चयन की कार्यवाही सुनिश्चित की जाए।

5. यह भी अनुरोध है कि उपरोक्त से सभी सम्बन्धित/सक्षम अधिकारियों, जो आपके अधीनस्थ हों, को अवगत कराने का कष्ट करें तथा जिलाधिकारियों द्वारा अपने जनपद के प्रत्येक सिटी मजिस्ट्रेट/परगना मजिस्ट्रेट/तहसीलदार को भी सरकार के इस निर्णय से अवगत करा दिया जाय ताकि उक्त नीति के अनुसार सम्बन्धित व्यक्तियों की जाति प्रमाण-पत्र प्राप्त करने में तथा अनुमन्य आरक्षण की व्यवस्था को लागू किए जाने में कोई असुविधा न हो।

उत्तर प्रदेश की अनुसूचित जाति तथा अनुसूचित जन-जाति के लिए प्रमाण-पत्र का प्रारूप

प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी.....सुपुत्र/सुपुत्री श्री
..... निवासी ग्रामतहसील..... नगर.....जिला.....
..... उत्तर प्रदेश राज्य कीजाति के व्यक्ति हैं जिसे संविधान (अनुसूचित जाति, आदेश, 1950) जैसा कि समय-समय पर संशोधित हुआ। संविधान (अनुसूचित जन जाति, उत्तर प्रदेश) आदेश 1967 के अनुसार अनुसूचित जाति/अनुसूचित जन जाति के रूप में मान्यता दी गई है।

श्री/श्रीमती/कुमारी.....तथा/अथवा उनका परिवार उत्तर प्रदेश के.....ग्राम.....
..तहसील.....नगर.....जिला.....में सामान्यतया रहता है।

स्थानहस्ताक्षर

दिनांकपूरा नाम

मुहरपदनाम.....

जिलाधिकारी/अतिरिक्त जिलाधिकारी/सिटी
मजिस्ट्रेट/परगना मजिस्ट्रेट/तहसीलदार/अन्य
वेतन भोगी मजिस्ट्रेट, यदि कोई हों/जिला
समाज कल्याण अधिकारी।

उत्तर प्रदेश के अन्य पिछड़े वर्ग के लिए जाति प्रमाण-पत्र का प्रारूप

प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारीसुपुत्र/सुपुत्री श्री.... निवासी ग्राम... तहसील..... नगर.....जिला.....उत्तर प्रदेश राज्य की..... पिछड़ी जाति के व्यक्ति हैं। यह जाति उत्तर प्रदेश लोक सेवा (अनुसूचित जातियां, अनुसूचित पिछड़ी जन जातियों तथा अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम, 1994 को अनुसूची-1 के अन्तर्गत मान्यता प्राप्त है।

यह भी प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी.....उक्त अधिनियम, 1994 की अनुसूची-2 से आच्छादित नहीं है।

श्री/श्रीमती/कुमारी.....तथा/अथवा उनका परिवार उत्तर प्रदेश के ग्रामतहसील.... नगर.....जिला...में सामान्यतया रहता है।

स्थान : हस्ताक्षर.....

दिनांक : पूरा नाम.....

मुहर : पदनाम

जिलाधिकारी/अतिरिक्त जिलाधिकारी/

सिटी मजिस्ट्रेट/परगना मजिस्ट्रेट/तहसीलदार।

नोट: उपर्युक्त शासनादेश 30 प्र0 शासन के कार्मिक अनुभाग-2 के शासनादेश सं0 22/16/92-का-2-95 टी.सी. दिनांक 13-12-95 द्वारा संशोधित किया जा चुका है जो नीचे उद्धृत है।

शासनादेश संख्या-1/1/94-का-1/1994, दिनांक 01 जून, 1994 तथा 05 जुलाई, 1995 के क्रम में मुझे यह कहने का निदेश हुआ है कि उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों अनुसूचित जनजातियों और अन्य पिछड़े वर्गों के लिये आरक्षण) अधिनियम, 1994 की अनुसूची-दो को समयसंख्यक अधिसूचना दिनांक 8 दिसम्बर, 1995 द्वारा संशोधित कर दिया गया है। अनुरोध है कि कृपया अन्य पिछड़े वर्गों के पक्ष में अब जाति प्रमाण पत्र उपरोक्त संशोधित अनुसूची-दो के अनुसार संलग्न प्रपत्र पर जारी करने का कष्ट करें।

उत्तर प्रदेश के अन्य पिछड़े वर्ग के लिए जाति प्रमाण-पत्र का प्रपत्र

प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी.....सुपुत्र/सुपुत्री श्री निवासी ग्रामतहसील..... नगर..... जिला..... उत्तर प्रदेश राज्य कीपिछड़ी जाति के व्यक्ति हैं। यह जाति उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों तथा अन्य पिछड़े वर्गों के लिए आरक्षण) अधिनियम, 1994 की अनुसूची-ए एक के अन्तर्गत मान्यता प्राप्त है।

यह भी प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी.....उक्त अधिनियम, 1994 की अनुसूची-दो (अधिसूचना सं-22/16/92-का-2/1995 टी.सी. दिनांक 8 दिसम्बर, 1995 द्वारा तथा संशोधित) से आच्छादित नहीं है।

श्री/श्रीमती/कुमारी.....तथा/अथवा उनका परिवार उत्तर प्रदेश के ग्रामतहसील.... नगर.....जिला...में सामान्यतया रहता है।

स्थान : हस्ताक्षर.....

दिनांक : पूरा नाम.....

मुहर : पदनाम

जिलाधिकारी/अतिरिक्त जिलाधिकारी/

सिटी मजिस्ट्रेट/परगना मजिस्ट्रेट/तहसीलदार।

C.L. No. 56/Ve-94/Admn. (D) Dated 2nd July, 1994

Reservation in favour of physically handicapped persons.

I am directed to send herewith a copy of G.O. No. 3/4/86 (T/C.) / ka-2/93, dated 26th August, 1993 sent by the Secretary, U.P. Government, and to request you to comply with the rules of reservation in favour of physically handicapped persons as detailed in the G.O., whenever any recruitment is made in future.

राज्याधीन सेवाओं में सीधी भर्ती के प्रक्रम में विकलांग व्यक्तियों के लिये अनुमन्य आरक्षण का बंटवारा।

शासनादेश संख्या 3/4/86(टी.सी.)/का-2/93, दिनांक 26 अगस्त, 1993

मुझे आपका ध्यान शासनादेश संख्या 22/53/82-का-2/89, दिनांक 4 अगस्त 1989 की ओर आकृष्ट करते हुये यह कहने का निदेश हुआ है कि उक्त शासनादेश द्वारा विकलांग व्यक्तियों को राज्याधीन सेवाओं के समस्त समूहों में सीधी भर्ती के अवसर पर क्रमशः दो-दो प्रतिशत का आरक्षण अनुमन्य किया गया है।

2. राष्ट्रीय दृष्टिहीन संघ 30.10.80 लखनऊ द्वारा शासन से अनुरोध किया गया कि भारत सरकार के अनुरूप प्रदेश सरकार की सेवाओं हेतु भी दृष्टिहीनों के लिये आरक्षण पृथक किया जाय। अतः सम्यक विचारोपरान्त शासन ने यह निर्णय लिया है कि राज्याधीन सेवाओं में विकलांग व्यक्तियों के लिये अनुमन्य दो प्रतिशत आरक्षण को दृष्टिहीन, वधिक तथा शारीरिक रूप से विकलांग व्यक्तियों में बराबर बराबर विभक्त कर अनुमन्य होगा अर्थात् विकलांग व्यक्तियों को विभक्तिकरण के उपरान्त राज्याधीन सेवाओं के समस्त समूहों में सीधी भर्ती के अवसर पर निम्न प्रकार आरक्षण अनुमन्य होगा।

1. दृष्टिहीन	0.67 प्रतिशत
2. वधिर	0.67 प्रतिशत
3. शारीरिक रूप से विकलांग	0.67 प्रतिशत

3. कृपया इन आदेशों से अपने अधीन समस्त सम्बन्धित व्यक्तियों को अवगत कराने तथा इनका कड़ाई से अनुपालन सुनिश्चित कराने का कष्ट करें।

G.L. No. 56/Ve-94/Admn. (D) Allahabad : Dated : 1st October, 1996

Regarding fulfillment of quota of SC/ST in the Governing Departments, Subordinate Offices, Self Governing Body and other Government/Semi-Government Offices (Except Corporations).

I am directed to send herewith a copy of Government letter No 1057/VII-Nyay-1-125/88, dated 21.8.1996 alongwith enclosure, on the above subject and to request you kindly to send the desired information in the prescribed proforma showing the position as on 31.7.1996 correctly filled in direct to the Government under intimation to this Court

I am further to request you in future send the information in the prescribed proforma on quarterly basis in the next month after completion of each quarter.

संख्या 1057/सात-न्याय-1-125/88

न्याय अनुभाग-1 (उच्च न्यायालय) लखनऊ दिनांक 21 अगस्त 1996

विषय: शासकीय विभागों/अधीनस्थ न्यायालयों/कार्यालयों तथा स्वायत्तशासी संस्थानों एवं अन्य शासकीय/अर्द्धशासकीय संस्थानों/कार्यालयों (निगमों को छोड़कर) को सेवाओं के विभिन्न समूहों में अनुसूचित जातियों तथा अनुसूचित जनजातियों का आरक्षण कोटा पूरा किया जाना।

महोदय,

उपर्युक्त विषयक विधान सभा सचिवालय समिति (सामान्य) अनुभाग-1 के पत्र संख्या-104415/अ0जा0/94, दिनांक 10-11-1994 व पत्र संख्या-762 / 5 अ0जा0 /94, दिनांक 7-6-95 जिसकी प्रति आपको पूर्व में भेजी जा चुकी है के संदर्भ में शासन के पत्र संख्या-वि0स0

65/सात-न्याय-1-125/88, दिनांक 21-11-1994 तथा अनुस्मारक पत्र दिनांक 20-11-1995 की ओर आपका ध्यान आकृष्ट करते हुए मुझे यह कहने का निदेश हुआ है कि उक्त पत्र में वांछित सूचना निर्धारित प्रपत्र पर दिनांक 31-7-1996 तक की स्थिति के अनुसार शासन को प्राथमिकता के आधार पर तत्काल उपलब्ध कराने का कष्ट करें। भविष्य में यह सूचना त्रैमासिक आधार पर समाप्त होने वाले त्रैमास के आगामी मास के अन्दर नियमित रूप से उपलब्ध कराने का कष्ट करें।

1. मा0 उच्च न्यायालय से अभी तक इस सम्बन्ध में कोई सूचना प्राप्त नहीं हुई है। जिलों से जो सूचनाएँ प्राप्त होती हैं वह निर्धारित प्रपत्र पर नहीं होती हैं एवं अपूर्ण व त्रुटिपूर्ण होती हैं। इस संबंध में प्रमुख सचिव, न्याय की ओर से भी अर्द्ध शासकीय पत्र दिनांक 5-7-96 द्वारा पूर्व में भेजे गये पत्रों को उल्लेखित करते हुए वांछित सूचना नियमित रूप से भेजने के लिए अनुरोध किया जा चुका है।

3. अतः आपसे अनुरोध है कि कृपया अपेक्षित सूचना संलग्न प्रारूप में दर्शाते हुए प्रत्येक विन्दु को बायीं ओर लिखकर उसके सम्मुख स्पष्ट उत्तर दायी ओर अंकित करते हुए प्रत्येक प्रति सक्षम अधिकारी द्वारा हस्ताक्षरित प्रतियों में समिति के अवलोकनार्थ प्रस्तुत करने हेतु शासन को तत्काल उपलब्ध कराने का कष्ट करें। यदि समिति प्राप्त विवरण से सन्तुष्ट नहीं हुई तो वह इस संदर्भ में आपसे विचार-विमर्श भी करेगी। सुविधा हेतु निर्धारित प्रपत्र पुनः संलग्न है।

अनुसूचित जातियों/अनुसूचित जनजातियों को विभिन्न संवर्गों में आरक्षण की आद्ययावधिक स्थिति दिनांक.....
विभाग/कार्यालय आदि का नाम.....

पदों का वर्गीकरण (ग्रुपो) पदनाम सहित	कुल स्वीकृत पदों की संख्या	कार्यरत अधिकारियों/ कर्मचारियों की संख्या	अनुसूचित के कार्यरत अधिकारियों/ कर्मचारियों की		अनुसूचित जाति के कार्यरत अधिकारियों/ कर्मचारियों की		सूचना देने की तिथि तक रिक्तियों की संख्या			आरक्षण पूरा न होने का कारण
			संख्या	प्रतिशत	संख्या	प्रतिशत	कुल रिक्तियाँ	अनु0 जाति	अनु0 जनजाति	
1	2	3	4	5	6	7	8	9	10	11
समह “क” अलग-अलग पदनाम सहित										
योग										
समह “ख” अलग-अलग पदनाम सहित										
योग										
समह “ग” अलग-अलग पदनाम सहित										
योग										

समूह "घ"										
अलग-अलग पदनाम सहित										
योग										
महायोग										

- नोट:- 1. पिछड़ी जाति के संबंध में सूचना नहीं देनी है।
2. प्रत्येक समूह के अन्तर्गत आने वाले प्रत्येक पद के लिये सूचना स्तम्भवार दी जानी है
3. समूह-घ में स्वीपर्स के पदों को छोड़कर सूचना दी जानी है।

C.L. No. 16/Ve-94/Admn. (D) dated 4th April, 1997

Regarding fulfillment of quota of SC/ST in the Government Departments, subordinate offices, Self Governing Body and other Govt./Semi Govt. offices (Except Corporations)

I am directed to refer to the Court's G.L. No. 56/Ve-94/Admn. (D) dated 1.10.1996, subsequent reminder dated 31.1.1997 and the Government letter No. 317/VII-Nyay-1-97-125/88 dated 18.2.1997 (copy enclosed) and to say that you may kindly depute an official of your Judgeship who will proceed to Lucknow alongwith the said information personally and deliver it to Sri S.M.A. Abdi, Joint L.R.U.P. Government, Lucknow.

The matter may be treated as most urgent.

संख्या 317/सात-न्याय-1-97-125/88

अनुभाग-11 उच्च न्यायालय। लखनऊ: दिनांक: 18 फरवरी, 1997

विषय: शासकीय विभागों, अधीनस्थ विभागीय कार्यालयों तथा स्वायत्तशासी संस्थाओं एवं अन्य शासकीय/अ0 शासकीय निकायों (निगमों को छोड़कर) की सेवाओं के विभिन्न समूहों में अनुचित जातियों तथा अनुसूचित जनजातियों का आरक्षण कोटा पूरा किया जाना।

महोदय,

उपर्युक्त विषयक विधान सभा सचिवालय समिति (सामान्य) अनुभाग-1 के पत्र संख्या-104415/अ0जा0/94, दिनांक 10.11.1994 व पत्र संख्या- 762/5/अ0जा0/94, दिनांक 7.6.1995 जिसकी प्रति आपको पूर्व में भेजी जा चुकी है, के सन्दर्भ में शासन के पत्र संख्या-वि0स0-63/सात-न्याय-1-125/88, दिनांक 21.11.1994 तथा तत्सम्बन्धी पूर्व में प्रेषित 29 अनुस्मारक पत्रों की ओर आपका यान आकृष्ट करते हुए मुझे यह अनुरोध करना है कि अधीनस्थ न्यायालयों की बाबत मा0 उच्च न्यायालय द्वारा जी0 एल0 नंबर-56/वी0ई0-94- एडमिनिस्ट्रेशन (डी), दिनांक 1.10.1996 जारी किए जाने के बावजूद केवल 27 जनपदों यथा मथुरा, हमीरपुर, लखीमपुर खीरी, उरई, बाराबंकी, उन्नाव, टिहरी गढ़वाल, भदोही, फरुखाबाद, मैनपुरी, देहरादून, लखनऊ, बिजनौर, इटावा, मऊ, चमौली, गोपेश्वर, गाजीपुर, गोरखपुर, मिर्जापुर, कानपुर देहात, पौड़ी गढ़वाल, नैनीताल, झांसी, प्रतापगढ़, रामपुर, जौनपुर व महाराजगंज से अपेक्षित सूचना प्राप्त हुई है। शेष जनपदों से कोई सूचना प्राप्त नहीं हुई है।

2. उक्त 27 जनपदों में से भी 4 जनपदों तथा-प्रतापगढ़, रामपुर, जौनपुर व महाराजगंज की सूचना निर्धारित प्रपत्र पर नहीं है। शेष 23 जनपदों की सूचना भी सही नहीं है। किसी भी जनपद ने प्रपत्र के साथ संलग्न बिन्दुवार आख्या प्रेषित नहीं की है। समूह क और ख के कर्मचारियों की बाबत अधिकांश जनपदों का कथन है कि उक्त सूचना से मा0 उच्च न्यायालय सम्बन्धित है। आरक्षण की स्थिति के विषय में कुछ जनपदों ने संवर्ग के पदों की संख्या को आधार बनाया है जबकि कुछ जनपदों ने रिक्तियों की संख्या को आधार बनाया है।

3. चूंकि अपेक्षित सूचना वर्ष 1994 से अभी तक प्राप्त नहीं हो पायी है, इसलिए मेरा प्रस्ताव यह है कि आप अपने स्तर से सभी जिला न्यायाधीशों को आदेशित कर दें कि संलग्न प्रपत्र में उल्लिखित/अपेक्षित सूचना वह सम्बन्धित अधिकारी/कर्मचारी के माध्यम से शासन को प्रेषित करने का कष्ट करें।

4. समूह क और ख में न्यायिक अधिकारी भी आते हैं। कदाचित उनकी बाबत सही स्थिति मा० उच्च न्यायालय के संज्ञान में होगी।

5. विलम्ब को बचाने हेतु मैं श्री सै० मज़हर अब्बास आब्दी, संयुक्त सचिव एवं संयुक्त विधि परामर्शी, उ०प्र० शासन को आपकी सेवा में भेज रहा हूँ। कृपया उनसे विचार विमर्श करने के पश्चात् अपेक्षित सूचना अविलम्ब उपलब्ध कराने के विषय में प्रदेश के समस्त जिला न्यायाधीशों को निदेशित करने का कष्ट करें। अपेक्षित सूचना 10.12.1993 और 1.1.1997 की स्थिति के अनुसार निवेदित है।

समिति-(सामान्य) अनुभाग-1 विधान सभा सचिवालय उत्तर प्रदेश

संख्या: 1044/5/अ०जा०/94 लखनऊ दिनांक 10 नवम्बर 1994

विषय: शासकीय विभागों, अधीनस्थ विभागीय कार्यालयों तथा स्वायत्तशासी संस्थाओं एवं अन्य शासकीय/अर्द्धशासकीय निकायों (निगमों को छोड़कर) की सेवाओं के विभिन्न समूहों में अनुसूचित जातियों तथा अनुसूचित जनजातियों का आरक्षण कोटा पूरा किया जाना।

महोदय,

उपर्युक्त विषयक पर इस सचिवालय के पत्र संख्या 738/5(अ०जा०)/94, दिनांक 15 सितम्बर, 1994 का कृपया संदर्भ ग्रहण करने का कष्ट करें, जिसके साथ राजकीय सेवाओं के विभिन्न संवर्गों में अनुसूचित जातियों तथा अनुसूचित जनजातियों के लिए निर्धारित आरक्षण कोटा पूरा किये जाने सम्बन्धी उत्तर प्रदेश विधान मण्डल की अनुसूचित जातियों, अनुसूचित जन जातियों एवं विमुक्त जातियों सम्बन्धी संयुक्त समिति के अवलोकनार्थ आख्या उपलब्ध कराने हेतु आपके विभाग को उक्त प्रारूप तथा बिन्दु भेजे गये थे। उक्त प्रासर तथा बिन्दुओं में कुछ पिसंगतियां रहजाने के कारण आरक्षण सम्बन्धी वास्तविक स्थिति समिति के सम्क्ष नहीं आ पा रही थी। जिन्हें संशोधित कर दिया गया है।

2. अतः परिष्कृत प्रारूप तथा बिन्दुओं को पुनः संलग्न कर भेजते हुए, मुझे आपसे यह निवेदन करने का निदेश हुआ है कि कृपया अपने विभाग के प्रशासनिक नियंत्रणाधीन कार्यालयों में सेशोधित संलग्न प्रारूपानुसार प्रत्येक कार्यालय की जलग अलग स्थिति दशाते हुए प्रत्येक बिन्दु को वार्यी ओर लिखकर उसके सम्मुख उत्तर दायी और अंकित करने हुए प्रत्येक प्रति प्रमुख सचिव/सचिव/विशेष सचिव द्वारा हस्ताक्षरित, हस पत्र की प्राप्ति के 15 दिनों के भीतर पांच प्रतियों में इस पचिवसलय को भेजने का कष्ट करें। यदि समिति प्राप्त विवरण से संतुष्ट न हुई तो वह आपसे इस संदर्भ में विचार विमर्श भी करेगी।

3. कृपया इस हेतु समस्त अधीनस्थ कार्यालयों से सम्बन्धित विवरण, अलग अलग 40-40 प्रतियों में तैयार करवाने के आदेश अपने अधीनस्थ समस्त कार्यालयोंको जारी करने का कष्ट करें ताकि विचार मिर्श हेतु आमंत्रित किये जाने पर उपावधिक स्थिति के साथ उक्त विवरण समिति के सदस्यों की बैठक की तिथि से पर्याप्त समय पूर्व उन्हें उपलब्ध कराया जा सके।

4. आप से अनुरोध है कि कृपया अपने अधीनस्थ कार्यालयों की एक सूची भी उक्त सूचना के साथ अलग से संलग्न करें।

अनुसूचित जातियों/अनुसूचित जनजातियों को विभिन्न सेवाओं में आरक्षण को आख्यावधिक स्थिति दिनांक.....
.....तक.....

विभाग/कार्यालय अदि का नाम.....

पदों का वर्गीकरण (ग्रुपो) पदनाम	कुल स्वीकृत पदों की	कार्यरत अधिकारियों/कर्मचारियों की संख्या	अनुसूचित के कार्यरत अधिकारियों/कर्मचारियों की	अनुसूचित जाति के कार्यरत अधिकारियों/कर्मचारियों की	सूचना देने की तिथि तक रिक्तियों की संख्या	आरक्षण पूरा न होने का कारण
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सहित	संख्या		संख्या	प्रतिशत	संख्या	प्रतिशत	कुल रिक्तियाँ	अनु० जाति	अनु० जनजाति	
1	2	3	4	5	6	7	8	9	10	11
समह "क" अलंग- अलग पदनाम सहित										
योग										
समह "ख" अलंग- अलग पदनाम सहित										
योग										
समह "ग" अलंग- अलग पदनाम सहित										
योग										
समह "घ" अलंग- अलग पदनाम सहित										
योग										
महायोग										

नोट:- 1. पिछड़ी जातियों के संबंध में सूचना नहीं देनी है।

2. प्रत्येक समूह से अन्तर्गत आने वाले प्रत्येक पद के लिये सूचना स्तम्भदार दी जानी है।

3. समूह-घ में स्वीपर्स के पदों को छोड़कर सूचना दी जानी है।

सचिव/विशेषसचिव के हस्ताक्षर

विभाग का नाम.....

पदनाम मुहरसहित

अनुसूचित जातियों तथा अनुसूचित जनजातियों का विभिन्न विभागों/प्रशासनिक नियंत्रणधीन कार्यालयों में आरक्षण कोटा पूरा करने सम्बन्धी बिन्दु:

कृपया विभाग कार्यालय की ऐतिहासिक पृष्ठभूमि का संक्षेप में वर्णन करें विभाग/कार्यालय का संगठनात्मक ढांचा प्रदर्शित करते हुए पदों का विवरण दें विभाग/कार्यालय में उक्त जातियों के लिए आरक्षण कब से लागू हैं।

उत्तर प्रदेश लोक सेवा (अनुसूचित जातियों, अनुसूचित जनजातियों तथा अन्य पिछड़ी जातियों के लिये आरक्षण) अधिनियम 1994 जो 11 दिसम्बर, 1993 को प्रवृत्त हुआ था, के पूर्व क्या आरक्षण सम्बन्धी शासनादेशों के अनुसार विभाग/कार्यालय की विभिन्न सेवाओं के सभी संवर्गों में सीधी भर्ती तथा पदोन्नतिमें आरक्षण कोटा पूरा था।

यदि बिन्दु 4 के अनुसार विभाग/कार्यालय में आरक्षण कोटा पूरा नहीं था तो क्या आरक्षण कोटा पूरा न करने वाले नियुक्ति प्राधिकारी की चरित्र पंजिका में आवश्यक प्रविष्टि की गयी। कृपया दोषी अधिकारी के विरुद्ध क त कार्यवाही का विवरण दें।

उपर्युक्त अधिनियम पारित होने के पूर्व भी विशेष भर्ती अभियान चलाकर विभाग/कार्यालय में आरक्षण कोटा पूरा करने के स्पष्ट आदेश थे। विगत 5 वर्षों में आरक्षण कोटा पूरा करने हेतु कितनी बार विशेष चयन अभियान चलाकर कोटा पूरा करने का प्रयास किया गया। यदि प्रयास नहीं किया गया तो कृपया कारण बतायें।

उक्त संदर्भित अधिनियम के लागू होने के पूर्व अर्थात् 11 दिसम्बर 1993 के पूर्व क्या विभाग/कार्यालय के सभी संवर्गों के भर्ती/प्रोन्नति रोस्टर बनाकर उसके आधार पर की जाती रही है।

उपर्युक्त अधिनियम के प्राविधानों के अनुसार क्या 11 दिसम्बर 1993 के बाद की जाने वाली सीधी भर्ती में रोस्टर बनाकर विभाग/कार्यालय में आरक्षण कोटा पूरा करने की व्यवस्था कर ली गयी है।

सूचना देने की तिथि तक 11 दिसम्बर 1993 के बाद यदि किसी संवर्ग को सीधी भर्ती से चयन विभाग/कार्यालय द्वारा किया गया हो तो कृपया बतायें कि यंपन कितने पदों के लिये था उन में अनुसूचित जाति तथा अनुसूचित जनजाति की संख्या तथा प्रतिशत कितना था।

आपके विभाग/कार्यालय द्वारा अनुसूचित जातियों/जनजातियों के उत्थान के लिए यदि कोई योजनाएं/कार्यक्रम चलाये जा रहे हों तो कृपया उनका विवरण उपलब्ध करायें।

प्रारूप के स्तम्भ 9 और 10 में दर्शायी गयी आरक्षित रिक्तियों के भरने हेतु शासनादेशों के अनुसार विशेष भर्ती के लिए क्या कार्य किये हैं, यदि नहीं तो कृपया कारण बताएं।

C.L. No. 20/Ve-94/Admn. (D) dated May 23, 1997

Regarding fulfilment of quota of SC/ST in the Government Departments, Subordinate offices, self Government Body and other Govt./semi Govt. offices (Except corporations).

I am directed to refer to the court's C.L. No. 16/Ve-94/Admn. (D) dated 4.4.1997, on the above subject and to say that if the desired information have not been provided to the Government the same may be provided to the Government immediately.

The matter may be treated as most urgent.

C.L. No. 842 / Ve-94/ Admn. (D) Dated : January 21, 2000

Information regarding fulfilment of quota of scheduled Castes/Scheduled Tribes according to position as on 1-3-1999 in the subordinate courts.

I am directed to invite a reference to the Court's G.L. No. 6652/Ve-94/Admn. (D), dated 4-5-1999 and reminders dated 3.8.99 and 1.12.99, on the above subject and to request you that you were requested to furnish the information to the Government in the prescribed proforma according to position as on 1-3-1999 duly filled in alongwith reply of pointwise questionnaire in five copies as required by the Government under intimation to the Court but the same has not yet been received in the Court.

I am, therefore, to request you kindly to send the desired information to the Government under intimation to the Court immediately.

Reservation applicable for post in Class-III and Class-IV establishment of District Judgeships.

C.L. No. 1/VII-b/104 Admin (D): Dated 2.1.2008

While enclosing herewith the copies of GOs and Govt. Gazette ((1) GO No. 18/1/99/Ka-2/06 Karmik Anubhag-2, Lucknow Dated: 9th January, 2007 (2) GO No.

433/65-3-2004-120-2000-TC Viklang Kalayan Vibhag Lucknow dated 20th August, 2004 and (3) govt. Gazette, Uttar Pradesh Asadharan Vidhai, Parishistha Anubhag-1 No. 1485/Satarah-VI-1-1(ka) 23-1999 Dated 28th July, 1999), I am directed to say that upon consideration of the matter, the Hon'ble Court has been pleased to direct that reservation in recruitment to the posts in Class-III and Class-IV in the establishment of District Judgeships shall apply as per the various Acts and Rules read with Government Orders and Circulars in force in the matter.

Therefore, you are requested to kindly ensure that the compliance is made of the above directions of the Hon'ble Court.

संख्या-433/65-3-2004-120-2000-टी0सी0

प्रेषक,

आर0 रमणी,
समाज कल्याण आयुक्त एवं प्रमुख सचिव,
उत्तर प्रदेश शासन।

सेवा में,

समस्त प्रमुख सचिव/सचिव
उत्तर प्रदेश शासन।

विकलांग कल्याण अनुभाग-3

लखनऊ: दिनांक 20-8-2004

विषय:- विकलांगों को सेवाओं में 3 प्रतिशत आरक्षण प्रदान किया जाना।

महोदय,

उपर्युक्त विषय पर शासनादेश संख्या 381/65-3-2004-120/2000 टी0सी0, दिनांक 21 जुलाई, 2004 द्वारा आपसे भर्ती के समय विकलांगों को प्रदत्त 03 प्रतिशत आरक्षण के अनुसार नियुक्तियों दिये जाने की अपेक्षा की गयी है।

2- इस सम्बन्ध में मुझसे यह कहने का निदेश हुआ है कि विकलांगजनों को विभिन्न प्रकार की सुविधा/सहायता प्रदान करने के उद्देश्य से निःशक्तता (समान अवसर अधिकार संरक्षण एवं पूर्ण भागीदारी) अधिनियम-1996 बनाया गया है। इसकी धारा-33 में प्रत्येक में प्रत्येक श्रेणी यथा 1- दृष्टिहीनता या कम दृष्टि 2- श्रवण ह्रास, 3- चलन क्रिया सम्बन्धी निःशक्तता या प्रअविक्रिय अंगघात के लिए रिक्तियों का एक-एक प्रतिशत आरक्षण प्रदान किया गया है। रिक्तियों को भरे जाने के सम्बन्ध में धारा-36 में यह व्यवस्था की गयी है कि यदि किसी चयन वर्ष में विकलांगजनों के लिए आरक्षित कोई रिक्ति उपयुक्त विकलांग अभ्यर्थी की अनुपलब्धता अथवा अन्य किसी पर्याप्त कारण के बिना परी रह जाती है तो ऐसी रिक्ति अगले चयन वर्ष के लिए अग्रणीति (कैरी फारवर्ड) की जायेगी और यदि अगले चयन वर्ष भी उपयुक्त व्यक्ति उपलब्ध नहीं होता है तो तीनों विकलांगों के मध्य इन्टरचेंज करके भरी जायेगी और इस वर्ष यदि कोई विकलांग व्यक्ति उस पद के लिए उपलब्ध नहीं होता है तो सेवायोजक द्वारा उक्त प्रकार की रिक्ति विकलांगजन के अतिरिक्त अन्य व्यक्ति से भरी जा सकती है। उक्त धारा में यह भी व्यवस्था की गयी है कि यदि किसी अधिष्ठान/कार्यालय में रिक्ति की प्रकृति ऐसी है कि एक विशेष प्रकार के विकलांग को सेवायोजित नहीं किया जा सकता है, तो रिक्ति की उक्त तीनों श्रेणियों में शासन की सहमति से इन्टरचेंज किया जा सकता है।

कृपया, उपरोक्तानुसार आगामी भर्ती के समय विकलांगजनों को रिक्तियों में 03 प्रतिशत का आरक्षण प्रदान करने की कार्यवाही सुनिश्चित कराने का कष्ट करें।

संख्या-18/1/99/का-2/2006

प्रेषक,

पी0एन0 यादव,
विशेष सचिव, उत्तर प्रदेश शासन।

सेवा में,

1- समस्त प्रमुख सचिव/सचिव, उत्तर प्रदेश शासन। 2- समस्त विभागाध्यक्ष/कार्यालयाध्यक्ष, उ०प्र०।

3- समस्त मण्डलायुक्त / जिलाधिकारी, उ०प्र०

कार्मिक अनुभाग-2

लखनऊ: दिनांक 9 जनवरी, 2007

विषय:-राज्याधीन लोक सेवाओं और पदों पर सीधी भर्ती के प्रक्रम पर महिलाओं के लिए आरक्षण।

महोदय,

उपर्युक्त विषयक समसंख्यक शासनादेश दिनांक 26 फरवरी, 1999 तथा 30 अगस्त, 1999 का कृपया संदर्भ ग्रहण करें।

2- उपर्युक्त परिप्रेक्ष्य में मुझे आपसे यह कहने का निदेश हुआ है कि उक्त शासनादेशों द्वारा राज्याधीन लोक सेवाओं और पदों पर सीधी भर्ती के प्रक्रम पर महिलाओं के लिए 20 प्रतिशत आरक्षण प्रदान किये जाने के संबंध में निम्नलिखित निर्देश प्रसारित किये गये थे:-

- (1) आरक्षण राज्याधीन लोक सेवाओं और पदों पर केवल सीधी भर्ती के प्रक्रम पर होगा। पदोन्नति के पदों पर नहीं होगा।
- (2) आरक्षण हारिजेन्टल प्रकृति का होगा अर्थात् किसी राज्याधीन लोक सेवा और पद पर महिला आरक्षण के अधीन चयनित महिला जिस श्रेणी की होगी उसे उसी श्रेणी के प्रति समायोजित किया जायेगा।
- (3) यदि कोई महिला किसी राज्याधीन लोक सेवा और पद पर मेरिट के आधार पर चयनित होती है तो उसकी गणना उस पदों पर महिलाओं के लिए आरक्षित रिक्ति के प्रति की जायेगी।
- (4) राज्याधीन लोक सेवाओं पर पदों में सीधी भर्ती के लिए किसी चयन में महिलाओं के लिए आरक्षित पद यदि महिला अभ्यर्थियों के उपलब्ध न होने के कारण नहीं भरा जा सके तो वह पद उपर्युक्त पुरुष अभ्यर्थियों से भरा जायेगा व भविष्य के लिए अग्रणीत नहीं किया जायेगा।
- (5) राज्याधीन लोक सेवाओं और पदों पर सीधी भर्ती के लिए महिलाओं के लिए सेवा में वांछित सभी अर्हतायें पद सम्बन्धी सुसंगत नियमावली में उल्लिखित पूर्ववत् आरक्षण के अनुरूप रहेगी व उनमें इस शासनादेश से कोई परिवर्तन नहीं होगा।
- (6) यह आदेश तत्काल प्रभाव से लागू होंगे, लेकिन जिन रिक्तियों को भरने के लिए विज्ञापन जारी किये जा चुके हैं, या जिन रिक्तियों के लिए चयन की प्रक्रिया प्रारम्भ हो चुकी हो उन पर यह आदेश लागू नहीं होंगे। चयन की प्रक्रिया प्रारम्भ होने का आधार भर्ती का आधार केवल लिखित परीक्षा या साक्षात्कार होने की स्थिति में ऐसी परीक्षा/साक्षात्कार प्रारम्भ हो जाने से है। जिन पदों पर भर्ती का आधार लिखित परीक्षा और साक्षात्कार देना है उनके सम्बन्ध में चयन प्रक्रिया प्रारम्भ होने का आशय लिखित परीक्षा प्रारम्भ हो जाने से है।
- (7) लोक सेवाओं एवं पदों का तात्पर्य उ०प्र० लोक सेवा (अनुसूचित जातियों, अनुसूचित जन जातियों और अन्य पिछड़े वर्ग के लिए आरक्षण) अधिनियम, 1994 में परिभाषित “लोक सेवाओं और पदों” से है।

3- शासन के संज्ञान में यह तथ्य आया है कि उपर्युक्त निर्देशों का समुचित अनुपालन नहीं किया जा रहा है। अतः आपसे अनुरोध है कि कृपया उक्त शासनादेशों की व्यवस्था का सभी स्तरों पर कड़ाई से अनुपालन सुनिश्चित कराने का कष्ट करें।

4- यह भी स्पष्ट किया जाता है कि राज्याधीन लोक सेवाओं और पदों पर सीधी भर्ती के प्रक्रम पर महिलाओं को अनुमन्य उपरोक्त आरक्षण केवल उत्तर प्रदेश की मूल निवासी महिलाओं को ही अनुमन्य है।

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश विधान मण्डल द्वारा पारित उत्तर प्रदेश लोक सेवा (शारीरिक रूप से विकलोग, स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण) संशोधन विधेयक, 1999 पर दिनांक 27 जुलाई, 1999 की अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 29 सन् 1999 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश लोक सेवा (शारीरिक रूप से विकलोग, स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण संशोधन अधिनियम, 1999)

(उत्तर प्रदेश अधिनियम संख्या 29 सन् 1999)

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

उत्तर प्रदेश लोक सेवा (शारीरिक रूप से विकलोग, स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण) अधिनियम, 1995 का अग्रेतर संशोधन करने के लिए

अधिनियम:

भारत गणराज्य के पचासवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:-

संक्षिप्त नाम और प्रारम्भ:

1-(1) यह अधिनियम उत्तर प्रदेश लोक सेवा (शारीरिक रूप से विकलोग, स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण) अधिनियम, 1999 कहा जायेगा।

(2) यह 21 मई, 1999 को प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश अधिनियम संख्या 4 सन् 1993 की धारा 2 का संशोधन:

उत्तर प्रदेश लोक सेवा शारीरिक रूप से विकलोग, स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण अधिनियम, 1993 की, जिसे आगे मूल अधिनियम कहा गया है, धारा--- के खण्ड (घ), के पश्चात् निम्नलिखित खण्ड बढ़ा दिया जायेगा, अर्थात्-

“(घ-1) “समूह क के पद” का “समूह ख के पद” का तात्पर्य राज्य सरकार द्वारा समय-समय पर उस रूप में विनिर्दिष्ट पद से है,”

धारा-3 का संशोधन:

3- मूल अधिनियम की धारा-3 में, उपधारा (1) में खण्ड (ए) के स्थान पर निम्नलिखित खण्ड रख दिये जायेंगे, अर्थात्:-

“(एक) लोक सेवाओं और पदों में रिक्तियों का दो प्रतिशत के आश्रितों के लिए,

(एक-क) समूह “क” के पदों का समूह “ख” के पदों के भिन्न लोक सेवाओं और पदों में 21 मई, 1999 की ओर से रिक्तियों का दो प्रतिशत और ऐसे दिनांक को और से जब उत्तर प्रदेश लोक सेवा (शारीरिक रूप से विकलोग, स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण) (संशोधन) अधिनियम, 1999 गजट में प्रकाशित किया जाय, रिक्तियों का भूतपूर्व सैनिकों के लिए,

धारा 5 का संशोधन:

4- मूल अधिनियम की धारा 5 में, उपधारा (1) के स्थान पर निम्नलिखित उपधारायें रख दी जायेंगी, अर्थात्:-

“(1) उत्तर प्रदेश लोक सेवा (शारीरिक रूप से विकलोग स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण, संशोधन अधिनियम, 1997 द्वारा यथासंशोधित इस अधिनियम के उपबन्ध ऐसे

मामलों में लागू नहीं होंगे जिनमें 1997 के उक्त अधिनियम के प्रारम्भ के पूर्व चयन प्रक्रिया प्रारम्भ हो चुकी हो और ऐसे मामले इस अधिनियम के ऐसे उपबन्धों के अनुसार, जैसे थे ऐसे प्रारम्भ के पूर्व थे, व्यवहृत किये जायेंगे।

(1-क) उत्तर प्रदेश लोक सेवा (शारीरिक रूप से विकलॉग स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण (संशोधन) अधिनियम, 1999) द्वारा यथा संशोधित इस अधिनियम के उपबन्ध ऐसे मामलों में लागू नहीं होंगे जिनमें 1999 के उक्त अधिनियम के प्रारम्भ के पूर्व चयन प्रक्रिया प्रारम्भ हो चुकी हो और ऐसे मामले इस अधिनियम के ऐसे उपबन्धों के अनुसार, जैसे थे ऐसे प्रारम्भ के पूर्व थे, व्यवहृत किये जायेंगे।

स्पष्टीकरण - उपधारा (1) और (1-क) के प्रयोजनों के लिए वहाँ चयन प्रक्रिया प्रारम्भ की गयी समझी जायेगी, जहाँ सुसंगत सेवा नियमावली के अधीन की जाने वाली भर्ती,-

(एक) केवल लिखित परीक्षा या साक्षात्कार के आधार पर की जानी हो और वहाँ यथास्थिति लिखित परीक्षा या साक्षात्कार प्रारम्भ हो गयी हो, या

(दो) लिखित परीक्षा और साक्षात्कार, दोनों के आधार पर की जानी हो और जहाँ लिखित परीक्षा प्रारम्भ हो गयी हो।

उत्तर प्रदेश अध्यादेश संख्या 1 सन् 1999:

5-(1) उत्तर प्रदेश लोक सेवा (शारीरिक) रूप से विकलॉग, स्वतंत्रता संग्राम सेनानियों के आश्रित और भूतपूर्व सैनिकों के लिए आरक्षण (संशोधन) अध्यादेश, 1999 एतद्द्वारा निरसित किया जाता है।

(2) ऐसे निरसन के होते हुए भी, उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथासंशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथासंशोधित मूल अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान समय पर प्रवृत्त थे।

[5] RECRUITMENT

(i) Procedure

C.L. No. 55/Ve-4 dated 28th August, 1950

The rules published under notification no. 0-1119/II-B-50, dated July 11, 1950, in Uttar Pradesh Gazette, Part I-A, dated July 15, 1950, supersede the Subordinate Civil Courts' Ministerial Establishment Rules, 1947, published under notification no.2494/VII-612-40, dated August 1, 1947, in the Gazette dated the 16th August, 1947, Part I-A in respect of recruitment only.

C.L. No. 79/Ve-4 dated 28th July, 1951

Candidates recruited in accordance with the rules in force before July 15, 1950, will continue to be absorbed and further recruitment will be made on the lines indicated in the rules published under the notification, dated 11th July, 1950

C.L. No- 25 dated 16th April, 1964

According to rules 9 and 14 (3) of the U.P. Subordinate Civil Courts' Ministerial Establishment Rules, 1947 and rules 4, 5 and 7 of the rules for the recruitment of ministerial staff of the subordinate offices contained in the Government notification no. 01119/II-B-50, dated July 11, 1950, the competitive test for recruitment of ministerial staff should, as far as possible, be invariably held every year in the second week of August; as far as practicable the probable number of vacancies, if any, during the course of the year should be correctly ascertained; the list of the approved candidates should not be prepared without taking into consideration the vacancies likely to occur in the course of the year and the name of the candidate who had not been given an appointment within one year of the date of recruitment should, as provided in rule 14(3) of the said rules,

stands automatically removed. The provisions contained in sub-rule (2) of rule 7 of the rule contained in the Government notification, dated July 11, 1950, do not supersede nor are in conflict with rule 14 (3) of the U.P. Subordinate Civil Courts' Ministerial Establishment Rules, 1947.

C.L. No.14/Ve-4 dated 12th February, 1973

While making appointments to the establishment of the civil courts the District Judges should make it clear that all applications should be addressed to him and routed through the Employment Exchange and should further require that candidates should send advance copies of their applications direct to the District Judge for being ascertained whether all applications have been forwarded to him by the Employment Exchange or not. In case, applications of certain suitable candidates have been withheld, the District Judge may, in his discretion permit such candidates to take the test as contemplated in paragraph 7 of G.O. 2248/11-1950, dated August 30, 1950.

In the case of candidates who are appointed to fill up casual vacancies without appearing in the regular test and are already working on the staff of the civil court concerned they should be treated as departmental candidates and should be allowed to take the test without any reference to the Employment Exchange in order to enable them to qualify for regular appointment.

C.L. No.1/Ve-4 Admn. (D) dated 2nd January, 1987

Rules 9 to 12 of the Subordinate Civil Courts' Ministerial Establishment Rules, 1947 were superseded by the Rules for the Recruitment of Ministerial Staff to the Subordinate Offices, 1950, which were made by the Governor under Article 309 of the Constitution-vide Notification no. O-1119/II-B-50, dated 11.7.1950, as amended from time to time, and separate provision in place of the provision of Rules 9 to 12 of the Subordinate Civil Court's Ministerial Establishment Rules, 1947 was made in these rules. As observed by the Supreme Court in the case of Om Prakash Shukla AIR 1986 SC 1043, the provisions made in the Rules for the Recruitment of Ministerial Staff to the Subordinate Offices, 1950, as amended from time to time, still hold good in so far as recruitment to the ministerial establishments in the subordinate courts is concerned.

The Rules for the recruitment of Ministerial Staff to the Subordinate Offices, 1950, as amended from time to time, should, therefore, be followed and acted upon until necessary amendments are made in the appropriate rules. The notification No. 27/1-72-Appointment-4 dated November 1, 1973 was published in the U.P. Gazette, Part I-A, dated November 17, 1973 embodying the recruitment of Ministerial Staff to the Subordinate Offices (Amendment) Rules, 1973 which prescribe latest syllabus applicable to the test (see Annexure).

The selection and appointments, if any, made before March 18, 1986 when the Supreme Court gave its decision in the case of Om Prakash Shukla (Supra) on the basis of the Subordinate Civil Courts Ministerial Establishment (Amendment) Rules, 1969, which were circulated through Court's Circular Endorsement No, 118 dated October 30, 1969, shall remain undisturbed.

ANNEXURE

The Recruitment of Ministerial Staff to the Subordinate Offices (Amendment) Rules, 1973.

1. Short title and commencement. - (1) These rules may be called the Recruitment of Ministerial Staff to the Subordinate Offices (Amendment) Rules, 1973.

(2) They shall come into force at once.

2. Amendment of Rule 6(2).-In the Rules for the Recruitment, of Ministerial Staff to the Subordinate Offices for sub-rule (2) of Rule 6 as set out in column 1, the sub-rule as set out in column 2, shall be substituted.

COLUMN 1		COLUMN 2	
Subjects	Marks	Subjects	Marks
Oral		Written	
(1) Personality	25	(1) Simple Drafting (in Hindi)	50
(2) General knowledge and suitability for the particular post	25	(2) Essay and precis writing in Hindi	50
Written		(3) Simple Drafting and precis writing (in English)	50
(1) Simple drafting in Hindi	50	(4) General knowledge	
(2) Essay and précis	50		
(3) Simple drafting and précis writing (in English)	50		
Optional		Optional	
(1) Typewriting in English and Hindi	50	(1) Typewriting in English and Hindi	50
(2) Shorthand in Hindi and English	50	(2) Shorthand in Hindi and English	50

C.L. No- I Admin (D) Dated: 09-01-2003*

Appointment of Class III and Class IV employees in the subordinate courts.

To obviate the difficulties and the problems faced by the District Judges and to bring in uniformity in the recruitment of Class III and Class IV employees of the subordinate court, I am desired to issue directions as under:-

1. No appointment / recruitment for post in class III and class IV category be made without prior information of the same to the Registry with regard to number of vacancies to be filled up, fees levied for the form as well as for appearing in the examination and the date of holding of examination.
2. For filling up newly created or vacant post of class III and class IV employees, before making appointments, the case of already working junior employees for promotion/appointment who are eligible as per rules, be considered and if competent employee is not available, then only the post be filled up by direct recruitment.
3. Before declaration of the result of the recruitment of the employees the list of the selected candidates mentioning the reservations applicable, be sent to the Court for perusal of Hon'ble the Chief Justice.

I, am therefore, directed to communicate you the aforesaid directions of the Court for strict compliance.

C.L. No. 14 /Admn , (D) Dated : April 17-2003

Appointment of class III and Class IV employees in the subordinate Courts.

I am directed to say that the Hon'ble Court has been pleased to withdraw its earlier Circular better No. 1/Admn,(D), dated 09.01.2003 issued by the Court.

* Withdrawn by C.L. No. 14/Admn. (D) dt. 17.04.2003

C.L. No. 28/ dated 26th September, 2005

Appointments in respect of posts governed by the Subordinate Civil Courts Ministerial Establishment Rule, 1945 read with the Uttar Pradesh Rules for the Recruitment of Ministerial Staff of the Subordinate Offices in Uttar Pradesh, 1950.

Upon Consideration of the matter pertaining to the appointments in respect of the posts governed by the Subordinate Civil Courts Ministerial Establishment Rule, 1945 read with the Uttar Pradesh Rules for the Recruitment of Ministerial Staff of the Subordinate Offices in Uttar Pradesh, 1950 the Hon'ble Court in Special Appeal No- 702 of 2005- The District Judge, Baghpat and another Vs. Anurag Kumar and others has observed and held as below:

1. Rule 9 of the 1947 Rules empowers the District Judges to recruit as many candidates as are required for the vacancies 'likely to occur in the course of the year'. The exercise has to be commenced early in each year or as the circumstances may require. This entails an exercise by the district Judges of identifying the number of vacancies existing or likely to occur in the course of the year. The Rule requires that such vacancies shall be calculated and necessary steps shall be taken to make this fact generally known. What follows is that the advertisement to be made has to be preceded by an exercise by calculating the number of vacancies in the manner indicated herein above.
2. Rule 10 of the 1947 Rules provides for an advertisement, disclosing the number of vacancies, inviting applications in a particular form. The advertisement, therefore, will be presumed to have included only such number of vacancies/posts which are available in accordance with the calculation made under Rule 9 and no other future vacancy. The Rule does not contemplate advertisement of future vacancies, which can be taken into account after the advertisement has been made.
3. The recruitment is to be made on the basis of the result of the examination under Rule 11 and for the said purposes; the list of selected candidates has to be entered in a register in order of merit to be maintained by the District Judges under Rule 14. Sub rule (3) of Rule 14, in no uncertain terms, provides that in case a candidate who has not been offered appointment in accordance with the said list within one year from the date of his recruitment, his name shall automatically be removed from the register. These Rules establish that the number of vacancies, which have to be advertised, are to be in accordance with the Rule 9 and, therefore, the recital in the advertisement that the vacancies are likely to increase or decrease has to be strictly construed in accordance with the aforesaid Rules.
4. What logically follows is that the District Judge is not at liberty to prepare a list dehors the number of vacancies advertised. The position stands further clarified by the Circular Letter No. 9/VIIb-104, Admn. dated 29-4-1999 issued by the High Court which clearly states that the select list shall not be prepared by the District Judges for more than the double of the vacancies advertised.
5. The preparation of the select list for more than the double of this vacancies advertised, is illegal and contrary to the Rules applicable.
6. The selected candidates have right to appointment only against 'vacancies notified' and that too during the life of the select list as the panel of selected

candidate cannot be valid of indefinite period. Moreover, empanelled candidates "in any event cannot have a right against future vacancies."

7. Once vacancies notified are filled up the selection process stand exhausted and the authority concerned become functus officio.
8. Any appointment made beyond the number of vacancies notified shall be without jurisdiction, therefore, a nullity, in executable and unenforceable in law.
9. (a) The District Judge loses all authority and jurisdiction and is completely forbidden from picking up any name out of the said list after the expiry of the aforesaid period of one year for appointment.
(b) The District judge has no authority in law to give extension to the life of which not only be operation of the Rules but also by declaration of law, stood exhausted.

As the menace of illegal and unauthorized modes of recruitment continue unabated, I am directed to send out herewith a copy of judgment and order dated 31-05-2005 aforesaid, with the request that the contents of and directions in the judgment and order be unerringly gone through all the way for ensuring well again standards of recruitment.

(ii) Age Limit

C.L. No. 2/VIIIf-208/Admn. (D) dated 7th January, 1986

The Court has adopted the maximum age limit prescribed in Rule 2 of the Uttar Pradesh Recruitment to Services (Age Limit) (Second Amendment) Rules, 1983 issued under Government notification No. 18/2/1981-Personnel-2 dated February 24, 1983. Accordingly, maximum age limit for recruitment to ministerial establishment of subordinate civil courts shall be 30 years and it shall be deemed to have been raised from 28 years to 30 years under Rule 6 of the U.P. Subordinate Civil Court's Ministerial Establishment Rules, 1947.

C.L. No. 39/Ve-92 dated 20th April, 1972

Scheduled caste candidates are entitled to a concession of five years in the maximum age limit prescribed for recruitment.

C.L. No. 87 dated 16th October, 1968

The age of a candidate should be ascertained and scrutinized before allowing him to appear at the test and in exceptional circumstances only exemption from the upper age limit should be sought from the Court and this should be done before a candidate is allowed to take the test.

C.L. No. 54/VIIIf-208/Admn.(D) dated August 26, 1991

I am directed to invite your kind attention to the Court's Circular No.2/VIIIf-208/Admn. (D) Deptt. dated 7.1.1986, on the above subject, by which the maximum age for recruitment to the ministerial establishment in the Subordinate Civil Courts was raised to 30 years and to say that the Court has been pleased to adopt the Government Notification No.18/2/1981-Karmik-2, dated 30th March, 1991 raising the upper age limit for recruitment to all such service and posts under the rule making powers of the Governor to 32 years. Accordingly, the upper age limit for recruitment to the ministerial establishment and also for recruitment to the Inferior Establishment of the Subordinate

Civil Courts shall be 32 years and it shall be deemed to have been raised from 30 years to 32 years under Rule 6 of the U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947 and under Rule 8 of the U.P. Subordinate Civil Courts Inferior Establishment Rules, 1955 w.e.f. 30th March, 1991.

I am, therefore, to request you that the above instructions may be given effect to while making recruitment.

C.L. No. 23 / Admn.(D) section: Dated 10-07-1999

The cut-off date for the purpose of computing the age-limit for direct recruitment in the Civil Courts Ministerial Establishment.

I am directed to say that after considering the matter at length the court has been pleased to observe that the cut-off date for the purpose of computing the age-limit for direct recruitment in the Civil Courts Ministerial Establishment should be the first day of July of the Calender year in which vacancies for direct recruitment are advertised.

[iii] Mode of Selection

C.L. No 115/Admn. 'G' dated November 23, 1994*

Mode of selection and appointment with regard to Class III employees in the subordinate court

I am directed to inform you that the Court has taken a decision that in the matter of recruitment of class III employees in the subordinate courts, the selection process shall be at the Commissioner's Division level, meaning thereby that all vacancies in the Commissioner's Division shall be advertised at one time, applications shall be invited for all such posts, though the selection/interview test may be held at different centers as may be deemed feasible. Such selection shall be held by a team of not less than 3 District Judges of the region to be nominated by the Hon'ble Chief Justice. Necessary instructions with regard to the conduct of the selection and appointment process may be issued from time to time by the Hon'ble Chief Justice as may be deemed appropriate.

C.L. No. 138/Admn.(G) dated December 21,1994

Withdrawal of Circular Letter No. 115/Admn.(G) dated 23.11.1994 regarding mode of selection and appointment with regard to Class III employees in the Subordinate Court

Hon'ble the Chief Justice and Judges have been pleased to direct to withdraw the Court's C.L. No. 115/Admn (G) dated 23.11.94 regarding mode of selection and appointment with regard to Class III employees in the subordinate courts.

C.L. No: 27/Vllb-104/Admn. (D) dated May 24, 1996*

Holding of examination for recruitment of Class III employees under the existing Uttar Pradesh Subordinate Civil Courts Ministerial Establishment Rules, 1947 and the Uttar Pradesh Rules for the recruitment of Ministerial Staff of the Subordinate Offices in Uttar Pradesh 1950 on the guidelines evolved by the Court.

In supersession of the Circular Letter No. 14, dated 14.2.1995, I am directed to convey the decision of the Hon'ble High Court for strict compliance in the matter of recruitment and selection of Class III employees on the guidelines evolved by the Court

* Withdrawn by Hon'ble Court through C.L.No. 138/Admn. (G) Dt. 21.12.1994

* Withdrawn by C.L. No. 9/viib.104/Admn.-D/dt. 29.12.1998

as detailed below without disturbing the qualifications provided under Rules 4, 5, 6, 7 & 8 of U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947 and also the syllabus applicable to the post of Class III employees of the Civil Court provided in the U.P. Rules for the recruitment of Ministerial Staff of the Subordinate Offices in Uttar Pradesh 1950:-

- (a) The District Judge should take into consideration the vacancies up to the date of examination and the vacancies which will occur in the year immediately following the date of examination.
- (b) In counting the vacancy the District Judge should take into account the existing vacancies and the vacancies which may likely to occur due to the retirement of the officials in the strength of the Judgeship. No other consideration shall be given by the District Judge in calculating the vacancy.
- (c) The District Judge shall inform the Hon'ble Inspecting Judge about the number of vacancies calculated by him before advertising the examination.
- (d) An advertisement shall be issued by the District Judge in the local newspaper and in a Hindi daily newspaper having a wide circulation in the district in which the examination is being held and also in a Hindi daily newspaper having a wide circulation in the State of Uttar Pradesh. The publication shall be issued soon after the decision of calculating the vacancy. The advertisement shall also provide the date fixed for the examination. The date of availability of application forms, the date of receipt of the application form duly filled in by the candidate and all other particulars shall be given by the District Judge.

After the close of the date of receipt of the application forms duly filled in by the candidate, the District Judge shall examine the application forms.

All these application forms which are incomplete and are submitted by the applicants who are not eligible shall be rejected by the District Judge by speaking order.

When these procedures are complete, the procedure for preparing the question paper, examination of the copies shall be adopted. In order to check the leakage in question paper, tampering in answer books and manipulation in the examination of the copies, following checks and balances are introduced:

- (A) The whole of the State of Uttar Pradesh is divided in three zones, shown by the alphabets 'A', 'B' & 'C'. If the examination is held in Zone 'A' then the District shown in 'B' & 'C' shall be zones for preparing question paper and examining answer books. Similarly if the examination is held in Zone 'B' then rest job shall be performed by districts of Zone 'A' & 'C' and so on.
- (B) The Court also decided that a separate Cell, headed by a Hon'ble Judge will be created in the Registry for supervising the examination. This Cell shall perform the job of selecting the districts in different zones for preparing the examination paper and the district for the examination of the answer books.
 - (i) The examination cell shall place the code numbers on the answer books so received from the districts in which the examination has been held. After the answer books are examined, the examined copies shall be received back in the High Court and correct roll

numbers shall be placed on the answer books and mark-sheet shall be prepared on the basis of the marks obtained by the candidates.

- (ii) The District Judge of the Zone 'B' or as the case may be, which has been allotted the work of preparing the question papers shall prepare three examination papers of each subject as per rules and shall send them to the Registrar, High Court in a sealed cover within 10 days of the receipt of the letter of the Registrar of the High Court. The Registrar of the High Court shall keep these papers with him in a sealed cover and only one paper chosen out of the three by the Registrar shall be delivered after getting them printed at place of his choice to the concerned District Judge in which the examination is going to be held one day before commencement of the examination through special messenger. The block of the question papers will be destroyed soon after the question paper is printed.

- (C) The answer books shall be printed in the following proforma:

SPECIMEN OF FIRST PAGE OF ANSWER BOOK

Code No. Rest blank	Roll No. Name of the Candidate	
Signaute of the officer of Registry at the time of fixing Code No.	Father's Name Subject	
	Date of Exam. Signature of D.J.	Signature of Invigilator

After the examination is over, half portion of the first page of answer book bearing name and roll number etc, shall be separated from the rest part and code number will be appended on both the portions in the Examination Cell of the High Court.

- (D) After the examination is over all the answer books shall be sent in a sealed bundle by the district in which the examination is held to the High Court where it shall be received by the Incharge, Examination Cell. The District Judge shall take proper care that all the pages of answer books shall be marked by his signature seal and few pages of the answer books will be signed by the invigilators also. The District Judge shall also take care that the answer books are properly sealed and dispatched through special messenger the same day after the examination is over. The process of sealing the answer books should take place in the presence of the observer of the Court sent by the Examination Cell.

- (E) The District Judge of the zone, to whom the job of the examination of answer books has been assigned, shall return the answer books duly examined within 15 days from the date of the receipt of the answer books. The District Judge can take help of his Officers for examining the copies. The District Judge of the Zone to whom the answer books have been sent shall return the examined answer books to the Examination Cell of the High Court, where the rest process of deciding the answer book and preparation of the mark-sheet shall be completed by the Incharge,

Examination Cell. The mark-sheet duly signed by the Incharge, Examination Cell shall be sent back to the District Judge, in which the examination has taken place for preparation of the final results.

(F) The District Judge in whose district examination has taken place will pick up the candidates strictly on the basis of the marks obtained by the candidates and the result shall be pasted on the notice board within three days of the receipt of the examined copies and marksheet.

(G) The District Judge shall prepare a select list as provided in Rule 14 of U.P. Subordinate Civil Court Ministerial Establishment Rules, 1947.

The District Judge shall follow the directions given in Rule 14 *mutatis-mutandis*. The District Judge shall prepare a select list on the basis of the marks obtained by the candidates. Separate merit list for each category i.e. general candidates and for reserved categories shall be prepared in equal number of vacancies and not beyond it.

(H) The select list shall be taken into consideration as the list of seniority of the candidates selected on the basis of the examination. The select list so prepared for all purposes will be a list for seniority. The appointments shall, howsoever, be made as per the roster provided in government notification out of the aforesaid merit list. The gradation list shall be prepared separately strictly in accordance with the merit and in the light of the government notification issued from time to time.

(I) The roster shall not be an evidence of seniority list and would not be used for any other purpose than using it for appointment as per reservation rules.

(J) The District Judge shall make appointment strictly in order of the seniority. If a candidate has seniority in the list of serial No. 6 or 7 there after, shall not be given appointment in any clear vacancy unless the claim of the candidate senior to him is not settled on a clear vacancy. The clear vacancy available should go to the candidate who is senior in order of seniority and to none else.

(K) No ad hoc appointment under Rule 269 of General Rules (Civil) shall be made without the previous permission of Hon'ble the Chief Justice.

(L) No appointment under Rule 269 of General Rules (Civil) will be for more than two months at a time and beyond a maximum period of three months.

This appointment too will be made with the previous sanction of Hon'ble the Chief Justice. In any case the appointment under this Rule will not continue for more, than three months.

(M) All other rules relating to probation, confirmation, seniority and promotion shall remain the same as has been provided in U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947.

(N) All expenses of printing, stationery etc. shall be borne by the District Judge conducting the examination and any clarification in the matter shall be sought from the Hon'ble the High Court and none else.

(O) As soon as there are more than one vacancy, the vacancy shall not be filled in by any ad hoc appointment but examination for the recruitment of the vacancy shall be held expeditiously by the District Judge.

I am further directed to say that the decision regarding the life of the select list of the candidates shall be intimated later on.

C.L. No. 9 /VIIb-104/Admn.(D) Dated 20th April, 1999

Holding of the examination for the recruitment of Class III employees in the Judgeship

In supersession of the C.L. No. 27/VIIb-104/ Admn. (D) dated Allahabad, May 24,1996 on the above subject I am directed to convey the following decision of the Hon'ble Court for strict compliance in the matter of recruitment and selection of Class III employees.

The Hon'ble Court directs that the aforesaid circular dated 24th May, 1996 issued by the High Court has been withdrawn and be not given effect any further

Appointment of Class III staff are to be made as per the provisions contained in U.P. subordinate Civil Courts Ministerial Establishment Rules 1947, U.P. Recruitment of Ministerial Staff of the Subordinate offices in Uttar Pradesh Rules 1950 and also in terms of the following suggestions of the Court.

- (1) The life of the select list shall be for one year from the date of its publication.
- (2) The select list shall not be prepared by the District judges for more than the double of the vacancies, advertised.
- (3) In counting the vacancies the District Judge shall take into account the existing vacancies and the vacancies which may likely to occur within a year due to the retirement of the officials.
- (4) No Ad-hoc appointments under Rule 269, General Rule (Civil) or otherwise shall be made without the prior permission of Hon'ble the Chief Justice.

It is further directed that the persons who have already been appointed as per the aforesaid circular letter dated 24.6.1996 their services will not be affected in any way and those who have already appeared in the examination which have already been held but result have not been published and those who have applied for but the examination not held, shall be allowed to appear in the next examination on the same application.

I am, therefore, directed to communicate you the aforesaid direction of the Court for strict compliance.

C.L.No. 14/Admn. (D) dated 14th March, 1995

Recruitment test of Class-III employees of Subordinate Civil Courts.

Hon'ble the Acting Chief Justice has been pleased to direct that no examination will be held for recruitment of class-III employee till further orders from the Court, in

view of the proposed amendments in the Uttar Pradesh Subordinate Civil Courts Ministerial Establishment Rules, 1947.

C.L. No. 8/Ve-4/Admn. (D) dated 9th February, 1995

Ambiguity regarding marks obtained in optional subjects and compulsory subjects in the recruitment test under the U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947

Hon'ble the Chief Justice and Judges have considered the matter of marks' obtained by candidates appearing in optional subjects in addition to the compulsory subjects, in recruitment tests held under the U.P. Subordinate Courts Ministerial Establishment Rules, 1947 as amended from time to time and it has been decided that the marks obtained by a candidate appearing in the optional subjects on his possessing the prescribed speed in shorthand and typewriting, may not be added to the marks obtained in the written test for the purpose of the merit list, which shall be prepared after conducting examination both in compulsory and optional papers, but while preparing the Register of selected candidates under Rule 14 (1) of the U.P. Subordinate Courts Ministerial Establishment Rules, 1947, an entry be made in remarks column against the name of the candidate who has qualified also as a stenographer or as a typist.

I am, therefore, to ask you to kindly ensure strict compliance of the Court's decision in the matter in connection with all recruitment tests held under the U.P. Subordinate Ministerial Establishment Rules, 1947, as amended from time to time.

(iv) Life of Select List

C.L. No. 66/Ve-4/Admn. (D) dated 28th July, 1994

Life of select list of Class III posts in subordinate courts

I am directed to say that the Court has been pleased to extend the validity of the select list prepared by you in your judgeship for Class III posts from one to three years.

You are, therefore, directed to implement the instructions contained in this circular letter with immediate effect.

C.L. No. 77/Ve-4/Admn.(D) dated 24th August, 1994

Guidelines concerning operation of select list of Class III candidates while offering appointments on the establishment of the subordinate courts.

In continuation of and with reference to the Court's C.L. No. 66/Ve-4/Admn.(D), dated July 28, 1994 regarding the life of the select list prepared for appointment to Class III posts to the subordinate courts, I am directed to send herewith the copies of two judgments delivered by the Court on 19.5.1993 and 5.8.1994 in the following cases for strict compliance :

1. Special Appeal No. 235 of 1993 connected with Special Appeals Nos. 233 of 1993 and 263 of 1993.*
2. Special Appeal No. 278 of 1993.

The guidelines prescribed in the two judgments, that appointment in short term leave vacancy is not protected under Rule 14(3) of U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947, must be strictly adhered to in the preparation of

* For perusal of Judgment see Sachida nand Singh v. State of U.P.; 1994 AWC 1023: 1994 (23) ALR 25 (H.C. Sum)

the approved or select list to be prepared in future and in case of any difficulty a clarification must be sought from the Court.

SPECIAL APPEAL NO. 278 OF 1993

*Ajay Kumar Asthana v. State of U.P. and another. S.S. Sodhi, C.J.**

The manouvered device of regular employees proceeding en masse on medical leave and creating thereby leave vacancies in order that persons selected as paid Apprentices, for whom no posts were available, could be appointed to such leave vacancies and thereby claim regular appointment, is what was resorted to, to help the appellant (one of the petitioners in the writ petition) achieve the object. It is now on this basis that the appellant seeks regular appointment.

To give the relevant factual background, in 1985-86 the District Judge, Jaunpur, held an examination for filling up some posts of the ministerial staff. This examination was for selecting paid Apprentices to be appointed against permanent posts of clerks in the civil court. A select list was prepared and duly published on March 24, 1986 and in accordance therewith 23 persons were appointed as Paid Apprentices.

As per the report of the District Judge of April 15, 1989, 46 employees took 35 days leave en masse to create thereby leave vacancies. It was against one such leave vacancy that the appellant was given appointment. The leave granted to the said 46 employees was, however, subsequently cancelled and they were directed to resume duty within 15 days. The claim of the appellant, now in 1993, is that he is entitled to regular employment on the basis of his short term employment in a leave vacancy in 1986.

Appointment to the Civil Courts is governed by U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947, (hereinafter referred to as 'the Rules'). A combined reading of Rule 9 and sub-rule (3) of Rule 14 leaves no manner of doubt that the select list is to enure for only a period of one year. These provisions read as under:

“9. Early in each year, or as the circumstances may require, each District Judge shall recruit as many candidates for his judgeship as are required for the vacancies likely to occur in the course of the year.”

“14 (1).....

(2)

(3) If any such candidate has not been given an appointment offered in strict order of seniority according to the list in the bound register prescribed under sub-rule (1) within one year from the date of his recruitment, his name shall be automatically removed from the register of recruited candidates and he must then take his chance with others for recruitment again in a subsequent year.”

It follows that a candidate on the select list can claim to be appointed only in respect of vacancies in the year for which the select list had been prepared and finalised. In the present case the relevant year was 1986 and no appointment could thus be claimed on the basis of this select list in 1993.

Such being the circumstances, no exception can indeed be taken to the judgment of the learned Single Judge, which is accordingly hereby upheld and affirmed and this Special Appeal is thus dismissed.

C.L. No. 8/ Dated 1st March, 1997

Life of select list of Class III Employees in Subordinate Court on the basis of the Regular test.

This is in continuation of the circular Letter No. 27 /VIIb-104/Admn.(D) issued by the High Court on 24th May, 1996, in which it was communicated that the decision on the life of the Select List of the candidates shall be intimated later on.

The Hon'ble Court has taken a decision that the Select List prepared under the rules will remain in force for the period of one year from the date of its publication and the circular letter of the Court dated 28th July, 1994 is withdrawn forthwith.

I am directed to communicate the decision of the Hon'ble Court for compliance.

I am, therefore, to request you to ensure the compliance of the instructions containing in the Circular Letter with immediate effect.

(v) Advertisement before appointment

C.L. No. 10 /2003/J.R. (I) Dated 7th March, 2003

To advertise the post before making any appointment of any nature.

The Hon'ble Court (Hon'ble Mr. Justice A.K. Yog) while giving Judgement in Civil Misc. Writ petition No. 18151 of 1997 Girish Lal and others Vs. District Judge, Ballia and another has directed that it is mandatory obligation of all the district Judgeship in the state to advertise the post before making any appointment of any nature and such advertisement shall be made in two newspaper (one Hindi and one English) having wide circulation in the district and in the State and such advertisement shall be issued at reasonable interval in three consecutive issues.

I am, therefore, directed to send herewith a copy of the Judgment passed in Civil Misc. Writ petition No. 16151 of 1997- Girish Lal and others Vs. District Judge, ballia and another for your information and strict compliance.

(vi) General Instructions

C.L. No. 5/Ve-4/Admn. (D) dated 25th January,1990

G.O.No. 5912/VII-AN/89-29/12 regarding stoppage of recruitments through out the State except that of the Scheduled Castes/Scheduled Tribes

I am directed to say that it has come to the notice of the Court that in pursuance of the directions of the Government issued on the above subject, appointments have been stopped in various Judgeships without seeking approval of the Court. In this connection the Court has taken the view that appointment, against the sanctioned strength should not be stopped.

I am, therefore, to ask you to make recruitment against the sanctioned strength strictly according to Rules giving due representation to all the reserved categories.

C.L No. 16/Ve-41 Admn. (D) dated 16th February, 1990

Cancelling ban on recruitment in the Subordinate Courts G.O.No. 31/VII-AN 123/89 dated January 31,1990.

In continuation of Circular Letter No. 5/Ve-4/Admn (D) dated January 25, 1990, on the subject of stoppage of recruitment under G.O.No. 5912/VII-AN/89 dated 29.12.1989, I am directed to say that the ban imposed by the Government on recruitments under the

said G.O. has been relaxed by the Government, vide G.O. on the above subject, to the extent that it shall not apply to the recruitments in the Subordinate Courts.

I am, therefore, to say that the directions issued in the aforesaid circular letter may be read in the light of the position clarified by the Government as above and now all recruitments and appointments may be made as usual, strictly according to Rules, giving due representation to all the reserved categories.

C.L. No.6/Ve-4/ Admn. (D) dated 20th February, 1996

Directions in respect of posts falling under Rule 12 of the U.P. Subordinate Civil Court Inferior Establishment Rules, 1955.

In compliance of the direction given in the Judgment dated 23.1.96 petition No. 5857 of 1994 Ram Babu and others vs. District Judge, Banda* (* For perusal Judgment, See: 1996 AWC 516 (All) Extracts of the Judgement are reproduced) connected with Civil Misc. Writ Petition No. 5913 of 1994 Ran Das Pal v. District Judge, Banda, I am sending herewith a copy of the same for information and necessary compliance in future.

Civil Misc. Writ Petition No. 5857 of 1994 Ram Babu v. District Judge, Banda Connected with

Civil Misc. Writ Petition No. 5913 of 1994 Ram Das Pal v. District Judge, Banda, 1996 A W C 516 (All)

Hon'ble S.P. Srivastava, J.

In this case, the Hon'ble High Court made the following observations:-

“The waiting list contemplated under rule 12 of the Rules has to be of a reasonable proportion qua the number of vacancies actually notified and it will not be reasonable to hold that the vacancies which are notified may be of any year beyond the year succeeding to the year of recruitment. A situation ought not to be created where an anticipated vacancy likely to occur beyond the year succeeding the year of recruitment is filled up on the basis of a list maintained under rule 32 of the Rules which vacancy is neither notified nor ought to be notified for preparing such list in any year of recruitment. It further seems to me that considering the context, there can be no escape from the conclusion that any other interpretation to the expression ‘reasonable dimension’ will render the rule 12 of the Rules constitutionally invalid and a constitutionally invalid provision cannot be saved by being put into an otherwise valid statute. An interpretation of a statutory provision must lean in favor of upholding the statutory provision as far as possible. In the circumstances, there can be no escape from the conclusion that the waiting list contemplated under Rule 12 must be deemed to have lapsed on the filling up of the notified vacancies whether existing or likely to become available for being filled up in the year of recruitment or the succeeding year thereto and should not and cannot be deemed to be subsisting so as to cover the vacancies likely to become available during an indefinite period, subsequent thereto. It is not permissible for the District Judge to prepare a waiting list taking into consideration such vacancies which are likely to occur beyond the year succeeding the year of recruitment so as to block the entertainment of applications for appointment against anticipated vacancies likely to occur beyond the succeeding year of the year of recruitment without any specification as such an action will be against the constitutional mandate noticed herein above.

“The mere fact that the rule provides for the revision of the list from time to time does not and cannot indicate that the list will be deemed to be subsisting till exhausted as this revision becomes necessary as the list has to be utilised for filling up temporary or officiating vacancies as well during the currency of the list as indicated herein above.”

The Hon’ble High Court has issued the direction “requiring the District Judge to ensure that:

- (a) all the available substantive vacancies in the posts covered by rule 12 of the Rules or such vacancies which are likely to become available in the year of recruitment and the year succeeding to it be notified inviting applications before the preparation of the waiting list contemplated therein.
- (b) the waiting list indicated above shall consist of the names of the candidates in the proportion of 1:3 qua the notified number of vacancies;
- (c) the waiting list shall cease to be operative and stand exhausted on the filling up of the last notified vacancy;
- (d) the fresh waiting list shall invariably be prepared before the accrual of the vacancies so that there may not be any unnecessary delay its being filled up.
- (e) all the existing ‘waiting lists’ prepared under rule 12 of the Rules which have served their purpose as indicated herein above shall cease to be operative forthwith. The appointments already made shall, however, remain undisturbed.”

(vii) Filling up of posts requiring particular skill by persons having that skill

C.L. No. 65/2007; Admin. (D): Dated 13.12.2007

It has been noticed by the Hon’ble Court that in the Subordinate courts on various posts such as accountant, amin, librarian etc. particular kind of skill related to that discipline is required to be possessed by the incumbent to ensure flawless and smooth functioning of the judgeship. Therefore the Hon’ble Court desires that while appointing persons on these posts the District Judge must give special preference to the persons having proficiency in these areas.

Therefore you are requested to kindly ensure that in your judgeship, on the occasion of any appointment having to be made on these posts such as librarian, amin and accountant, special preference is given to such persons who have proficiency in the concerned discipline such accountancy, survey and library science etc.

I am, further to add that kindly ensure compliance of the above direction in right earnest.

[6] REGULARISATION

(i) Of Ad-hoc employees

C.L. No. 29/Ve-4/Admn. (D) dated 5th May, 1985

The District Judges are requested to dispose of the pending matters of regularization of Adhoc appointees in accordance with the law laid down by a Division Bench of Allahabad High Court in Writ petition No. 12075/1984 U.P. Civil Court’s Ministerial Service Association through its General Secretary, Lucknow vs. State of U.P.

and others, wherein it has been held that Adhoc appointees who fulfil the requisite conditions, as laid down in the Regularization Rules, shall be considered by the District Judge for regularization.

C.L. No.70/Admn.(D) dated 24th December,1992

Regarding regularisation of Ad-hoc employees and submission of list of such Ad-hoc employees appointed under Rule 269 G.R.(Civil).

I am directed to say that the Court has been pleased to pass the following orders on the above subject :

1. That appointments of the Ad-hoc class III employees of the subordinate Courts, who are entitled to the benefit of the U.P. Regularisation of Ad-hoc appointment (on posts outside the purview of the Public Service Commission) Rules, 1979, as amended up-to-date (or as applicable on date), be regularised.

2. That Ad-hoc class III employees of the subordinate courts who are not entitled to the benefit of the U.P. Regularisation of Ad-hoc Appointment (on posts outside the purview of the Public Service Commission) Rules, 1979, but have been appointed prior to 21st May, 1992, be allowed to continue subject to their appearing at and passing the competitive test held for selection of class III employees of the subordinate courts.

3. That Ad-hoc class III employees, if any, appointed after the issuance of order dated 21st May, 1992, passed by the Hon'ble the Chief Justice in this regard be ceased and explanation of the appointing authority for making such appointments be also furnished to this Court.

4. That you are also hereby requested to prepare a list of Ad-hoc appointments made under rule 269 G.R. (Civil) and submit the same to the Court immediately.

The aforesaid directions may kindly be complied with forthwith.

तदर्थ सेवा की अवधि पर वेतन वृद्धि एवं अवकाश की अनुमन्यता और नियमित विनियमित होने पर सेवा की निरन्तरता

सी० ई० पृष्ठांकन सं० ८/सात-बी-104 प्रशासकीय (घ) अनुभाग दिनांक 4 फरवरी 1991

कतिपय जिला न्यायाधीशों द्वारा समय-समय पर कुल जिज्ञासाएं की गई हैं कि शासनादेश संख्या 3922/सात-अ०-न्य०-12/74 दिनांक 18 जून 1986 द्वारा सृजित तथा शासनादेश तथा संख्या 1609/7-अ०-न्य०-12/74, दिनांक 24 मई 1990 द्वारा स्थाई किये गये जिन 307 अतिरिक्त कापीस्ट के पदों पर शासन की अनुमति से तदर्थ नियुक्तियों की गई थीं और बाद में नियमित चयन अथवा विनियमितीकरण के फलस्वरूप उन्हें नियमित नियुक्ति प्रदान कर दी गई है, क्या उन्हें तदर्थ सेवा की अवधि के लिए वेतन वृद्धियां तथा अवकाश अनुमान्य होगी और यदि सेवा में कुछ व्यवधान आ गया हो तो क्या उस व्यवधान की अवधि के लिये अनुमन्य उपार्जित अवकाश अथवा वेतनरहित अवकाश तथा स्थिति स्वीकृत करके सेवा की निरन्तरता प्रदान की जा सकती है।

2. उपर्युक्त जिज्ञासाओं के सम्बन्ध में मुझे यह कहने का निर्देश हुआ है कि मूल्य नियमों (अ० प्र० वित्तीय हस्त पुस्तिका भाग-2 खण्ड-2 से 4) में वेतन वृद्धि एवं अवकाश की अनुमन्यता तदर्थ सेवा/स्थानापत्र/अस्थायी/स्थायी सेवा वाले सभी कर्मचारियों को एक समान उपलब्ध कराने की व्यवस्था पहले से है तथा नियमित नियुक्ति करने में यदि सेवा में कोई व्यवधान भी हो गया है तो उस व्यवधान की अवधि के लिए उपार्जित अवकाश अथवा अनुमन्य अन्य अवकाश जैसे असाधारण अवकाश (वेतन रहित) भी यथास्थिति स्वीकृत किया जा सकता है और सेवा की निरन्तरता प्रदान की जा सकती है।

3. अतः मुझे यह कहने का निर्देश हुआ है कि आप कृपया उपर्युक्त विषयक सभी कारणों का निस्तारण उपर्युक्त निर्देशानुसार शीघ्रतिशीघ्र करने का कष्ट करें ताकि किसी भी ऐसे कर्मचारी का सेवा संबंधी प्रकरण अब लम्बित न रहे और असंतोष समाप्त हो जाय।

C. L. No. 69/VIIb-104/Admn. (D) dated 10th November, 1993

Regularisation of Ad-hoc employees in Civil Courts, Uttar Pradesh.

I am directed to send herewith a copy of the judgment delivered by the Hon'ble High Court in W.P. No. 6219/93. * Arvind Kumar Yadav and Others v. State of U.P. & Others, And W.P. No. 6220/93 Rakesh Kumar Verma & Others v. State Of U.P. And Others and to say that cut off date mentioned as 1st October, 1986 in Rule 10 of the Uttar Pradesh Regularisation of Ad-hoc Appointments (Posts Outside the Purview of the Public Service Commission) (Second Amendment) Rules, 1989 has been held to be void, arbitrary, irrational, unreasonable and hit by Articles 14 and 16 of the Constitution of India. Hence cut off date will be the date of commencement of the Rules, i.e. 7th August, 1989 and all those Ad-hoc employees who were appointed on or before 7th August, 1989 and who have completed three years' service before the process of selection has started i.e. before the applications are invited are eligible to be considered for regularisation strictly in accordance with the Rules. Thus those Ad-hoc employees who were in service on or before 7th August, 1989 and have completed three years' service before the process of selection has commenced and who are found suitable on the basis of the service record by the duly constituted selection committee are entitled to be regularised in substantive vacancies. It is further added that any deviation from the circular is prohibited.

I am, therefore, to request you to regularise the services of Ad-hoc employees in accordance with the abovementioned directions made by the Hon'ble Court and send the compliance report within two months.

C.L. No. 18/VIIb-104/Admn. (D) Sec. dated 8th May, 2002

Regularisation of Ad-hoc Employees in Civil Courts, Uttar Pradesh.

In continuation of court's circular letter No. 69/VIIb-104/Admn (D) Sec. dated 10.11.1993 on the above subject I am directed to send herewith a copy of State Government notification No. 15/18/86 Ka-1-2001 dated 20.12.2001, making amendment in Rule 4 of U.P. Regularisation of Ad-hoc appointments (on posts outside the purview of Public Service Commission) Rules, 1979 by introducing the cut off date as 30.6.1998, and to say that aforesaid notification has been adopted by this Hon'ble Court.

I am, therefore, to request you kindly to take necessary step for the regularisation of Ad-hoc employees.

It is further added that any deviations from the directions contained in the abovenoted notification is prohibited.

[7] APPLICATIONS FOR APPOINTMENT TO OTHER POSTS

G.L. No. 55/46-204-10 dated 17th September, 1937

In some cases persons already in the service of the State in Uttar Pradesh are also eligible for direct recruitment to services and posts within the purview of the Public Service Commission. Such persons are required to apply through and with the consent of the head of their department or office. In such cases the head of department or office concerned should invariably forward the character roll of the candidate along with his application.

* For perusal of Judgments See (1994) 2 UPLBEC 1019: (1994) 3 UPLBEC 1670

C.L. No. 88 dated 5th October, 1959

All the Officers and the staff dealing with such applications should see that these applications are submitted to Government in the appropriate department well in advance of the last date of submission and in no case should these reach Government less than a fortnight before the last date prescribed for their submission failing which the applications will be liable to be forwarded late and ultimately rejected by the Commission.

[8] EXTENSION OF SERVICE

G.L. No. 3297-5 dated 16th August, 1933

Orders granting extension of service to ministerial officers should not be passed ordinarily more than six months or less than three months before the date on which the official is due to retire. When such an order has been passed by a District Judge, it would be improper for his successor to cancel it unless the order is illegal or the health of the official concerned has broken down since the passing of the order or, for other reasons, it is detrimental in the public interest to retain him in service any longer.

C.L. No. 41 Admn. (D) Section dated 14th April, 1980

No re-employment or extension in service should be given to an employee who has completed the age of 58 years without prior reference to the Court and the Government orders in this behalf should be strictly complied with.

C.L. No. 25 / Main (A) / J.R. (I) Dated : 01. 9. 2004

Term of office of the class III employees who after their retirement have been deployed to work in the courts of Spl. Judicial Magistrate/ Spl. Metropolitan Magistrate.

The District Judges from time to time desired to know as to what is the term of office of class III employees who after their retirement, have been deployed to work in the courts of Spl. Judicial Magistrate/Spl. Metropolitan Magistrate.

In this regard, I am directed to inform you that after careful consideration of the matter, the Hon'ble Court has decided that with immediate effect the term of office of the class III employee who have been re-employed to work in the said courts after their retirement, shall be till attaining the age of 65 years.

I am also to add here that as per G.O. 3094/VII-Nyay-2-2010/95 dated Feb. 5, 1997 services of one peon who shall be paid Rs. 35/- per actual working day shall also be admissible to the spl. J.M. /Spl. M.M. the person so employed shall not be allowed to continue after he attains the age of 65 Years age.

I am, therefore, to request you kindly to bring the decision of the Hon'ble Court in the aforesaid matter to the notice of all concerned.

(9) SECURITY

(i) Court officials

C.L. No. 66/VIII-b-205 dated 25th November, 1954

The following instructions should be carefully noted for strict compliance:

1. Security Register prescribed under rule 546 Chapter XXIII of General Rules (Civil), 1957 should be properly written. In column no. 4 the amount ordinarily to be kept in hand should be noted. In column no. 6 the

form of bond executed should also be noted. In the last column the character of security, i.e., the number of Post Office Savings Bank Pass Books or of National Certificates should be noted, and also whether security has been furnished to the full amount required or is being made in monthly instalments by deductions from pay.

2. A new register be prepared allotting separate pages for different posts requiring security Bonds in Forms 2-A and 2-D executed by the officials should be signed by the District Judge.
3. Account should be kept in office to show monthly deductions made and deposited in Post Office Savings Bank. A register in Form 2-G should also be maintained as required by Para 71-A of Financial Handbook Volume V-1. Pass Books should not be left with the officials. Monthly deductions should be made before disbursement of pay and deposited in Post Office Savings Bank Account.

C.L. No. 1/70-H-8 dated 3rd January, 1966

The disposal of unclaimed security deposits of the retired officials should be regulated in accordance with the instructions contained in Note (5) to paras 340, 351 and 352 of the Financial Handbook, Volume V, Part 1.

(ii) Librarian-cum-stationery clerk

C.L. No. 93/VIII 205/23 dated 31st October, 1968

Subject to the provisions of rule 541 of the General Rules (Civil) 1957, Volume I, the amount of security, to be furnished by the Librarian-cum-Stationery Clerk, for bigger judgeships shall be Rs. 1000/- and for smaller Judgeships Rs. 500/- which shall include the security, if any, deposited for the custody of saleable forms and may be furnished in the form of personal bond also.

(iii) Nazir

C.L. No. 44/VIII-b-111 dated 8th April, 1976

In exercise of the powers conferred by rule 541 of General Rules. (Civil) 1957, Vol. 1, the District Judges may suitably increase the amount of security of Nazirs and Deputy Nazirs of their judgeships.

(iv) Process-servers

G.L. No. 3185/2-C-1(a) dated 16th September, 1916

No person shall be appointed process-server or promoted from the lower to the higher grade of process servers, whether temporarily or substantively, until he has furnished security in the sum of Rs. 50.

(v) Acceptance of bhumidhari rights as security

C.L. No. 32/V-c-113 dated 21st May, 1954

Bhumidhari land may be accepted as security from government servants at 28 times the land revenue payable in 1360F.

(10) TRAINING

C.L. No. 29/Xe-3 dated 4th March, 1976

Officials belonging to junior cadre and willing to receive two week's training in maintenance, preservation and weeding of records at the office of the Director, Government Record Room, B-44, Mahanagar Extension, Lucknow may be deputed. Preference should, however, be given to officials working in the record- room.

C.L. No. 80/Admn. (D) dated 1st August, 1978

Whenever candidates are appointed to work in the civil courts they should be subjected to intensive job training. The modus operandi for imparting the job training will be that all candidates will, by rotation, be attached with the different senior officials in different sections for a period of six weeks so as to enable them to acquaint themselves with office work and procedure.

C.L. No. 57/Ve-50 dated 27th April, 1976

The Government has decided that subordinate court officials will be given Amins Training at the survey and Records Training Schools at Hardoi. The District Judges may send names of officials as and when required by the Court.

C.L. No. 118/Admn. (D) dated 23rd November, 1994*

Concerning training programme for the newly recruited Ministerial Staff of Subordinate Courts and Refresher Course

I am directed to say that the Court has ordered that there should be a training programme for the newly recruited ministerial staff and also refresher courses for employees of the Subordinate Courts.

C.L. No. 140/Admn. (D) dated 21st December, 1994

Withdrawal of Circular Letter No. 118/Admn. (D) dated 23.11.94, regarding Training Programme for the newly recruited Ministerial Staff of Subordinate Courts and Refresher Course

Hon'ble the Chief Justice and Judges have been pleased to direct to withdraw the Court's C.L. No. 118/Admn.(D) Section, dated 23.11.94, regarding Training Programme for the newly recruited Ministerial Staff of Subordinate Courts and Refresher Course.

[11] CONFIRMATION, PROMOTION AND SENIORITY

1. Class IV employees

C.L. No. 33/VIC-10 Admn. (D) dated 20th March, 1980

District Judges should, ensure that confirmation on permanent vacancies in the cadre of class IV employees is made timely and if no confirmation has been made thereon, the Court may be apprised of the detailed justification for such a deviation.

C.L. No. 49/Ve-60/Admn. (D) dated 21st September, 1985

The temporary employees should be made permanent in case permanent vacancies are available.

C.L. No. 41/VI-C-10/Admn. (D) dated 29th May, 1986

The District Judges should dispose of the matter relating to the confirmation of class IV employees as are working temporarily for a long time in their Judgeship.

* Now withdrawn by C.L. No. 140/dt. 21.12.1994 (infra)

C.L. No. 43 /Ve-60/2004: Dated 15, October, 2004

Consideration of the matter pertaining to the confirmation of the employees of the Subordinate Courts

In continuation of Court's Letter No. 49/Ve-60/Admn. 'D' Sec., dated September 21, 1985, I am directed to say that it has been brought to the notice of the Court that due to non-confirmation and non-promotion of the employees while permanent vacancies and vacancies for promotion are available in the Judgeships, there is resentment amongst the employees of the Subordinate Courts. The Court considers it necessary that in case permanent vacancies are available, the temporary employees should be considered for being made permanent as per rules and in case vacancies for promotion are available, eligible employees (s) should be considered for promotion as per rules in next higher scale of pay strictly as per rules.

I am further directed to request you to be good enough as to consider the confirmation and promotion matters of the employees of your judgeship as per rules immediately under intimation to the Hon'ble Court. Compliance of the above directions be ensured faithfully and punctually.

2. Promotion

(i) Representation

G.L. No. 35-10-107-173 dated 24th November, 1941

When any proposed arrangement involves a departure from the principle of seniority and where any clerk is passed over, the District Judge should, before passing final orders, give the persons concerned an opportunity of laying their claims before him for consideration.

C.L. No. 94 dated 31st October, 1968

Before passing orders of confirmation in cases where representations made under Para 376 of the Manual of Government Orders against promotion and appointment of any official, the District Judges should enquire from the Court about the result of the representation forwarded by them so that there may be no legal complications in case the representation is allowed by the Court.

(ii) Ahalmads and Readers

G.L. No. 887/44-28 dated 3rd March, 1914

If an Ahalmad or Court Reader cannot write legibly he should not be promoted.

(iii) Selection grade to class IV employees

C.L. No. 60/Ve-75/Admn.(D) dated 13th September, 1984

Attention of all the District Judges is invited to the instructions contained in G.O. No. 1915/VII-A-Nya-579/83, dated 4th May, 1984, regarding sanction of selection grade to class-IV employees.

(iv) Promotion of class IV employees

C.L. No. 24/Ve-4 dated 5th February, 1973

Instructions contained in G.O. No. 37/1/69-Niyukti (Kha) Vibhag, dated January 1, 1970 regarding reservation for class IV employees for promotion to the lowest post in class III should be followed.

C.L. No. 17/Ve-4-Admn. (D) dated 28th January, 1977

G.O. NO. 37/1/69, dated 1.1.1970 provided ten percent reservation for promotion to class III services to such class IV employees who had passed High School, were permanent and below 45 years of age.

G.O. No.37/1/1969-2, dated August 21, 1976, has partially modified the aforesaid G.O. of 1970 to the effect that henceforth those class IV employees who have put in five years continuous services-whether permanent or temporary - shall be eligible for promotion. Other conditions, however, remain the same.

The District Judges should keep in view these instructions while making promotion of class IV employees to class III service.

(v) Reservation in promotion

C.L. No. 67/Ve-94/Admn. (D) dated 28th September, 1984

The court has considered the question of reservation at the stage of promotion for the members of Scheduled Castes/ Scheduled Tribes and Backward classes working in civil courts and is of the view that the principle of reservation cannot, be applied at the stage of promotion.

C.L. No. 40/Ve-94/ Admn. (D) sec : Dated 2nd September, 1997

Regarding reservation of Scheduled Caste, Scheduled Tribe and Backward classes at the stage of promotion

In continuation of this court's C.L. No. 67/Ve-94/ (D) dated 28.9.94 and 55/Ve-94 Admn. (D) dated 25.9.93, I am directed to say that the Court has reiterated the view that U.P. Subordinate Civil Courts Ministerial Establishment Rules 1947 and U.P. Subordinate Courts Inferior Establishment Rules 1955 do not provide for reservation at the stage of promotion to any class including SC/ST and Backward Candidates. Reservation benefit at the stage of promotion is not available to employees belonging to SC/ST and Backward.

The above decision of the Courts communicated for compliance.

(3) Seniority List

C.L. No. 40/Ve dated 31st March, 1952

The gradation lists required to be maintained under rule - 404, Chapter 14 of General Rules (Civil) 1957 should be brought up-to-date every year, say in the month of January, and made available to all concerned so that they may have an opportunity of checking up their positions in the list.

C.L. No. 30/Ve-4 /Admn. (D) dated 9th March, 1990

Preparation of seniority list of Class III and Class IV employees

I am directed to say that it has come to the notice of the Court that seniority lists of Class III and Class IV employees are not being properly maintained in the judgeships and confirmation of the employees are not made in due course in accordance with the Rules. This state of affairs at times becomes cause of grievance to many giving rise to representations to the High Court. In this connection reference may be made to the circular letter No.49/Ve-60/Admn. (D) dated September 21, 1985 relating to the demands of the U.P. Civil Courts Employees' Association where in one of the directions issued was to consider the matters of confirmation of temporary employees in case permanent

vacancies are available in your Judgeship. But compliance of that direction does not appear to have been made so far.

It is now expedient that the Class III and Class IV employees should be confirmed in accordance with the Rules within two months and the seniority of the employees of both the classes should be determined within three months.

I am, therefore, to ask you to confirm the Class III and Class IV employees in accordance with the Rules within two months and determine the seniority of the employees of both the classes within three months.

I am further to ask you to submit the compliance report of the aforesaid directions to the Court giving details on the proforma attached herewith.

The above directions may kindly be followed strictly.

Seniority list of Class III/Class IV employees of.....Judgeship.

Sl.No.	Name of Employee	Date of Appointment	Nature of Appointment	Grade/Scale of Pay	Date of Probation	Date of Confirmation	Remarks
1	2	3	4	5	6	7	8

C.L. No. 36/VIC-1 dated 28 May, 1992

Preparation of list of Candidates of Class IV employees in terms of existing, U.P. Subordinate Civil Courts Inferior Establishment Rules, 1955

I am directed to say that the Government of Uttar Pradesh has desired to bring changes in the Uttar Pradesh Subordinate Civil Courts Inferior Establishment Rules, 1955 by replacing the same by the "Uttar Pradesh Subordinate Courts Group 'D' Services Rules, 1986", which are still under consideration by the High Court and Government of Uttar Pradesh. However, till finalisation of the U.P. Subordinate Courts Group 'D' Services Rules, 1986, the recruitment in Class IV services of the Judgeship shall be governed by the existing U.P. Subordinate Civil Courts Inferior Establishment Rules, 1955.

I am, therefore, to request you kindly to ensure compliance as stated above.

C.L. No. 60/Ve-31/Admn. (D) dated 14 October, 1993

Preparation of gradation list of various categories of the Civil Court employees

I am directed to request you to take immediate steps to prepare gradation list of various categories of employees of your Judgeship.

I am further to add that while preparing the gradation list it is to be kept in mind that the principle of reservation is applicable only to initial appointments and not at the stage of promotion and interse seniority of the officials is to be fixed according to Rule 14 of the U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947 and Rule 13 of U.P. Subordinate Civil Courts Inferior Establishment Rules, 1955 and not according to the list prepared as a result of the roster system.

I am, therefore, to request you to prepare the gradation list and send a copy of it to the Court within 15 days from the date of the receipt of this letter.

C.L. No. 55/Ve-94. Admn. (D) dated 25 September, 1993

Determination of seniority of candidates appointed to Class III and Class IV Posts in the Subordinate Courts-Strict compliance with Rules.

It has been brought to the notice of the Court that the Seniority List of the employees of Class III and Class IV in the subordinate courts is not being prepared and kept in accordance with Rule 14 of the U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947 and Rule 13 of U.P. Subordinate Civil Courts Inferior Establishment Rules, 1955 and instead, the roster prepared for general candidates and reserved categories under G.O. No. 15/28/78 Ra-Eki-133 dated 26.2.76 for offering initial appointments as a result of direct recruitment is wrongly being treated as the seniority list for the purpose of promotion to next higher grade.

The Court has considered the matter and has come to the conclusion that the G.O. referred to above applies only to initial appointments offered to the candidates directly recruited and not to the matter of fixation of the seniority. The Court has already conveyed its decision under C.L. No. 67, dated 18.9.1987 according to which the principle of reservation cannot be applied at the stage of promotion. The seniority list, prepared according to Rule 14 and not the list prepared as a result of the roster system, shall be the seniority list for all intents and purposes including seniority and promotion,

I am, therefore, to ask you to kindly prepare and maintain the lists of seniority according to the provisions of the Rule 14 of the U.P. Subordinate Civil Courts Ministerial Establishment Rules, 1947 in respect of Class III Posts and Rule 13 of U.P. Subordinate Civil Courts Inferior Establishment Rules, 1955 for Class IV Posts.

I am further to ask you to kindly make full compliance of these directions and prepare the seniority lists of class III and class IV employees accordingly within a month from the receipt of this Circular Letter.

C.L. No. 52/Ve-94/Admn.(D) dated 24 May, 1994

Determination of seniority of candidates appointed to class III and Class IV posts in the subordinate Courts, strict compliance with rules.

While sending a copy of the Court's Circular Letter No. 55/Ve- 94/Admn.(D), dated 25.9.1993, on the above subject, I am directed to ask you kindly to comply immediately with the order of the Court contained in the circular letter mentioned above, if not done so far and send the compliance report within a fortnight positively from the date of receipt of the letter.

C. L. No.37/VIC-10/Admn. (D) dated 8 May, 1991

Demands of Uttar Pradesh Himayat Chaprasiayan Civil Courts, Etah.

I am directed to say that the Court has received a charter of demands from the President, Anjuman Himayat Chaprasiayan, Etah, and after considering the matter, the Court is of the view that the demand of the Association as to filling up of the 15% of vacancies in Class III by promotion from Class IV employees is genuine and the same be done according to existing instructions.

I am further to say that the cases of temporary Class IV employees for making them permanent be also considered according to the rules in this behalf.

I am also to add that the demands for maintenance of correct and up-to-date account of G.P.F. is genuine and necessary directions be issued for its proper maintenance.

It is, therefore, requested that necessary steps be taken in respect of above mentioned matters and a report be sent to the Court.

[12] TRANSFER

(i) Munsarims

C.L. No. 11/Ve-40/Admn. (D) dated 11th February, 1987

Each District Judge is requested to send a report to the Court specifying therein the information on the following points latest by 15th March:-

1. Name of the Sadar Munsarim with home district.
2. Date of appointment as Sadar Munsarim.
3. Whether he has completed or will complete three years at his present station on 15th March.
4. Date of superannuation
5. Confidential remarks.

Since it has been resolved by the Court to transfer the Sadar Munsarims who have completed three year's stay at their respective stations, it is expedient that the Sadar Munsarim may be asked to keep in readiness for transfer if he has completed three years. He may also be asked to indicate and communicate through the District Judge the choice of stations to which he may like to be transferred or make representation, if any, latest by 15th March. Beyond that date, the matter will not be considered after the orders of transfer are passed by the Court.

In future whenever a new Sadar Munsarim is appointed or posted, his name and date of appointment or posting as well as his date of superannuation should be communicated to the Court immediately after his taking over as Sadar Munsarim for the record of the court.

C.L. No. 52/Ve-40 dated 7th April, 1952

The District Judge should also confidentially report to the Registrar of the Court if he would like his Sadar Munsarim to continue as such and whether he has received complaint against him.

C.L. No. 41/Admn.-ve-40 dated 7th April, 1979

The District Judge should send the requisite report along with representations, if any, with his comments.

C.L. No. 15/Ve-40 dated 9th February, 1970 and

C.L. No. 45/Ve-40 dated 26th March, 1974

Representations from the Munsarims who have been at a particular station for three years and more and are due for transfer but whose transfer is likely to cause hardship should be obtained and sent to the Court for consideration along with recommendations keeping in mind the desirability of such a transfer.

C.L. No. 19 dated 1st February, 1969 as amended by

C.L. No. 88/Ve-40-Admn. (D) dated 24th July, 1979

While recommending transfers of Sadar Munsarims, District Judges should see that the representations, if any, from such Munsarims as are due for transfer but whose transfer is likely to cause some such hardship as may ultimately be considered to be a genuine ground for cancelling their transfers are sent to the Court along with their recommendations in the matter for consideration keeping in view the desirability of

transferring Sadar Munsarims after they have stayed at one station for three years or more.

(ii) Other officials

C.L. No. 26/Ve-4 dated 10th April, 1950

Assistants should not, except on strong administrative grounds such as promotion or punishment, be transferred from a station to which they belong or where they have settled down for the time being to another station which is not their home district or where they may find it difficult to get a house on rent having regard to their means; and no assistant should ordinarily be retained on the same post for more than five years unless his transfer to another post be impracticable or will not be in the interest of work.

(iii) Typists

G.L. No. 3/Ve-81 dated 27th February, 1952

As the outturn of a typist is more than that of an ordinary copyist, typist should not be frequently transferred out of the copying office.

(iv) Interchange of duties

G.L. No. 5283/18-A-4(D) dated 23rd December, 1915

The practice of interchanging the duties of court officials without regard to the pay which they may be drawing is open to objection and does not frequently lead to efficiency. The practice, wherever it exists, shall at once cease.

(v) Peons

C.L. No. 98/Vlc-1 dated 21st December, 1973

The above directions do not apply to officials of the inferior establishment. Ordinarily orderly peons should not be transferred unless under specific circumstances it becomes administratively imperative to shift them or when it is conveniently possible to do so on transfer of officers with whom they are attached.

C.L. No. 36/Vlc-10-Admn. (D) dated 22nd February, 1977

The Anjuman Himayat Chaprasian has made a grievance against transfer of office bearers of the Anjuman to tahsil head quarters/outlying courts. The Court has carefully considered the matter and has come to the conclusion that although no hard and fast rule can be laid down in this regard, the exigencies and convenience of the employees may be kept in view while making transfers.

(vi) On Shifting of Courts

C.L. No. 21/Ve-4 /Admn. (D) dated 16th May, 1995

Transfer of employees of subordinate courts appointed under rule 269 of G.R. (Civil) in other district on shifting of court.

The Hon'ble Chief Justice and Judge have been pleased to direct that the person appointed under Rule 269 of the General Rules (Civil) in Subordinate Civil Courts shall not be transferred when a court is shifted, having regard to the provisions of Rule 269.

It has further been directed that if any employee, who had been appointed under Rule 269, had been transferred at the time of shifting of the court, such an employee shall be recalled back to the district in which he had been appointed under Rule 269 and his continuance will depend upon the fulfilment of requirements of Rule 269.

[13] CHARGE LIST

C.L. No. 3/39C dated 15th January, 1970

In order to fix responsibility for loss of a record during taking over or making over charge by office assistants, following procedure should be followed:

- (i) The assistants proposed to be transferred should be given information of the proposed transfer at least one week before the actual date of transfer.
- (ii) They should prepare a list of records in their possession with the help of the registers maintained. Records requisitioned from the courts or record-room should also be included in that list.
- (iii) At the time of making/taking over charge, the successor should physically check the records with that list and sign it in lieu of receipt. That receipt should be counter signed by the Munsarim of the court concerned in which the transferred assistant had been working before his transfer.
- (iv) Three copies of such list should be prepared one copy should remain with the Munsarim of the court concerned; one with the transferred assistant and one with the successor.

Further, the rules prescribed in connection with the movement of records and books should be followed strictly in order to avoid loss of record from the record room or a book from the library.

[14] COMPLAINTS, DISCIPLINARY PROCEEDINGS, PUNISHMENTS AND APPEALS

(i) Complaints

C.L. No. 79/Admn. (D) dated 1st August, 1978

The Presiding Officers and the Officer-in-charge, Amanat should keep strict supervision and control over the Amins and their work, and whenever there is a complaint of corruption against an Amin, it should be enquired into promptly and if found correct, the Amin should be given deterrent punishment.

G.L. No. 4/X-31 dated 4th March, 1952

All complaints against members of the Subordinate Staff of the Judicial Department should be enquired by the local head of the office.

C.L. No. 12/Xf-21 dated 25th January, 1957

Whenever a complaint under the complaints Scheme is referred by the District Magistrate, District Judges should promptly inform him whether or not they wish the matter to be enquired into by the Complaints Organization.

C.L. No. 14/Ve-58-1 (6) dated 10th April, 1947

All subordinate courts should co-operate with the District Anti-corruption Committee in the eradication of bribery and corruption.

(ii) Disciplinary proceedings

C.L. No. 7/VIII-f-30 dated 18th January, 1951 and

C.L. No. 51/Ve-5 dated 18th May, 1951

Numerous cases of disciplinary proceedings against government servants in civil courts have come to the notice of the Government in appeal which revealed that one irregularity or the other was committed during the proceedings, thereby vitiating the order of punishment. Such orders have to be declared null and void and the government servants re-instated in service or the proceedings have to be held de novo. To avoid the embarrassment and the expenditure which is thus caused, the whole procedure to be followed in such cases was communicated to all Heads of Departments in G.O. No. 0-1827/IIB-641-41, dated March 30, 1950 and it was pointed out that it shall be the direct responsibility of the punishing authority to ensure that the statutory provisions of rule 55 of the Civil Service (Classification, Control and Appeal) Rules, read with Article 311 of the Constitution of India are scrupulously observed in all such cases.

C.L. No. 97 dated 7th June, 1976

Invites attention of the District Judges to the provisions of the U.P. Subordinate Courts Staff (Punishment and Appeals) Rules, 1976 which deal with the procedure for taking disciplinary action against officials of civil court.

C.L. No. 107/Ve-5/Admn (D) dated 27th November, 1990

Expeditious disposal of inquiries pending against suspended employees.

I am directed to say that the instances have come to the notice of the Court that after suspension of an employee neither any inquiry officer was appointed nor the charge sheet was served upon him for a considerable long time. This is against the settled principles of law that a suspension order cannot continue endlessly without issuing a charge-sheet.

I am, therefore, to say that whenever an employee is placed under suspension there should be no delay in serving the charge-sheet and holding an enquiry against the suspended employee and the enquiry should be concluded as expeditiously as possible.

C.L. No.69/2007Admin(D) : Dated : 13.12.2007

Expeditious disposal of the disciplinary proceedings

It has been observed by the Hon'ble Court that a large number of the disciplinary proceedings are pending in various judgements even after the retirement of the official concerned. Viewing it with concern the Hon'ble Court has desired that keeping the departmental proceedings pending for a considerable long time is prejudicial both to the interest of the administration as well as to the interest of the official concerned as on the one hand it would grant the guilty official continued opportunity to persist with wrongdoing consequently jeopardizing the cause of administration while on the other hand the innocent official would be adversely affected in getting his monetary and career related dues on time. Therefore it has been desired by the Hon'ble Court that such inquiries must be completed within a period of three months.

Therefore, I am directed to request you to kindly ensure that all the departmental inquiries against the staff members should be concluded within a period of three months from the date of their institution.

I am,further to add that the contents of this Circular Letter may please be brought to the notice of all the Judicial Officers working under your administrative control for strict compliance .

(iii) Punishment

G.L. No. 2838 dated 20th August, 1923

A copyist who after due and sufficient warning either cannot or will not write a legible hand should be dismissed.

G.L. No. 39/Xa-14 dated 1st June, 1955

Any official found responsible for neglect in the duty of enclosing copy of plaint or application with the summonses or notices should be seriously dealt with.

C.L. No. 84/VIII- b-10 dated 7th September, 1953

Whenever a notice is received from the Presiding Officer of a court by a District Judge of the proposed issue of a warrant of arrest against any member of the civil court staff in his judgeship, he should take steps to suspend or otherwise- relieve such government servant with as little delay, as possible and inform the Presiding Officer concerned of the probable date of such suspension or relief.

C.L. No. 34/Admn. (D) dated 1st April, 1978

Invites attention to the principles laid down in *G.K. Naidu versus State of M.P.*, AIR 1968 SC 240 and the provisions of Fundamental Rule 54(B) of Financial Hand Book Vol. II, Part II to IV as amended up-to-date.

All the District Judges are requested to see that before passing final orders for forfeiting or disallowing any part of the salary for the period of suspension in the case of a delinquent official, the aforesaid rule is strictly followed by giving the official notice of the quantum proposed and considering the representation, if any.

C.L. No. 18/Ve-94(99) Admn. (D) dated 2nd April, 1981

Encloses G.O. No. 5602/xx-1-80-13/167/77 dated 25th Nov., 1980 and requires all the District Judges to send information to the Government in the event of termination/compulsory retirement of a temporary scheduled caste/scheduled tribes government servant from service, within a month.

C. L.. No.74/2007Admin(D) : Dated : 13.12. 2007

Punitive action against defaulting process servers

The Hon'ble Court has observed that despite there being adequate number of process servers in each judgeship the sufficient number of processes are not being served by the process servers. As per Circular Letter no. 54 of 1968 every process server must effect service of at least 700 processes every year but the compliance of this direction is not being made.

Therefore, in continuation of the above noted Circular Letter I am directed to say that wherever the process servers are found wanting in achieving the target , punitive action against the defaulting process server must be initiated by the Officer In charge Nazarat and the District Judge concerned .

I am further to add that kindly make strict compliance of the above direction of the Hon'ble Court.

(iv) Appeals

C.L. No. 140/Ve-5-Admn. (D) dated 30th August, 1976

Invites attention to sub-rule 9 of rule 7 of the Uttar Pradesh Subordinate Court's Staff (Punishment and Appeals) Rules, 1976; and the District Judges are requested to send the list of withheld appeals regularly to the Court as provided under the Rules.

C.L.. No. 69/Ve-5/Admn. (D) dated 23rd September, 1986

The District Judge, while forwarding the departmental appeals to the Court, should also send parawise comments on the appeal along with the enquiry file, character roll and service book/service roll, within 15 days of its receipt.

C.L. No. 17/Ve-5/Admn. (D) dated 28th March, 1989

The District judges are requested to follow the instructions contained in the above circular letter very strictly.

C.L. No. 50/Ve-5/Admn. (D) dated 17th April, 1990

Speedy disposal of departmental appeals

I am directed to invite your kind attention to the Circular Letters No. 69/Ve-5/Admn.(D) Department dated 23.9.1986 and No. 17/Ve-5/Admn.(D) Deptt. dated 28.3.1989, on the above subject wherein directions were issued to forward the departmental appeals alongwith your parawise comments, relevant enquiry file, character roll and service book/service roll to the Court within fifteen days from the date of receipt of the appeal, but, it is a matter of much concern that these directions are not being followed and the appeals are forwarded to the Court with long delay and without the relevant papers as desired. It is only after several reminders in individual cases that the comments and relevant papers are received and thus it causes delay in disposal of the appeals. This state of affair is not only deplorable but provides material for displeasure of the Court.

It is now desirable that you should look into the matter personally and instruct the Senior Administrative Officer/Sadar Munsarim to be vigilant in putting up the matter or departmental inquiries and appeals before you for necessary action promptly. Slackness, if any, in this regard will be viewed seriously by the Court.

I am, therefore, to request you kindly to decide the departmental inquiries expeditiously and forward the appeals preferred by delinquents alongwith comments and other relevant papers as required in the aforesaid circular letters expeditiously to the Court.

[15] PAY AND ALLOWANCES

(i) To substitutes

G.L. No. 3092-A-2(3) dated 14th September, 1917

Allowances up to the sanctioned scale should not be granted to substitutes appointed in place of paid apprentices in civil courts when the latter are appointed to officiate in permanent or sub-protempore vacancies and no substitute should be appointed in place of a paid apprentice, employed temporarily in short vacancies.

(ii) Travelling allowance to Amins

C.L.No. 3/VIc-14 dated 22nd January, 1968 read with

C.L. No. 27/Vc-14 dated 25th March, 1968 and

C.E. No. 75/Ve-74 dated 31st August, 1968

In view of the amendment made in Part 1 of Appendix II of the Financial Handbook, Volume III and addition of rule 530-A in the General Rules (Civil), 1957, the civil court Amins and their peons are entitled to travelling allowance for railway journeys and at ordinary rates in respect of road journeys within their jurisdiction (G.L. No. 8/VIc 1450 dated April 1, 1950)

The civil court Amins are entitled to daily allowance for the road journeys according to rules.

C.L. No. 3/4A-A-Admn. (D) dated 2nd January, 1984

The T.A. bills of civil court Amins should be regulated in accordance with the provisions of rule 24-A Chapter III and Appendix II Part I of the Financial Handbook volume III.

C.L. No. 43/VIII-b-135 dated 11th May, 1959

The separate book of traveling allowance bills of Amins and their peons required to be maintained under rule 530-A of the General Rules (Civil), 1957 as added by Court's notification no. 99/VIII-b-135, dated March 23, 1959, should be maintained only by those courts to which an Amin is attached.

A District Judge may, in his discretion, direct the maintenance of this book under the supervision of officer-in-charge of work of Amins.

(iii) Arrears

C.L. No. 30/Ve-75 dated 30th March, 1951

In order to reduce the number of cases in which District Judges move the High Court to sanction investigation of claims by the Accountant General, Uttar Pradesh in respect of arrears of pay and allowances due to a member of the staff of a subordinate court as required under paragraph 74(b) Financial Handbook, Volume V, Part I, it is necessary that all such claims should be looked into and taken up with as little delay as possible.

C.E. No. 26/VIII-23 dated 30th March, 1965

Before referring cases of time-barred claims covered under Para 74(b)(iv) of the Financial Handbook, Volume V, Part I to Vitta Vibhag for sanction, the courts will record satisfactory reasons for the delay caused clarifying convincingly that the claimant was not responsible for the delay. Vitta Vibhag will not insist on prior action being taken against the defaulters in cases in which the position has been explained fully and satisfactorily and the Administrative Department has assured that suitable action will be taken. Delay in payment is opposed to all rules and budgeting principle and when delay comes to light a serious notice has to be taken.

(iv) Maintenance of G.P.F. accounts

C.L. No. 166/Xb-15 dated 18th November, 1974

In order to facilitate proper maintenance of Provident Fund Accounts, the drawing Officer should see that the schedule of accounts (G.P.F. and C.P.F.) are prepared and submitted to A.G., U.P., separately according to the reference numbers allotted to the contributors.

C.L. No. 75/VIC-10 Admn. (D) dated 9th July, 1979

With a view to obviate chances of delay in payment of the G.P. Fund to the officials on their retirement, it is necessary that their G.P. Fund accounts which are now kept in the judgship, should be maintained properly and the relevant records should be kept up to date.

District Judges should take necessary steps in this behalf by utilising the services of necessary number of clerks according to quantum of work.

C.L. No. 59/Ve-60/Admn. (D) dated 8th September, 1983

District judges should get the G.P.F. accounts of all the employees and their pass books, completed in all respects in view of G.O. No. 4/2450/X-503/1977, dated 12th December 1977.

C.L. No. 41/VIC-10/Admn. (D) dated 29th May, 1986

The District Judges should provide pass book of G.P.F. Account to the class IV employees of their judgship.

No. 16215/57 A/Admn. (D) /Sec: Dated: 12th November, 2003

Sending debit figures of G.P.F. of L.J.U. series of employees of courts Subordinate to High Court of Judicature at Allahabad.

I am directed to send herewith a copy of email letter no. V-Sat (Cell) /03, dated 17.9.2002 of Assistant Accountant General, Office of Accountant General (A & E)-II, U.P., Allahabad along with its Annexure and to request you kindly to take necessary steps with regard to issues raised in the latter by the Assistant Accountant General, Office of Accountant General, U.P., Allahabad.

No. VSAT Cell/03 Dated 17th September, 2002

You are requested to send debit figures of GPF of LJU series to AG Office by electronic mode please send all figure related to period from 1 April, 2002 to 30th September, 2002 by 15th October, 2002. Thereafter please send it by 15th of subsequent month regularly.

2. This information should contain following details:

- (a) Name of Subscriber
- (b) Account Number of Subscriber
- (c) Treasury Voucher Number
- (d) Date of debit
- (e) Type of debit (whether temporary advance or the final withdrawal including 90% or total.)

3. Please send above information immediately in the case of following subscriber having debit payment during the year 2001-2002. Concerned DDOs have either quoted wrong account with the subscribers record in our office.

(v) Advances from provident funds

C.L. No. 28 dated 2nd May, 1964

The District Judges are required to impress upon drawing and disbursing Officers in their judgements that they should use Form Nos. 6-A and 6-B (Treasury Form Nos. 359 and 359-A) for gazetted and non-gazetted government servants respectively for drawal of advances from Provident Fund.

C.L. No. 43/Admn. (D) dated 5th, July, 1984

The District Judges should, before sanctioning G.P.F. advances to the officials, ensure that excess payment is not made and the G.P.F. Rules 15(1) and 115(2) be followed strictly.

G.L. No. 48-146/7-64 dated 13th September, 1935

The power to sanction temporary advances under rule 15(3) of the General Provident Fund (U.P.) Rules in respect of non-gazetted Officers has been delegated to District and Sessions Judges in Uttar Pradesh.

G.L. No. 51/Xb-15 dated 23rd April, 1970

A subscriber who has drawn non-refundable advance from provident funds for meeting expenditure on marriage purposes must within one month from the date of marriage or if he is on leave, within one month on return from leave, furnish to the sanctioning authority a certificate that the money has been actually utilized for the purpose it was intended. On failure to furnish the certificate or in the event the amount has been spent for a purpose other than that for which sanction was given the entire amount so drawn together with interest thereon will have to be re-deposited in one lump sum.

(vi) Pay and allowances of the period of strike

C.L. No.63/III-36/Strike Admn.(D) dated 10th December, 1992

Pay and allowances of the employees for the period of strike relating to Shahjahanpur matter.

I am directed to say that Hon'ble Court has considered about pay for the period of strike relating to Shahjahanpur matter and is of the opinion that the principle of 'No work no pay' is final. Whenever there is strike in future by the employees of Civil Court the District Judges will follow this principle without waiting for direction from the High Court.

In this regard I am to add that in view of the unconditional withdrawal of the strike by the employees in Shahjahanpur matter a lenient view has been taken and the Court is of the view that the principle of 'No work no pay' in their case will not have the effect of break in service.

C.L. No. 3 / Ve-60/Admn. (D) Sec: Dated 16th January, 1998

Payment of salary for the period the employees remained on strike from 13.9.1992 to 7.10.1992

I am directed to say that the court has considered the aforesaid matter and is pleased to order that the above period of absence of each employee on strike may be regularised in the form of earned leave if applied by each and every official.

(vii) Removal of anomalies

C.L. No. 45/Ve-60/Admn. (D) dated 19th July, 1991

Concerning removal of anomalies in pay of employees

I am directed to say that it has come to the notice of the Court that anomalies in the pay scale of employees continue to exist and as a result thereof they are put to harassment.

I am, therefore, to request you kindly to dispose of all such matters, if pending so far.

C.L. No. 30 / Ve-75/ Admn. (D) section: Dated: 6th August, 1998

Revised pay scales on the basis of the recommendations of U.P. Anomalies committee, 1989 in respect of permanent and temporary posts in the Subordinate Courts.

In continuation to the court's endorsement No. 11520/Ve-75/Admn.(D) section, dated 22.7. 1998, on the above subject, I am directed to send herewith a copy of G.O. No. 4084/sat- Nyaya-2-47G/91-TC, dated 22.4.1998 along with its enclosures for information and necessary action.

संख्या: 4084/सात-न्याय-2-47 जी/91 22 अप्रैल, 1998

न्याय अनुभाग-2 (अधीनस्थ न्यायालय)। लखनऊ: दिनांक: 22 अप्रैल, 1998

विषय:-समता समिति उत्तर प्रदेश 1989 की संस्तुतियों पर लिए गये निर्णयानुसार उच्च न्यायालय के अधीनस्थ न्यायालयों में विभिन्न पदों पर पुनरीक्षित वेतनमान की स्वीकृति।

महोदय,

मुझे उपर्युक्त विषयक शासनादेश सं0 2473/सात-अ0 न्या0-32/89 दिनांक 30 जून 1989 एवं शासनादेश संख्या 3082-सात-अ0 न्या0-749/84 टी0 सी0, दिनांक 13 मार्च 1990 के आंशिक संशोधन में यह कहने का निदेश हुआ है कि प्रदेश के विभिन्न वर्गों के कर्मचारियों हेतु समता समिति 1989 की संस्तुतियों पर विचार करने के लिये गठित मुख्य सचिव समिति की संस्तुतियों के परिप्रेक्ष्य में लिये गये निर्णयानुसार राज्यपाल महोदय ने उक्त शासनादेश दिनांक 13.3.90 के संलग्नक में क्रमांक 12ए के सम्मुख अंकित समस्त पविष्टियों को संशोधित करते हुए उनके स्थान पर इस शासनादेश के संलग्नक के अनुसार प्रविष्टि प्रतिस्थापित करने की स्वीकृति सहर्ष प्रदान कर दी है।

2. उपरोक्त सीमा तक उक्त संदर्भित शासनादेश दिनांक 30.6.89 एवं दिनांक 13 मार्च, 1990 संशोधित समझा जाये।

3. ये आदेश वित्त वेतन आयोग अनुभाग-1 के अशासकीय संख्या-वे0 आ0 -1-267/दस-90, दिनांक 17 अप्रैल, 1998 में प्राप्त उनकी सहमति से निर्गत किए जा रहे हैं।

शासनादेश संख्या-4084/सात-न्याय-2-47जी/91 टी0सी0, दिनांक 22 अप्रैल, 1998 का संलग्नक

क्र0 सं0 पद अथवा सेवा का नाम वर्तमान वेतनमान/ पदों की संख्या पुनरीक्षित वेतनमान अभ्युक्ति यदि कोई हो समयमान वेतनमान रू0

		स्थाई	अस्थाई		स्थाई		अस्थाई	
1	2	3	4	5	6	7	8	9
12ए	मुन्सरिम/रोडर/ मुन्सरिम-कम/रीडर/ सिविल जज/ अपर सिविलजज/ अतिरिक्त लघुवाद	430-685 470-735 (यदि कोई हो)	1103	115	1103	115 (1)	1200-30- 1560-द0रो0- 40-2040 (2)1350-30-	रू0 1350-2200 का वेतनमान केवल उन कर्मचारियों को अनुमान्य होगा जिन्हें दिनांक 1.1.86 से

न्यायालय, मुन्सरिम/रीडर मुंसिफ/मुंसिफ मजिस्ट्रेट/ अपर मुंसिफ मजिस्ट्रेट/ जुडीशियल मजिस्ट्रेट रेलवे मजिस्ट्रेट	430-685					1440-40- 1800-द0रो0- 50-2200	पूर्व रु0 470-735 का वेतनमान मिल रहा था जिन पदों पर दिनांक 1.1.86 से पूर्व रु0 430-685 का वेतनमान मिल रहा था उन्हें 1200-2040 का वेतनमान अनुमन्य होगा।
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संख्या 5/पांच-ई-75/प्रशासनिक (प) अनु0, दिनांक 19.1.96

विषय:- राज्य कर्मचारियों को समतासमिति 1989 की संस्तुतियों के सम्बन्ध में उत्पन्न विसंगतियां पर मुख्य सचिव की अध्यक्षता में गठित समिति द्वारा लिये गए निर्णय के परिप्रेक्ष्य में प्रोन्नति वेतनमान सम्बन्धी सामान्य निर्णय तथा राजकीय वाहन चालकों के सम्बन्ध में लिये गये विशिष्ट निर्णय के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक इस न्यायालय के परिपत्र संख्या 74/पांच ई-75 प्रशासनिक (घ) अनु0 दि0 8.8.1994 की निरन्तरता में शासन के पत्र संख्या 2235/सात- न्याय-1-77-14/91 दिनांक 11.11.1997 के साथ शासन के पत्र संख्या 203-सात न्याय -1-14/94, दिनांक 18.03.1994 तथा उसके संलग्नक की प्रतिलिपि को इस पत्र के साथ आपको सूचनार्थ एवं आवश्यक कार्यवाही हेतु संलग्न करने का निर्देश हुआ है।

संख्या 2235/सात-न्याय-1-97-14/94 11 नवम्बर, 1997

न्याय अनुभाग-1 उच्च न्यायालय। लखनऊ: दिनांक: 11 नवम्बर, 1997

विषय:-राज्य कर्मचारियों को समतासमिति 1989 की संस्तुतियों के सम्बन्ध में उत्पन्न विसंगतियों पर मुख्य सचिव की अध्यक्षता में गठित समिति द्वारा लिये गए निर्णय के परिप्रेक्ष्य में प्रोन्नति वेतनमान सम्बन्धी सामान्य निर्णय तथा राजकीय वाहन चालकों के सम्बन्ध में लिये गये विशिष्ट निर्णय के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक आप के पत्र संख्या 11427/पांच-ई-75/प्रशा0(घ) अनु0, दिनांक 8 अगस्त 1997 के संदर्भ में मुझे शासन के पत्र संख्या 203/सात-न्याय - 1.14.94, दिनांक 18.3.1994 के संलग्नक की छाया प्रति संलग्न कर भेजने का निदेश हुआ है।

संख्या 203/सात-न्याय-1-14-94 18 मार्च, 1994

न्याय अनुभाग-1 (उच्च न्यायालय) लखनऊ: दिनांक: 18 मार्च, 1994

विषय:-राज्य कर्मचारियों को समता समिति 1989 की संस्तुतियों के सम्बन्ध में उत्पन्न विसंगतियों पर मुख्य सचिव की अध्यक्षता में गठित समिति द्वारा लिये गये निर्णय के परिप्रेक्ष्य में प्रोन्नति वेतनमान सम्बन्धी सामान्य निर्णय तथा राजकीय वाहन चालकों के लिये गए विशिष्ट निर्णय के सम्बन्ध में।

महोदय,

उपर्युक्त विषय के सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि राज्य सरकार ने समता समिति (1989) की संस्तुतियों के सम्बन्ध में विभिन्न सेवा संगठनों तथा विभागों से प्राप्त प्रत्यावेदनों पर विचार करने के उपरान्त मुख्य सचिव की अध्यक्षता में गठित समिति की संस्तुतियों के परिप्रेक्ष्य में यह निर्णय लिया गया है कि शासनादेश दिनांक 3.6.1989 में समय मान वेतन मान के लाभ के अन्तर्गत दस वर्ष की सेवा के आधार पर वेतन अगले स्तर पर निर्धारित करने तथा नियमित पद धारकों को 16 वर्ष की संतोषजनक सेवा जिसमें 6 वर्ष का सलेक्शन ग्रेड के लाभ की सेवा सम्मिलित होगी, के पश्चात वैयक्तिक रूप से प्रोन्नति वेतनमान अथवा अगले वेतन मान

को दिये जाने की व्यवस्था है। ऐसे पद धारकों जिनके लिये प्रोन्नति का अगला वेतनमान उपलब्ध नहीं है, उनके सम्बन्ध में उल्लिखित वेतनमान दिये जाने का निर्णय लिया गया है।

अतः आप से अनुरोध है कि अपने अधीन समस्त जिला जजों को उपर्युक्त व्यवस्था से अवगत कराने का कष्ट करें ताकि अनावश्यक प्रत्यावेदन राज्य सरकार को प्राप्त न हो।

(क) प्रोन्नति वेतनमान सम्बन्धी सामान्य निर्णय

शासनादेश दिनांक 3.6.1989 में समयमान वेतनमान के लाभ के अन्तर्गत 10 वर्ष की सेवा के आधार पर वेतन अगले स्तर पर निर्धारित करने तथा नियमित पद धारकों को 16 वर्ष की संतोष जनक सेवा जिसमें 6 वर्ष की सलेक्शन ग्रेड के लाभ की सेवा सम्मिलित होगी के पश्चात् वैयक्तिक रूप में प्रोन्नति वेतन मान अथवा अगले वेतन मान को देने के आदेश हैं। यह निर्णय लिया गया है कि ऐसे पद के पद धारक जिनके लिये प्रोन्नति का कोई अगला पद उपलब्ध नहीं है और जो नीचे स्तम्भ-2 में अंकित साधारण वेतन मान में कार्यरत होंगे उनको निर्धारित शर्तों की पूर्ति करने पर अगला वेतन मान वह माना जायेगा जो नीचे स्तम्भ-3 में अंकित है।

क्र०सं०	वेतनमान	अगला वेतनमान
1	2	3
1	800-1150	950-20-1150 ₹ ₹0-25-1400
2	950-1500	975-25-1150 ₹ ₹0-30-1660
3	1350-2200	1400-40-1800 ₹ ₹0-50-2400
4	1400-2300	1400-40-1600-50-2300 ₹ ₹0-60-2600
5	1400-2600	1640-60-2600-₹ ₹0-75-2900

(ख) राजकीय वाहन चालकों के लिए प्रोन्नति वेतनमान सम्बन्धी निर्णय

शासनादेश दिनांक 3.6.1989 के अन्तर्गत अर्ह राजकीय वाहन चालकों को दिनांक 1.7.1988 अथवा इसके बाद किन्तु दिनांक 1.4.1991 से पूर्व वैयक्तिक प्रोन्नति वेतनमान देने हेतु अगला वेतनमान रु 975-1600 का अनुमान्य किया जाए और दिनांक 1.4.1991 से रु 1200-30-1440- ₹ ₹0-30-1800 का वेतनमान अगला प्रोन्नति वेतनमान के रूप में अनुमान्य किया जाये।

यह भी निर्णय लिया गया है कि जहाँ पर वैयक्तिक प्रोन्नति वेतनमान के रूप में किसी भी पद धारक को दिनांक 1.4.1991 के पूर्व रु 975-1660 का वेतनमान दिया गया होगा उस का दिनांक 1.4.1991 को परिवर्तित वेतनमान रु 1200-1800 में वेतन निर्धारण सामान्य नियमों के अन्तर्गत निर्धारित होगा अर्थात् यदि वह स्तर रु 1200-1800 के वेतनमान में उपलब्ध हो तो उसी स्तर पर निर्धारित होगा और यदि वह स्तर उपलब्ध नहीं है तो नीचे के स्तर पर निर्धारित होगा और अन्तर के बराबर की धनराशि वैयक्तिक वेतन के रूप में दी जायेगी जिसका समायोजन अगली वेतन वृद्धियों में किया जाएगा।

(viii) Grant of Special pay to cashier, Treasurer, etc.

C.L. No. 25/Admn. (D) dated 16th June, 1995

Concerning grant of special pay of Rs. 70/- per month to Cashier Treasurer, Storekeeper working in the Judgeships of the District.

I am directed to say that the Court has been pleased to decline the request of the Cashier, Treasurer and Store-keeper working in the judgeships of the Districts for payment of special pay of Rs. 70/- P.M. for doing additional duty.

(ix) Revised pay Scale of Stenographers

C.L. No. 41/Ve-75/Admn.(D) dated 12th October, 1995

Regarding sanction of revised pay scale of stenographers in the subordinate courts.

I am directed to enclose herewith a copy of the G.O. No. 282/Sat- Nyaya-2-47G/91, dated 9.3.1995, on the above subject, and to ask you kindly to grant the revised pay scale of Rs. 1640-2900 to the stenographers attached to the Officers carrying the pay scale of Rs. 4500-5700 and less than Rs. 5900-6700 in between 1.1.1986 and 31.3.1989 in accordance with the directions contained in the above noted G.O. No. i.e. according to strict seniority.

C.L.No. 30/Ve-75/ Admn. (D) section: Dated 1st October, 2005

Grant of revised pay-scale to the Stenographer Grade II of the Civil Courts in the State of Uttar Pradesh.

I am directed to enclose herewith a copy of the G.O. No. 2468/Sat-Nyaya-2-05-33-Writ/92, dated 5.9.2005 on the above subject that has been issued in accomplishment of the directions in Writ Petition No. 560 (S/S) of 1992 Civil Courts Employees Association Vs. State of U.P. and others, for information and implementation.

(ix-a) Pay scale of stenographer of fast track courts

C.L. No. 45/Ve-4/Admin. (D) Sec: Dated: Alld. 24.10.2007

It has come to the notice of Hon'ble Court that in several Judgeships, the Stenographers appointed in Fast Track Court are being given the pay scale of Rs. 4500-7000 instead of the admissible pay scale of Rs. 4000-6000. Upon consideration, the Hon'ble Court has been pleased to direct that the Stenographers appointed on posts in the Fast Track Courts are entitled to the pay scale of Rs. 4000-6000 in pursuance of the G.O. No. 1695/VII-Nyaya-9 (Budget)-2001-827/98, dated 6.8.2001.

I am, therefore, directed to intimate you if any stenographer has drawn/is drawing salary in higher scale, the excess amount drawn by him will be adjusted. The current salary as per entitlement in terms of G.O. dated 6.8.2001 be started to be paid w.e.f. the salary of the month of October, 2007 to be paid in November, 2007.

Providing of pay scale of Rs. 5200-20200+1800 to the Class IV Employees under G.O. Dated 8.9.2010

Letter No. 20486/Admin. 'D' dated 23.12.2010

I have been directed to ask you to give benefit of Government Order No. Ve. Aa. 2052/Ten-59(M)/2008, dated 08.09.2010, providing pay scale of Rs. 5200-20200+1800 to all Class IV Employees of your Judgeship.

(x) Pay Fixation

C.L.No. 18/Ve-75/ Admn. (D) section: Dated 21st May, 1998

Fixation of pay in the pay scales recommended by the Vth Pay Commission.

I am directed to send herewith a copy each of the G.O. No. P.Ma-Ni-356/Das-20(M)/ dated 23-12-1997, G.O. No. P. Ma-Ni-357/Das- 20 (M) dated 31.12.1997, G.O. V.Aa-l-75l/Das-42(M)/97,dated 23.12.1997 and G.O. P.Ma-Ni-352/Das-20 (M)/97 dated 22. 12. 1997 on the above subject, and to request you kindly to comply the above Government Order in toto and no fresh instruction from the High Court is required.

[16] PENSION

(i) Submission of papers

G.L. No. 5 dated 27th August, 1908

Pension cases of non-gazetted Officers of subordinate courts may be sent by District Judges direct to the Accountant General, Uttar Pradesh and not through the High Court for verification and report.

C.E. No. 25/Ve-91 dated 9th February, 1971

The District Judges should ensure that the certificate of payment of provisional pension and Death-cum-Retirement Gratuity is recorded on each and every pension case and then only the cases be submitted to the Accountant General and delay in authorising final payment of pension and Death-cum- Retirement Gratuity should be avoided.

C.L. No. 60/IVf-67 dated 3rd May, 1971

District Judges should ensure that a list of such gazetted and non-gazetted government servants as are due to retire during the next 12 to 18 months, is prepared in the prescribed proforma after every six months, i.e., January 1, and July 1, and sent by January 31, and July 31, respectively, a copy each to A.G., U.P., Allahabad and Government of U.P. under intimation to the Court as provided in paragraph 905(3) of the Civil Service Regulation.

NOTE: G.O. No. Sa-3-786/Ten-1988 dated 26th May, 1988 and G.O. No. Sa-3-893/Ten-88-912-85 dated 2nd June, 1988, now require such communications to be addressed to the Director, Pension Directorate, U.P. established to deal with the pension cases.

C.E. No. 33/Ve-91 dated 20th July, 1967

Instructions contained in G.O. No. FD/SAO/PI/5235/X-P-63, dated December 16/18, 1963 regarding submission of quarterly statement of pension cases should be meticulously followed. In future the statement should be submitted as under :

1.	Quarter ending 31st March	...	15th May
2.	Quarter ending 30th June	...	15th August
3.	Quarter ending 30th September	...	15 th November
4.	Quarter ending 31st December	...	15th February

It is the responsibility of Head of Department to ensure that the return in the prescribed proforma reaches the Finance Department (Pensions) on the due dates fixed. Defaulting subordinate officers should be dealt with suitably. The information in the proforma should be thoroughly scrutinized and fresh additions of old cases in subsequent returns should be avoided.

C.L. No. 91/Ve-91 dated 7th September, 1978

The Court feels that at least one of the pensionary benefits must be made available to the retired government servants within 24 hours of his retirement while other benefits should also be made available within a week or ten days thereafter.

The Court will view with appreciation if the rules and directions on the subject are observed meticulously and claims are settled without delay and at least one of the pensionary benefits is made available within 24 hours of retirement of the government servant concerned. At the same time any inordinate delay will be viewed with great concern.

A statement of cases which have not been settled within a month of retirement or death of a government servant, with reason for the delay, should be prepared and submitted to the court positively upto the 15th of the subsequent month.

C.L. No. 23/Ve-86/Admn. (D) dated 7th April, 1983

In order to obtain sanction for commutation of pension of an employee of the civil court it is necessary to look into the particulars mentioned in the pension payment order of the official who applies for commutation of his superannuation pension.

In future a certified/attested copy of the P.P.O. may be obtained from the pensioner and sent invariably with all the applications for commutation of pension, which are forwarded to the Court for sanction of commutation.

(ii) Pension cases to be expedited

C.E. No. 77/Ve-91 dated 29th July, 1972 and

C.E. No. 86/IVb-57 dated 9th August, 1972

Pension cases of government servants should be finalized as early as possible to avoid inconvenience to them.

C.L. No. 46/VC-86/Admn.(D) dated 27th August, 1992

Expeditious Disposal of pension cases of the staff of subordinate court in accordance with the procedure contained in G.O. dated 13.12.77 and 28.7.89.

I am directed to enclose herewith a copy of D.O. Letter No. Pay Ni/102/80, dated 21.4.1992 addressed to the Registrar received from the Pension Directorate Lucknow along with a copy of judgment in Writ Petition No. 10134/91; * Mukti Nath Rai v. State of Uttar Pradesh issuing mandamus to all the Heads of the Departments for compliance of the General Mandamus, on the above subject and to request you kindly to submit all the pending pension papers to the Director Pension, Lucknow without any delay and ensure that in future also all the pension papers of the employees working under your Judgeship retiring within six months of the date of superannuation be sent to the Directorate Pension, Lucknow well in advance in accordance with the procedure contained in G.O. No. Sa-3-2085/X-907/76, dated 13.12.77 and subsequent G.O. No. Sa-3-1713/X-933/89, dated 28.7.1989 and also mandamus issued in Writ Petition referred to above.

I am further directed to request you kindly to intimate the Court as well as to the Directorate Pension, Lucknow immediately about the cause of delay in submitting the pension papers of the persons named in the enclosed list.

अ.शा.प.सं. पे.नि./102/92/80, दिनांक 21 अप्रैल, 1992

जैसा कि आप अवगत हैं कि शासनादेश संख्या सा-3-2085/दस/907/76 दिनांक 13/12/77 द्वारा पेंशन के मामले को अन्तिम रूप देने में होने वाले विलम्ब को दूर करने के उद्देश्य से जारी किया गया था। पुनः शासनादेश संख्या सा-3-1713/दस-933/89 दिनांक 20.7.89 द्वारा पेंशन नियमों/प्रक्रियाओं में काफी सरलीकरण किया गया है। उपरोक्त शासनादेश में पुनः यह दोहराया गया है कि सेवानिवृत्त होने वाले सरकारी सेवकों के पेंशन प्रपत्र 6 माह पूर्व पेंशन स्वीकृत कर्ता अधिकारी के पास भेज दिये जायें ताकि सेवानिवृत्त होने वाले सेवकों को पेंशन का भुगतान सेवानिवृत्त के बाद पहली तारीख को कर दिया जाय। इस 6 माह की अवधि में पेंशन निदेशालय स्तर पर पेंशन प्रपत्र, सेवा अभिलेखों के परीक्षण के अनन्तर पायी गयी कमियों का निराकरण तथा नियम संबंधी औपचारिकताओं को पूर्ण कराया जाता है।

* For perusal of Judgment See Mukti Nath Rai v. State of U.P.; 1993 All. L.J. 835

उपरोक्त सरलीकरण के बावजूद भी यह देखने में आया है कि विभिन्न जिला एवं सत्र न्यायाधीशों के कार्यालय से पेन्शन प्रपत्र सेवानिवृत्ति के बाद विलम्ब से पेन्शन निदेशालय को प्रेषित किये जाते हैं। फलस्वरूप इस निदेशालय को परीक्षण आदि के लिए पर्याप्त समय नहीं मिल पाता है और पेन्शनर को समय से नैवृत्तिक लाभ न स्वीकृत होने से उसकी समस्याएँ बढ़ती हैं जिनके निराकरण में शासन का आवश्यक समय तथा धन खर्च करना पड़ता है। विलम्ब से प्रेषित किये गये प्रकरणों को दृष्टान्त के रूप में एक सूची संलग्न कर रहा हूँ।

संदर्भित शासनादेशों में यह भी व्यवस्था की गयी है कि यदि किन्हीं कारणवश पेन्शन प्रपत्रों के प्रेषण में विलम्ब हो तो अनन्तिम/उपादान स्वीकृत कर दिया जाय। अनन्तिम पेन्शन स्वीकृत करना अनिवार्य है वैकल्पिक नहीं हैं। मृतक के मामलों में भी अनन्तिम पारिवारिक पेन्शन/उपादान स्वीकृत करने की व्यवस्था है। मैं शासनादेश दिनांक 28.7.89 की एक प्रति संलग्न कर रहा हूँ।

मैं आपका ध्यान माननीय उच्च न्यायालय के एक निर्णय जो “पायनियर” में दिनांक 6.3.92 को प्रकाशित हुआ था (सुलभ संदर्भ हेतु फोटो प्रति संलग्न है) की ओर आकर्षित करना चाहूँगा कि जिसमें माननीय न्यायमूर्ति श्री मारकण्डे काटजू ने पेन्शन प्रकरणों को शीघ्र निस्तारित करने के लिए प्रदेश के सभी विभागों को एक सामान्य निर्देश (जनरल मैनडमस) जारी किया है।

माननीय उच्च न्यायालय द्वारा अभी तक श्री एल.एन. राय सेवानिवृत्त जिला एवं सत्र न्यायाधीश मैनपुरी एवं श्री पी.के. दीक्षित सेवानिवृत्त सदस्य लोक सेवा अधिकरण के पक्ष में अदेयता प्रमाण न जारी करने के कारण दोनों ही मामलों में लगभग एक लाख रुपये का उपादान की धनराशि का प्राधिकार पत्र अभी तक निदेशालय द्वारा जारी नहीं किया जा सका है। जबकि श्री राय एवं श्री दीक्षित क्रमशः 31.1.90 एवं 30.6.91 को सेवानिवृत्त हो चुके हैं।

मैं आपसे अनुरोध करना चाहूँगा कि आप कृपया मेरे अ.शा. पत्र को न्यायमूर्ति मुख्य न्यायाधीश की जानकारी में लाते हुए प्रदेश के समस्त जिला एवं सत्र न्यायाधीशों को यह निर्देश देने की कृपा करें कि पेन्शन प्रकरणों को सेवानिवृत्ति के 6 माह पूर्व भेजने की व्यवस्था तथा मृतक के मामले में भी पेन्शन प्रपत्र इस निदेशालय को अविलम्ब प्रेषित करने की कार्यवाही करें।

(iii) Sanction of Pension to Class iv Employees

C.L. No. 59/Ve-91/Admn.(D) dated 13th July, 1994

Providing facility of sanctioning pension to class IV employees at district level under the decentralization scheme.

I am directed to enclose herewith a copy of Government Order No. Sa-3-297/x-913-92, dated 26.5.1993 with its enclosures and to ask you kindly to make full compliance of the directions contained in the above Government orders.

पेंशन स्वीकृति प्रक्रिया को विकेंद्रित कर चतुर्थ श्रेणी कर्मचारियों को जिला स्तर पर पेंशन स्वीकृत किए जाने की सुविधा दिया जाना।

शासनादेश संख्या सा.3-297/X-913-92, दिनांक 26 मई, 1993

उपरोक्त विषय पर मुझे यह कहने का निदेश हुआ है कि महालेखाकार कार्यालय, इलाहाबाद के स्तर से पेंशन प्राधिकार-पत्र तथा पेंशन सम्बन्धी अन्य देयों जैसे ग्रेज्युटी, पेंशन के राशिकरण आदि का प्राधिकार-पत्र निर्गत करने में आ रही कठिनाईयों के परिपेक्ष्य में शासन द्वारा निर्णय लिया गया है कि उपरोक्त प्राधिकार-पत्रों को निर्गत करने की कार्यवाही का विकेंद्रीकरण किया जाए। उक्त निर्णय के फलस्वरूप वर्तमान में अब यह कार्य महालेखाकार कार्यालय के बजाय राज्य सरकार के 15 विभागों के मुख्य लेखाधिकारियों द्वारा किया जाता है। उक्त 15 विभागों के अतिरिक्त शेष बचे हुए विभागों/कार्यालयों के कर्मचारियों/अधिकारियों के पेंशन प्रकरणों का निस्तारण पेंशन निदेशालय, उ.प्र. द्वारा किया जाता है।

2. पेंशन सम्बन्धी कार्य के निस्तारण के अधिकार के विकेंद्रीकरण की नीति के अधीन राज्यपाल महोदय ने यह आदेश प्रदान किए हैं कि राज्य सरकार के चतुर्थ श्रेणी कर्मचारियों (उत्तर प्रदेश सचिवालय विधान सभा सचिवालय, विधान

परिषद सचिवालय तथा राज्यपाल सचिवालय को छोड़कर) के सेवा नैवृत्तिक लाभों एवं उनके परिवार को पारिवारिक पेंशन स्वीकृत किए जाने का कार्य पेंशन निदेशक/मुख्य लेखाधिकारियों से लेकर कार्यालयाध्यक्षों को प्रतिनिधानित कर दिया जाय।

कार्यालयाध्यक्षों द्वारा चतुर्थ श्रेणी कर्मचारियों के सेवा नैवृत्तिक लाभों का निस्तारण करने के लिए निम्नलिखित प्रक्रिया का अनुपालन किया जाएगा :

- (1) सम्बन्धित कर्मचारी की पेंशन का प्रथम आहरण उसी कोशागार से करेंगे जहां पर उनका कार्यालय स्थित है।
- (2) इस प्रणाली के अन्तर्गत सम्बन्धित सक्षम अधिकारी द्वारा पेंशन सम्बन्धित सभी मामलों का निस्तारण किया जाएगा, जैसे पेंशन स्वीकृति, ग्रेच्युटी की स्वीकृति, पारिवारिक पेंशन की स्वीकृति तथा पेंशन के राशिकरण की स्वीकृति आदि।
- (3) बीमा योजना के अन्तर्गत मिलने वाली धनराशि भविष्य निर्वाह के अन्तर्गत मिलने वाली धनराशि तथा सेवा निवृत्ति के समय अवशेष उपार्जित अवकाश के नकदीकरण से सम्बन्धित मामले इस योजना से आच्छादित नहीं होंगे। उनके सम्बन्ध में विभिन्न शासनादेशों के अन्तर्गत जो प्रक्रिया निर्धारित है वही यथावत लागू समझी जायेगी।
- (4) कार्यालयाध्यक्ष केवल जिले में ही आहरित की जाने वाली पेंशन स्वीकृत करने के लिए सक्षम होंगे।
- (5) सेवा निवृत्ति के समय तैनाती के जनपद के अतिरिक्त के जनपद से पेंशन आहरण व्यवस्था या तो सेवा निवृत्ति के जनपद से प्रथम आहरण के बाद स्थानान्तरण द्वारा अथवा पूर्ववत पेंशन निदेशक/मुख्य लेखाधिकारी द्वारा जारी स्वीकृति पर ही किया जायेगा।
- (6) कार्यालयाध्यक्षों द्वारा जारी किए जाने वाले भुगतानादेशों की प्रति सम्बन्धित मुख्य लेखाधिकारी/निदेशक पेंशन, जैसी स्थिति हो को भी पृष्ठांकित की जाएगी जो इस मामलों की जाँच करके प्रत्येक तिमाही में अनापत्ति जारी कर देंगे और तब तक अर्थात् तीन माह की अवधि तक कार्यालयाध्यक्षों द्वारा उपरोक्तानुसार जारी भुगतानादेश अनन्तिम माने जायेंगे और कोई त्रुटि पाए जाने पर उनमें सुधार करके पुनरीक्षित भुगतानादेश जारी कर दिया जाएगा। यदि मुख्य लेखाधिकारी/निदेशक, पेंशन को प्रकरण भेजने की तिथि से तीन माह की अवधि में यथास्थिति मुख्य लेखाधिकारी/निदेशक, पेंशन से कोई आपत्ति अथवा अनापत्ति प्राप्त नहीं होती है, तो कार्यालयाध्यक्ष द्वारा निर्गत भुगतानादेश स्वतः अन्तिम माना जाएगा। मुख्य लेखाधिकारी/निदेशक पेंशन का यह दायित्व होगा कि कार्यालयाध्यक्षों के पेंशन सम्बन्धी कार्य का नियमित निरीक्षण करें तथा वांछित पर्यवेक्षक प्रदान करें।
- (7) विकेन्द्रीकरण को उपरोक्त प्रक्रिया के अधीन आपके विभाग में सेवा निवृत्त होने वाले अथवा मृत चतुर्थ श्रेणी कर्मचारी के मामले तुरन्त रूप से निस्तारित किये जाएं।
- (8) इस प्रणाली के अन्तर्गत पेंशन प्रपत्रों को तैयार करने का कार्य उस प्रक्रिया तथा समय सारिणी के अनुसार किया जाएगा जैसी वित्त विभाग द्वारा निर्गत शासनादेश संख्या सा-3-1713/दस-89-933-89, दिनांक 28 जुलाई, 1989 में निर्धारित है। केवल अन्तर इतना ही होगा कि सम्बन्धित अधिकारी द्वारा वांछित पेंशन प्रपत्र अब यदि सम्बन्धित कर्मचारी द्वारा अपनी पेंशन लेने का विकल्प उसी जनपद के कोशागार से लेने को देता है, तो कार्यालयाध्यक्ष को भेजे जायेंगे तथा यदि किसी अन्य जनपद से लेने का विकल्प देता है, तो पूर्व की भाँति विभागाध्यक्ष से संबद्ध मुख्य लेखाधिकारी को अथवा निदेशक, पेंशन निदेशालय उ.प्र. को जैसी भी स्थिति हो, को भेजे जायेंगे। प्रत्येक दशा में यह सुनिश्चित किया जाय कि ग्रेच्युटी एवं राशिकरण की धनराशि का भुगतान सम्बन्धित पेंशनर को उसकी सेवा निवृत्ति के बाद के माह की पहली तारीख को प्राप्त हो जाए तथा पेंशन का भुगतान सेवा निवृत्ति के दिनांक के एक माह के बाद की पहली तारीख को हो जाए।
- (9) इस प्रणाली को नियमित रूप से चलाने के हेतु पेंशन तथा अन्य प्राधिकार-पत्रों की प्रतियां निदेशक, पेंशन निदेशालय, उ.प्र. लखनऊ से प्राप्त की जाएगी। अतएव सम्बन्धित विभाग अपनी

आवश्यकतानुसार अपना मांग-पत्र निदेशक, पेंशन निदेशालय उ.प्र. लखनऊ को समय से पूर्व भेजने का कष्ट करें।

(10) प्रत्येक कार्यालयाध्यक्ष अपने अधीनस्थ कार्यालयों से प्रति वर्ष पहली जनवरी तथा पहली जुलाई को ऐसे व्यक्तियों की एक छमाही सूची प्राप्त करेंगे जो अगले 24 माह तक सेवानिवृत्त होने वाले हों। उपरोक्त सूचना के रख-रखाव के लिए संलग्न प्रपत्र (फार्म-1) पर एक रजिस्टर में अंकित कर लें। यह रजिस्टर मास्टर रजिस्टर के रूप में उपयोग में लाया जाएगा तथा पेंशन प्रपत्रों की प्राप्ति तथा निर्गमन सम्बन्धी सूचना इस रजिस्टर में दर्ज की जाएगी। जो पेंशन प्रपत्र प्राप्त होंगे उन्हें उपरोक्त रजिस्टर के अतिरिक्त एक अन्य रजिस्टर (फार्म-2) में दर्ज किया जाएगा। यह रजिस्टर पेंशन चेक रजिस्टर कहलाएगा और स्वीकृति सम्बन्धी पूर्ण सूचना का मुख्य रजिस्टर को भविष्य में सन्दर्भ हेतु तथा समय-समय पर होने वाले पेंशनरों के पुनरीक्षण हेतु उपयोग में लाया जाएगा। पेंशन प्राधिकार-पत्रों पर भी रजिस्टर के नम्बर का सन्दर्भ होगा और यही सन्दर्भ सम्बन्धित पेंशनर के सम्बन्ध में भविष्य में उपयोग में लाया जायगा। विभिन्न कार्यालयाध्यक्ष पेंशन प्राधिकार-पत्रों पर नम्बर देने से पूर्व अपने विभाग का संक्षिप्त नाम जैसे सिंचाई विभाग “सिंचाई” राजस्व विभाग “राजस्व” अंकित करेंगे।

(11) कार्यालयाध्यक्ष द्वारा पेंशन प्राधिकार-पत्र निर्गत किए जाने पर कोषाधिकारी स्तर पर उन्हें एक रजिस्टर जो वित्त हस्त पुस्तिका भाग-पांच-खण्ड-दो के फार्म ए.51 (प्रारूप संलग्न) में निर्धारित हैं में रख-रखाव सुनिश्चित किया जाएगा। कोषाधिकारी इसी रजिस्टर के क्रमांक को पेंशन प्राधिकार-पत्र (दोनों प्रतियों) पर दर्ज करेंगे और कोषाधिकारी के कार्यालय में डिस्बर्सहाफ को ढूँढने में उसका उपयोग करेंगे।

(3) पेंशन प्रपत्र प्राप्त होने पर कार्यालयाध्यक्ष कार्यालय में निम्न कार्यवाही अपेक्षित होगी :-

- (1) वे यह सुनिश्चित करेंगे कि सभी पेंशन प्रपत्र हर प्रकार से पूर्ण हैं।
- (2) सेवा पुस्तिका में सेवा सम्बन्धी सभी प्रविष्टियां पूर्ण हैं, तथा वे उचित स्तर से प्रमाणित की गई हैं। यदि सेवा पुस्तिका में कुछ अवधि/अवधियां सत्यापित न हो तो सम्बन्धित सरकारी सेवक से, शासनादेश संख्या सा-3-1998/ दस-932-80 दिनांक 16 जनवरी, 1981 के प्रस्तर-3 में उल्लिखित प्रक्रिया के अनुसार एक शपथ-पत्र प्राप्त कर उस भाग को पेंशन के प्रयोजन हेतु अर्ह सेवा मान लेंगे।
- (3) यदि अभिलेख पूर्ण है तो वे निर्धारित प्रपत्र पर संबंधित सरकारी सेवकों की सेवानिवृत्ति की तिथि से ठीक 10 माह पूर्व का औसत वेतन आगणित करेंगे और सेवा-पुस्तिका की सहायता से उसकी अर्हकारी सेवा आगणित करेंगे। इन आँकड़ों के आधार पर पेंशन विनियमन इन शासनादेशों में उल्लिखित प्रक्रिया और दरों पर पेंशन कर आगणन करके पेंशन प्राधिकार पत्र निर्गत करेंगे।
- (4) इसी प्रकार के पेंशन नियमों एवं शासनादेशों में उल्लिखित प्रक्रिया और दरों पर मृत्यु एवं सेवा नैवृत्तिक ग्रेच्युटी तथा पेंशन राशिकरण की धनराशि का आगणन करेंगे और निर्धारित प्रपत्र पर प्राधिकार-पत्र निर्गत करेंगे।
- (5) पेंशन तथा अन्य प्राधिकार पत्रों को निर्गत करते समय यह सुनिश्चित करना होगा कि उक्त पत्रों पर निर्धारित सभी सूचना सही-सही भर दी गई है जिससे सम्बन्धित कोषाधिकारी को उसका भुगतान करने में कठिनाई न हो।
- (6) यदि किसी कारणवश सेवानिवृत्ति के दिनांक के एक माह पूर्व किसी व्यक्ति की पेंशन अथवा मृत्यु एवं सेवानिवृत्ति ग्रेच्युटी के सम्बन्ध में प्राधिकार पत्र निर्गत किया जाना सम्भव न हो पाए तो सम्बन्धित कार्यालयाध्यक्ष का यह दायित्व होगा कि वे शासनादेश संख्या सा-3-2085/ दस-907-76 दिनांक 13 दिसम्बर 1977 एवं सा-3-1797/ दस-921-84 दिनांक 13 फरवरी 1985 में उल्लिखित प्रक्रिया के अनुसार सम्बन्धित व्यक्ति को अनन्तिम पेंशन एवं ग्रेच्युटी स्वीकृत कर दें एवं शासनादेश संख्या सा-3-2921/दस-म.ले.-7-78, दिनांक 27 जनवरी, 1979 के अन्तर्गत निर्धारित परिशिष्ट

पर आवश्यक सूचना सम्बन्धित मुख्य लेखाधिकारी/निदेशक, पेंशन निदेशालय, को प्रेषित कर दें और उसका आहरण पेंशन के मामले में सेवानिवृत्ति ग्रेच्युटी की धनराशि का सेवानिवृत्ति के एक माह से अगले माह की पहली तिथि को ही कर दें।

(7) अपने विभाग के “चतुर्थ” श्रेणी कर्मचारियों के सेवानिवृत्तिक लाभों के निस्तारण के लिए कार्यालयाध्यक्ष अन्तिम रूप से जिम्मेदार होंगे। यदि सम्बन्धित कर्मचारी और कार्यालयाध्यक्ष के मध्य किसी बिन्दु पर विवाद है तो कार्यालयाध्यक्ष उक्त विवादित बिन्दु को मुख्य लेखाधिकारी/निदेशक पेंशन, जैसी भी स्थिति हो, को सन्दर्भित करके आवश्यक निर्णय/निर्देश प्राप्त करेंगे।

(8) भारत के संविधान के अनुच्छेद 283(2) के अन्तर्गत श्री राज्यपाल द्वारा बनाए गए ट्रेजरी रूल्स में यह प्राविधान है कि कोषाधिकारी सामान्य प्राकर से भुगतान करने हेतु अधिकृत नहीं है जब तक कि ऐसा भुगतान नियमों के अन्तर्गत किया जाना अपेक्षित न हो अथवा उसके लिए महालेखाकार के प्राधिकार पत्र उपलब्ध हो, ट्रेजरी रूल्स 22 में यह प्राविधान है कि सरकारी सेवकों को मिलने वाली पेंशन की दरें महालेखाकार द्वारा कोषाधिकारी को सूचित की जायेगी। कालान्तर में पेंशन स्वीकृति की विकेन्द्रीकरण योजना के अन्तर्गत महालेखाकार के प्रश्नगत अधिकार पेंशन निदेशक सम्बन्धित विभागों के मुख्य लेखाधिकारियों एवं कतिपय अन्य अधिकारियों को सम्बन्धित शासनादेशों द्वारा प्रतिनिधानित किए गये हैं। उपरोक्त योजना को लागू करने हेतु सम्बन्धित ट्रेजरी रूल्स में संशोधन किया जा रहा है, परन्तु इसमें कुछ समय लगने की सम्भावना है।

अतः यह निर्णय लिया गया है कि सम्बन्धित नियमों के संशोधन के औपचारिक आदेश निर्गत होने के पूर्व इस शासनादेश के निर्गत होने की तिथि में उन्हें संशोधित माना जाएगा और सम्बन्धित कोषाधिकारी सम्बन्धित कार्यालयाध्यक्षों द्वारा जारी किए गए भुगतान प्राधिकार पत्रों पर भुगतान करने के लिए अधिकृत समझे जायेंगे।

(4) समस्त कार्यालयाध्यक्षों से यह अपेक्षा की जाती है कि वे इस बीच सभी पेंशन नियमों तथा शासनादेशों का अध्ययन कर लें जिससे पेंशन प्राधिकार पत्र निर्गत करने में कठिनाई न हो।

(5) अतः अनुरोध है कि आप उपरोक्त प्रणाली का भली प्राकर सावधानी से अध्ययन कर लें और उसे अपने विभाग में तुरन्त रूप से लागू करने की कृपा करें।

क्र० सं०	मास्टर इण्डेक्स रजिस्टर का क्रय संख्या एवं दिनोंक	सरकारी सेवक का नाम/पिता/पति का नाम व वर्तमान पता तथा सेवा निवृत्त के उपरान्त स्थायी पता	सरकारी सेवक					पत्र संख्या एवं दिनोंक जिसके साथ पेंशन प्रपत्र प्राप्त हुए	सेवा में व्यवधान/व्यवधानों की अवधि यदि कोई हो और क्या अर्हकारी सेवा का आगणन करते समय उसके पूर्व की सेवा को सम्मिलित किया गया।
			की जन्म तिथि	की सेवा प्रारम्भ की तिथि	की सेवा निवृत्ति की तिथि	की मृत्यु की तिथि	का पद जिस पर स्थायी घोषित किया गया तथा स्थायीकरण का दिनोंक		
1	2	3	4	5	6	7	8	9	10

फार्म-2 (चेक रजिस्टर)

क्र० सं०	मास्टर इण्डेक्स रजिस्टर का क्रम संख्या एवं दिनोंक	सरकारी सेवक का नाम/पिता/ पति का नाम व वर्तमान पता तथा सेवा निवृत्त के उपरान्त स्थायी पता	सरकारी कर्मचारी के परिवार के दस सदस्यों के नाम/ जन्म तिथि पते यदि परिवार न हो तो विधिक उत्तराधिकारी/उत्तर ाधिकारियों के नाम, जन्म तिथि तथा पते	सरकारी सेवक					पत्र संख्या एवं दिनोंक जिसके साथ पेंशन प्रपत्र प्राप्त हुए	सेवा मे व्यवधान/ व्यवधानों की अवधि यदि कोई हो और क्या अर्हकारी सेवा का आगणन करते समय उसके पूर्व की सेवा को सम्मिलित किया गया।	सेवा की अन्य अवधियों जैसे निलम्बन की अवधि अथवा अन्य अनधिकृत अनपस्थितियों का विवरण तथा यदि वे विनियमित की जा चुकी हो तो उस अधिकारी का नाम पदनाम तथा पत्र संख्या एवं दिनोंक जिसके द्वारा उसे विनियमित किया गया। यदि विनियमित न किया गया हो तो उसका कारण और क्या अर्हकारी सेवा का आगणन करते समय उसे सेवा में सम्मिलित किया गया।
				की जन्म तिथि	की सेवा प्रारम्भ की तिथि	की सेवा निवृत्ति की तिथि	की मृत्यु की तिथि	का पद जिस पर स्थायी घोषित किया गया तथा स्थायीकरण का दिनोंक			
1	2	3	4	5	6	7	8	9	10	11	12

फार्म-2 (चेक रजिस्टर)

अर्हकारी सेवा की आगणन	सेवा निवृत्ति के दिनोंक 10 माह पूर्व तक के औसत वेतन का आगणन	पेंशन/पारिवारिक पेंशन की धनराशि का वास्तविक आगणन	ग्रेच्युटी की धनराशि का आगणन	राशिकरण की धनराशि का आगणन	पत्र/पत्रों की संख्या एवं दिनोंक जिसके/जिनके द्वारा पेंशन/पारिवारिक पेंशन/ग्रेच्युटी राशिकरण का प्राधिकार-पत्र भेजे गये	आहरण एवं वितरण अधिकारी तथा कोषाधिकारी का नाम जिसे ग्रेच्युटी/राशिकरण तथा पेंशन/पारिवारिक पेंशन के प्राधिकार-पत्र भेजे गए	हस्ताक्षर			विवरण	स्थान
							पेंशन लिपिक	सहायक लेखाधिकारी	मुख्य लेखाधिकारी		
13	14	15	16	17	18	19	20			21	

FORM NO. 51

(See Chapter 21, Para 511, F.H.B., Vol. V, Part II)

REGISTER OF PENSION PAYMENT ORDERS ON ...TREASURY

Number of Pension payment order	Name of Pensioner	Monthly amount		Remarks
		Rs.	P.	

FORM 3

(To be signed by the retired Government Servant)

This deed of indemnity is made on the.....day of.....19.....corresponding to Saka Samvat the day.....19..... by Sri.....s/o..... Resident of..... (Bounden) IN FAVOUR of the Governor.

WHEREAS :

1. The Bounden above named was in the service of the Government of Uttar Pradesh (called 'the Government') as,(designation) in.....(Name of office)
2. The Bounden above named has retired on
3. Government is willing to disburse death-cum-retirement gratuity and/or commuted value of pension to the Bounden on condition that the Bounden shall execute bond, being these presents, to indemnity and save harmless the Government from any loss which the Government may incur by reason of any moneys the Bounden may be paid in excess of those admissible to him under the Rules.

Now This Deed Witnesses:

1. In consideration of Government agreeing to pay death-cum-retirement gratuity or commuted value of pension to the Bounden, the Bowden hereby covenants with the Governor that the Bounden shall pay on demand to the Government all moneys that might have been paid to him in excess of those admissible to him under the Rules.
2. Any amount due under this deed may; on the intimation of the Chief Accounts Officer which shall be final, conclusive and binding on the Bounden, by recovered from him and in the event of default be recovered as arrears of land revenue.

In witness to the above written bond and the conditions thereof the Bounden has signed hereunder on the day and year first above written.

The stamp duty on this instrument will be borne by the Government.

Witness:

Signed by
Bounden

1. Signature
Full Name.....
Address.....
2. Signature
Full Name.....
Address.....

C.L. No. 18/Ve-75/Admn. (D) Section dated 21st May, 1998

Fixation of pay in the pay scale recommended by the Vth pay Commission.

I am directed to send herewith a copy each of the G.O. No.P. Ma-Ni-356/Das-20(M)/,dated 23-12-1997, G.C. No. P.Ma-Ni-357/Das-20(M), dated 31-12-1997, G.O.V.Aa-1-751/Das-42(M)/97, dated 23-12-1997, on the above subject, and to request you kindly to comply the above Government Order in toto and no fresh instruction from the High Court is required.

संख्या-प.मा.नि.-356 / दस-22 (एम)/97 लखनऊ:दिनांक 23 दिसम्बर,1997

विषय:-वित्त पद मापदण्ड विषय : वेतन समिति, उ.प्र. (1997) के प्रथम निर्धारण अनुभाग प्रतिवेदन की संस्तुतियों पर लिये गये निर्णयानुसार राजकीय कर्मचारियों को दिनांक 1-1-1996 से पुनरीक्षित वेतनमानों की स्वीकृति।

महोदय,

राज्य सरकार द्वारा प्रदेश के विभिन्न वर्गों के कर्मचारियों के लिये वेतन समिति का गठन संकल्प संख्या प.मा.नि -225/दस-97-5(एम) 97, दिनांक 9 अक्टूबर 1997 द्वारा किया गया उक्त समिति द्वारा अपना प्रथम प्रतिवेदन शासन को प्रस्तुत किया गया। उक्त प्रतिवेदन की संस्तुतियों को सम्यक् विचारोपरान्त कतिपय संशोधनों के साथ संकल्प संख्या.प.मा.नि. 352/दस-20(एम)/97, दिनांक 22 दिसम्बर, 1997 द्वारा स्वीकार कर लिया गया है।

2- वेतन समिति के प्रथम प्रतिवेदन को स्वीकार किये जाने के फलस्वरूप राजकीय कर्मचारियों/अधिकारियों के वेतनमान दिनांक 1 जनवरी, 1996 से संलग्न तालिका के अनुसार पुनरीक्षित किये जाने की राज्यपाल महोदय सहर्ष स्वीकृति प्रदान करते हैं।

3- उक्त संलग्न तालिका के अनुसार पुनरीक्षित वेतनमान ऐसे पदधारकों को भी अनुमन्य होगा, जो राज्य सरकार द्वारा अपनाये गये समयमान वेतनमान के अन्तर्गत निर्धारित सेवा अवधि/शर्तों की पूर्ति पर वैयक्तिक रूप से प्रोन्नति के पद का वेतनमान अथवा उच्च वेतनमान दिनांक 1.1.1996 को प्राप्त कर रहे थे। यह सामान्य पुनरीक्षित वेतन मान ऐसे पदधारकों को वैयक्तिक रूप से मिलता रहेगा।

4- ऐसे पदधारक जिनको वर्तमान व्यवस्था के अधीन प्रोन्नति के पद का वेतनमान अथवा उच्च वेतनमान दिनांक 1.1.1996 के बाद पूर्व के वेतनमान में वैयक्तिक रूप से प्राप्त हुआ है, पुनरीक्षित वेतनमान में समयमान वेतनमान का लाभ वर्तमान व्यवस्था के आधार पर स्थगित रहेगा अर्थात् ऐसे पदधारकों को प्रोन्नति वेतनमान अथवा उच्च वेतनमान का सामान्य पुनरीक्षित वेतनमान अनुमन्य नहीं होगा। इसी प्रकार यदि पूर्व के वेतनमान में सेवा अवधि के आधार पर एक अतिरिक्त वेतनवृद्धि अथवा वृद्धिरोध वेतनवृद्धि दिनांक 1.1.1996 के बाद प्रदान की जा चुकी है तो उसके आधार पर दिनांक 1.1.1996 से पुनरीक्षित वेतनमान में लाभ देय नहीं होगा और यह स्थगित रहेगा। दिनांक 1.1.1996 के बाद उपरोक्त मामलों में निर्णय बाद में लिया जायेगा।

5- ऐसे संवर्ग/पदों, जिनके वेतनमान का उच्चीकरण/संशोधन दिनांक 1.1.1996 के बाद हुआ है, के पदधारकों को यह विकल्प होगा कि वे या तो दिनांक 1.1.1996 को विद्यमान वेतनमान का सामान्य पुनरीक्षित वेतनमान अथवा उच्चीकृत/संशोधित वेतनमान का सामान्य पुनरीक्षित वेतनमान उच्चीकरण/संशोधन के दिनांक से चुन लें।

6- वेतन समिति के प्रथम प्रतिवेदन की संस्तुतियां लागू होने के फलस्वरूप पुनरीक्षित वेतनमानों में वेतन निर्धारण तथा संशोधित दरों पर देय महंगाई भत्ता के आदेश अलग से प्रसारित किए जायेंगे।

7- न्यायिक सेवाओं के अधिकारियों के वेतनमानों का पुनरीक्षण प्रथम राष्ट्रीय न्यायिक वेतन आयोग के विचाराधीन के विचारधीन है। अतः उपर्युक्त पुनरीक्षित वेतनमान उत्तर प्रदेश न्यायिक सेवा/उच्चतर न्यायिक सेवा के अधिकारियों पर लागू नहीं होंगे।

8- राजकीय प्राइमरी/जूनियर हाईस्कूल तथा हाईस्कूल/इण्टरमीडिएट कालेजों सहित समस्त शिक्षण संस्थाओं के शिक्षकों एवं शिक्षणेत्तर कर्मचारियों, स्नातक/स्नातकोत्तर महाविद्यालयों/विश्वविद्यालयों, विभिन्न इंजीनियरिंग कालेजों तथा कृषि विश्वविद्यालयों के शिक्षणेत्तर कर्मचारियों, कार्य-प्राभारित कर्मचारियों, स्वशासी संस्थाओं के कर्मचारियों/अधिकारियों, प्राविधिक शिक्षण संस्थाओं के शिक्षक एवं शिक्षणेत्तर कर्मचारियों के सम्बन्ध में तथा कुछ विभाग ऐसे हैं, जहां पर उन्होंने अपने विद्यालय खोल रखे हैं और उनमें शिक्षक नियुक्त हैं, ऐसे विद्यालयों में भी शिक्षक एवं शिक्षणेत्तर कर्मचारियों पर उक्त सामान्य पुनरीक्षित वेतनमान लागू नहीं होंगे।

9- उपर्युक्त पुनरीक्षित वेतनमानों के लागू होने के फलस्वरूप निर्धारित वेतन तथा संशोधित दरों पर महंगाई भत्ता के अतिरिक्त अन्य लाभ यथा विशेष वेतन/वैयक्तिक वेतन, अन्य भत्ते आदि की धनराशि में (दिनांक 1.1.1996 से 30.9.1997 तक की अवधि में) कोई परिवर्तन नहीं होगा। दिनांक 1.10.1997 से आगे की अवधि में इनकी धनराशि दिनांक 1.10.1997 को देय धनराशि ही रहेगी। परन्तु यदि किसी मामले में स्थिति दिनांक 1.10.1997 से 1.12.1997 तक परिवर्तित होती है तो ऐसे मामले में दिनांक 1.12.1997 की स्थिति के अनुसार अनुमन्य धनराशि देय होगी।

10- इस शासनादेश द्वारा केवल राजकीय कर्मचारियों/अधिकारियों के वेतनमान उपरोक्त प्रस्तरों के अधीन संलग्न तालिका के अनुसार पुनरीक्षित माने जायेंगे और इनके लिए शासन के विभिन्न विभागों द्वारा अलग से आदेश निर्गत करने की आवश्यकता नहीं होगी।

शासनादेश संख्या-प.मा.नि.-356/दस-22 (एम)/97, दिनांक 23 दिसम्बर 1997 का संलग्नक।

क्रम - संख्या	वर्तमान वेतनमान (दिनांक 1.1.1996 से पूर्व)	पुनरीक्षित वेतनमान (दिनांक 1.1.1996 से प्रभावी)
1	2	3
1-	750-12-870-₹0 ₹0-14-940	2550-55-2660-60-3200
2-	775-12-871-₹0 ₹0-14-1025	2610-60-3150-65-3540
3-	800-15-1010-₹0 ₹0-20-1150	2650-65-3300-70-4000
4-	825-15-900-₹0 ₹0-20-1200	2750-70-3800-75-4400
5-	950-20-1150-₹0 ₹0-25-1400	3050-75-3950-80-4590
6-	950-20-1150-₹0 ₹0-25-1500	
7-	925-25-1150-₹0 ₹0-30-1540	3200-85-4900
8-	925-25-1150-₹0 ₹0-30-1660	
9-	1200-30-1440-₹0 ₹0-30-1800	
10-	1200-30-1560-₹0 ₹0-40-2040	4000-100-6000
11-	1320-30-1560-₹0 ₹0-40-2040	
12-	1350-30-1440-40-1800-₹0 ₹0-50-2200	4500-125-7000
13-	1400-40-1800-₹0 ₹0-50-2300	
14-	1400-40-1800-₹0 ₹0-50-2400	4500-125-7250
15-	1400-40-1600-50-2300-₹0 ₹0-60-2600	
16-	1600-50-2300-₹0 ₹0-60-2600	5000-150-8000
17-	1600-50-2300-₹0 ₹0-60-2600	
18-	1640-60-2600-₹0 ₹0-75-2900	5500-175-9000

क्रम - संख्या	वर्तमान वेतनमान (दिनांक 1.1.1996 से पूर्व)	पुनरीक्षित वेतनमान (दिनांक 1.1.1996 से प्रभावी)
1	2	3
19-	2000-60-2300-₹0 ₹0-75-3200	6500-200-10500
20-	2000-60-2300-₹0 ₹0-75-3200-100-3500	
21-	2375-75-3200-₹0 ₹0-100-3500	7450-225-11500
22-	2200-75-2800-₹0 ₹0-100-4000	
23-	2350-75-2800-₹0 ₹0-100-4000	8000-275-13500
24-	2275-75-2800-₹0 ₹0-100-4100	
25-	2350-75-2800-₹0 ₹0-100-4300	8550-275-14600
26-	2350-75-2800-₹0 ₹0-100-4400	
27-	3000-100-3500-125-4500	
28-	3000-100-3500-125-4750	10000-325-15200
29-	3000-100-3500-125-5000	
30-	3200-100-3500-125-4875	10650-325-15850
31-	3700-125-4700-150-5000	12000-375-16500
32-	4100-125-4850-150-5300	14300-400-18300
33-	4500-150-5700	
34-	5100-150-5700	
35-	5100-150-6150	16400-450-20000
36-	5100-150-5700-200-6300	
37-	5900-200-6700	18400-500-22400
38-	7300-100-7600	22400-525-24500
39-	₹0 8000 नियम वेतन	₹0 26000 नियम वेतन

संख्या-प.मा.नि.-357/दस-21 (एम)/97 31 दिसम्बर, 1997

वित्त (पद मापदण्ड निर्धारण) अनुभाग लखनऊ : दिनांक 31 दिसम्बर, 1997

विषय : पुनरीक्षित वेतनमानों में वेतन निर्धारण।

महोदय,

मुझे वेतन समिति, उत्तर प्रदेश (1997) के प्रथम प्रतिवेदन पर निर्गत संकल्प संख्या प.मा. नि.-352/दस-20(एम)/97, दिनांक 22 दिसम्बर, 1997 तथा शसनादेश संख्या-प.मा. नि.-356/दस-22(एम)/97, दिनांक 23 दिसम्बर, 1997 के द्वारा दिनांक 1 जनवरी, 1996 से लागू पुनरीक्षित वेतनमानों में वेतन निर्धारण से सम्बन्धित विस्तृत आदेश निम्नवत् जारी करने का निदेश हुआ है।

(1) प्रत्येक कर्मचारी, जो दिनांक 1 जनवरी, 1996 को राज्य सरकार की पूर्णकालिक सेवा में था, का वेतन निर्धारण इन आदेशों के अनुसार निर्धारित किया जायगा,

परन्तु कोई सरकारी कर्मचारी वर्तमान वेतनमान में उसकी अगली या किसी अनुवर्ती वेतन वृद्धि की तिथि तक, अथवा वह पद रिक्त करने या उस वेतनमान में वेतन आहरण करना छोड़ने तक वर्तमान वेतनमान में वेतन प्राप्त करने का विकल्प चुन सकता है।

स्पष्टीकरण-(1) वर्तमान वेतनमान चुनने के विकल्प की अनुमति केवल एक वर्तमान वेतनमान के मामले में होगी।

स्पष्टीकरण-(2) ऐसे संवर्ग/पदों के धारकों को जिनके वेतनमान का उच्चीकरण/संशोधन दिनांक 1.1.1996 के बाद हुआ है, यह विकल्प होगा कि वे या तो दिनांक 1.1.1996 को विद्यमान वेतनमान का सामान्य पुनरीक्षित वेतनमान अथवा उच्चीकरण/संशोधन के दिनांक से उच्चीकृत संशोधित वेतनमान का सामान्य पुनरीक्षित वेतनमान को चुन लें।

स्पष्टीकरण-(3) उपरोक्त विकल्प 1 जनवरी, 1996 को या उसके बाद नियुक्त किसी कर्मचारी के लिए लागू नहीं होगा, चाहे वह सरकारी सेवा में नया ही क्यों न आया हो अथवा प्रथम स्थानान्तरण या पदोन्नति पर क्यों न हो उसे केवल पुनरीक्षित वेतनमान में ही वेतन प्राप्त करने की अनुमति होगी।

स्पष्टीकरण-(4) जहां कोई सरकारी कर्मचारी अपने नियमित रूप से नियुक्त स्थानापन्न पद पर कार्यरत रहते हुए मूल नियम 23 अथवा किसी अन्य नियम के तहत अपने वर्तमान वेतनमान में ही बने रहने का विकल्प चुनता है तो उसका मूल वेतन वही माना जायगा जो वह स्थायी नियुक्ति के तौर पर रहते हुए प्राप्त करता अथवा स्थानापन्न पद पर रहते हुए अगर उसका वेतन स्थायी नियुक्ति के वेतन से अधिक हो जाय तो इन दोनों में से उच्चतर वेतन ही उसका मूल वेतन माना जायगा।

विकल्प का चयन (2) उपयुक्त प्रस्तर-1 (1) के अन्तर्गत सम्बन्धित कर्मचारियों को विकल्प का चयन लिखित रूप से संलग्नक “ख” पर उपलब्ध “विकल्प पत्र का प्रारूप” में देना होगा और यह विकल्प सम्बन्धित कर्मचारी के कार्यालयाध्यक्ष/विभागध्यक्ष/नियुक्ति प्राधिकारी/वेतन पर्ची जारी करने वाले अधिकारी, जो भी सम्बन्धित कर्मचारियों की सेवा पुस्तिका रखता हो, को इस शासनादेश के जारी होने की तिथि के 90 दिन के अन्दर पहुंच जाना चाहिए।

(5) वैयक्तिक वेतन, जो वर्तमान व्यवस्था के अनुसार भविष्य की वेतन वृद्धियों में संविलीन नहीं किया जा सकता हो, अर्थात् जिन मामलों में वर्तमान आदेश के अनुसार उसे कम न किया जा सकता हो।

(6) अन्य कोई वैयक्तिक वेतन अथवा भत्ता।

(7) शासनदेश सं.-वे.आ.-1.744/दस-39 (एम)/93टी.सी., दिनांक 27 सितम्बर, 1996 द्वारा स्वीकृत तीसरी अंतरिम सहायता की धनराशि।

पुनरीक्षित वेतनमान में प्रारम्भिक वेतन का निर्धारण	4- किसी कर्मचारी का प्रारम्भिक वेतन उसके द्वारा दिये गये विकल्प अथवा उपर्युक्त प्रस्तर-1(4) के अन्तर्गत माने गये विकल्प के अनुसार दिनांक 1.1.1996 को उसके मूल/मौलिक पद (जिस पर उसका धारणाधिकार है) और स्थापनापन्न पद पर अलग-अलग निम्न प्रकार किया जायगा-
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(1) कर्मचारी के वर्तमान वेतनमान में प्राप्त मूल वेतन की 40 प्रतिशत धनराशि “वर्तमान परिलब्धियों” में जोड़कर-जो धनराशि आये, पुनरीक्षित वेतनमान में उसके अगले स्तर पर,

किन्तु यदि पुनरीक्षित वेतनमान का न्यूनतम उपरोक्त प्रकार से आगणित धनराशि से अधिक हो तो वेतन का निर्धारण पुनरीक्षित वेतनमान के न्यूनतम पर होगा, और यदि उपरोक्त प्रकार से आगणित धनराशि पुनरीक्षित वेतनमान के अधिकतम से अधिक हो तो पुनरीक्षित वेतनमान में वेतन का निर्धारण उक्त वेतनमान के अधिकतम पर होगा।

(2) उपर्युक्तानुसार वेतन निर्धारण में यह सुनिश्चित किया जायगा कि प्रत्येक कर्मचारी को वर्तमान वेतनमान की प्रत्येक तीन वेतन वृद्धि (वृद्धिरोध वेतन वृद्धि/वृद्धियों सहित, यदि कोई हो) पर पुनरीक्षित वेतनमान के न्यूनतम से कम से कम एक वेतन वृद्धि प्राप्त हो।

(3) समूहबद्ध (बॉन्डिंग) के फलस्वरूप यदि किसी वेतनमान में किसी स्तर पर कोई लाभ देय हो सकता है तो इस बारे में वित्त विभाग द्वारा बाद में अलग से आदेश जारी किए जायेंगे।

5-(1) उस स्थिति में जबकि किसी कर्मचारी की वेतनवृद्धि की तिथि जनवरी, 1996 की पहली तारीख हो तो उसे वेतनवृद्धि को, वर्तमान वेतनमान या पुनरीक्षित वेतनमान में प्राप्त करने का विकल्प रहेगा।

(2) यदि कोई कर्मचारी जनवरी, 1996 की पहली तारीख को आवकाश पर हो तो उसे पुनरीक्षित वेतनमान में वेतन उस दिन से मिलेगा जिस तिथि से वह अवकाश के पश्चात् कार्य-भार ग्रहण करेगा।

(3) निलम्बन की दशा में सम्बन्धित कर्मचारी अपने वर्तमान वेतनमान पर निर्वाह भत्ता प्राप्त करता रहेगा तथा पुनरीक्षित वेतनमान में उसका वेतन लम्बित अनुशासनात्मक कार्यवाहियों पर अंतिम निर्णय लिये जाने के अधीन होगा।

(4) जब कोई सरकारी कर्मचारी किसी पद पर स्थायी हो तथा नियमित आधार पर किसी उच्च पद पर स्थानापन्न रूप से कार्यरत हो तथा दोनों पदों पर लागू वर्तमान वेतनमानों का विलय एक पुनरीक्षित वेतनमान में कर दिया गया हो, ऐसे में वेतन का निर्धारण केवल स्थानापन्न पद के संदर्भ में ही किया जायगा। इस प्रकार निर्धारित वेतन ही मौलिक वेतन माना जायगा।

(5) यदि सम्बन्धित कर्मचारी की “वर्तमान परिलब्धियां” “पुनरीक्षित परिलब्धियां” से अधिक हो जाती हैं तो उस अन्तर को वैयक्तिक वेतन के रूप से दिया जायगा जिसे भविष्य में वेतन वृद्धि में समायोजित कर लिया जायगा।

(6) यदि कोई कर्मचारी वर्तमान वेतनमान में दिनांक 1.1.1996 के तुरन्त पहले सर्वग में उसके कनिष्ठ कर्मचारी की तुलना में अधिक वेतन प्राप्त कर रहा था तथा पुनरीक्षित वेतनमान में उसका वेतन यदि कनिष्ठ कर्मचारी के वेतन से कम निर्धारित होता है तो कनिष्ठ कर्मचारी का पुनरीक्षित वेतनमान में वेतन उस कनिष्ठ कर्मचारी के बराबर दिया जायगा।

(7) ऐसे मामलों में जहाँ किसी वरिष्ठ कर्मचारी, जो 1.1.1996 से पहले किसी उच्चतर पद पर पदोन्नति हुआ हो, को पुनरीक्षित वेतनमान में उस कनिष्ठ कर्मचारी से जो कि दिनांक 1.1.1996 के बाद उच्च पद पर पदोन्नति किया गया है, कम वेतन प्राप्त हो तो उस स्थिति में वरिष्ठ कर्मचारी का वेतन उस स्तर तक बढ़ा दिया जाय जो कि उसके कनिष्ठ कर्मचारी को उच्च पद पर दिया जा रहा है। यह वृद्धि कनिष्ठ कर्मचारी की पदोन्नति की तिथि से की जायगी तथा यह निम्नलिखित शर्तों के अधीन होगी:-

- (क) कनिष्ठ तथा वरिष्ठ कर्मचारियों को एक ही संवर्ग का होना चाहिए तथा दोनों पद जिन पर वे पदोन्नत हुए हैं वह संवर्ग में समान (आइडेन्टिकल) पद होने चाहिए।
- (ख) निम्नतर तथा उच्चतर पदों के वर्तमान तथा पुनरीक्षित वेतनमान, जिनमें कि वे वेतन पाने के अधिकृत हैं, समान (आइडेन्टिकल) होना चाहिए।
- (ग) वरिष्ठ कर्मचारी पदोन्नति के समय कनिष्ठ कर्मचारी के बराबर या उससे अधिक वेतन प्राप्त कर रहे हों।
- (घ) उपर्युक्त विसंगति सीधी तौर पर मूल नियम-22 बी के प्राविधानों के उपयोग के कारण अथवा पुनरीक्षित वेतनमान में, इस प्रकार की पदोन्नति में वेतन निर्धारण को नियंत्रित करने वाले अन्य किसी नियम या आदेशों के कारण होनी चाहिए। यदि निम्नतर पद पर कोई कनिष्ठ कर्मचारी वर्तमान वेतनमान के अनुसार वरिष्ठ कर्मचारी की तुलना में अग्रिम वेतन वृद्धि दिये जाने के कारण अधिक वेतन प्राप्त करता रहा है तो उस पर उपर्युक्त प्राविधान लागू नहीं होगा।

उपर्युक्त प्राविधानों के अनुरूप वरिष्ठ कर्मचारी के वेतन का पुनर्निर्धारण मूल नियम-27 के अन्तर्गत सम्बन्धित विभागाध्यक्ष द्वारा किया जायगा तथा सम्बन्धित कर्मचारी को अगली वेतन वृद्धि उपर्युक्तानुसार वेतन पुनर्निर्धारण के एक वर्ष बाद देय होगी।

(8) किसी कर्मचारी का यदि पुनरीक्षित वेतनमान में उपर्युक्त प्रस्तर-4 में उल्लिखित प्रक्रिया के अनुसार प्रारम्भिक स्थानापन्न वेतन उसके मूल/मौलिक वेतन से कम हो तो पुनरीक्षित वेतनमान में उसका प्रारम्भिक स्थानापन्न वेतन, पुनरीक्षित वेतनमान में निर्धारित उसके प्रारम्भिक मौलिक वेतन के अगले प्राक्रम पर पुनर्निर्धारित किया जायगा।

पुनरीक्षित वेतनमान में अगली वेतन वृद्धि की तिथि	6-(1) कोई कर्मचारी जिसका वेतन उपर्युक्त प्रस्तर-4 के अन्तर्गत पुनरीक्षित वेतनमान में निर्धारित किया गया है तो उसकी अगली वेतन वृद्धि उसी दिनांक को दी जायगी जिस दिनांक को वह वर्तमान वेतनमान लागू रहने की अवस्था में वेतन वृद्धि
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	प्राप्त करता, किन्तु ऐसे मामलों में जहां किसी कर्मचारी का
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वेतन उपर्युक्त प्रस्तर-4 के उप-प्रस्तर (2) तथा प्रस्तर-5 के उप-प्रस्तर (6) या (7) की शर्तों के अधीन बढ़ाया गया है, तो ऐसे मामले में अगली वेतन वृद्धि तदनुसार वेतन बढ़ाये जाने के दिनांक से 12 माह की अर्हकारी सेवा पूरी करने के पश्चात् दी जायगी।

(2) इसके अतिरिक्त यह भी कि, ऐसे मामले जो पूर्व प्रस्तर से आच्छादित नहीं है, जिनमें किसी सरकारी कर्मचारी का पुनरीक्षित वेतनमान में दिनांक 1.1.1996 को वेतन उसी संवर्ग में उससे कनिष्ठ एक अन्य कर्मचारी जो वर्तमान वेतनमान में उससे निम्न स्तर का वेतन पा रहा हो, के वेतन के समान निर्धारित होता है, को अगली वेतन वृद्धि उसी तिथि को प्रदान की जायगी यदि उससे कनिष्ठ कर्मचारी की वेतन वृद्धि की तिथि उससे पहले पड़ती हो।

(3) ऐसे मामलों में जहां दो वर्तमान वेतनमानों, जिनमें एक वेतनमान दूसरे के लिए पदोन्नत वेतनमान हो, को मिला दिया गया हो और कनिष्ठ सरकारी कर्मचारी अपना वेतन, वर्तमान निचले वेतनमान में समान/नीचे के स्तर पर पा रहा हो तथा पुनरीक्षित वेतनमान में वह वर्तमान उच्च वेतनमान में कार्यरत वरिष्ठ सरकारी कर्मचारी के वेतन से अधिक वेतन पाये तो ऐसी स्थिति में पुनरीक्षित वेतनमान में वरिष्ठ कर्मचारी का वेतन बढ़ाकर उसी तिथि से उक्त कनिष्ठ कर्मचारी के वेतन के बराबर कर दिया जायगा और इस प्रकार बढ़ाये गये वेतन की तिथि से 12 माह की अर्हकारी अवधि पूरी करने पर ही वह अपनी अगली वेतन वृद्धि प्राप्त करेगा।

1 जनवरी 1996 के बाद की तिथि से पुनरीक्षित वेतनमान में वेतन का निर्धारण	7- ऐसा कर्मचारी जो वर्तमान वेतनमान में अपना वेतन लेना जारी रखता है और दिनांक 1.1.1996 के बाद की तिथि से पुनरीक्षित वेतनमान में लाया जाता है तो बाद की तिथि से पुनरीक्षित वेतनमान में उसके वेतन का निर्धारण मूल नियम के अन्तर्गत किया जायगा और इस प्रयोजनार्थ वर्तमान वेतनमान में उसके वेतन का अर्थ प्रस्तर-2 से 4 के अनुसार आगणित वर्तमान परिलब्धियों के
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समान ही होगा, सिवाय इसके कि उन परिलब्धियों के आगणन हेतु लिया गया वेतन उपर्युक्त बाद की तिथि में उसका साधारण वेतनमान में मूल वेतन होगा। दिनांक 1.1.1996 के बाद की तिथि से किसी पद पर वर्तमान व्यवस्था के अनुसार समयमान वेतनमान के अन्तर्गत अनुमन्य सेलेक्शन ग्रेड के लाभ के रूप में एक वेतन वृद्धि अथवा वैयक्तिक रूप से प्राप्त प्रोन्नति/उच्च वेतनमान/सेलेक्शन ग्रेड में प्राप्त वेतन के आधार पर देय वेतन की गणना में नहीं लिया जायगा।

8-(1) किसी कर्मचारी/अधिकारी जिसे वर्तमान व्यवस्था के अनुसार समयमान वेतनमान के अन्तर्गत वैयक्तिक प्रोन्नति वेतनमान/उच्च वेतनमान/सेलेक्शन ग्रेड दिनांक 1.1.1996 के पूर्व मिल चुका था और उसकी प्रोन्नति उपर्युक्त वर्तमान वैयक्तिक वेतनमान/उच्च वेतनमान/सेलेक्शन ग्रेड के समान वेतनमान के पद पर दिनांक 1.1.1996 के बाद हुई हो, तो प्रोन्नति के पद पर पुनरीक्षित वेतनमान में उसका वेतन, निम्न पद के पुनरीक्षित वेतनमान में प्राप्त वेतन के समान स्तर पर ही निर्धारित किया जायेगा।

(2) किसी कर्मचारी/अधिकारी जिसे समयमान वेतनमान की वर्तमान व्यवस्था के अन्तर्गत दिनांक 1-1-1996 के बाद प्रोन्नत वेतनमान/उच्च वेतनमान/सेलेक्शन ग्रेड वैयक्तिक रूप से मिला है और पुनः उसी वेतनमान के पद पर वास्तविक रूप से उसकी प्रोन्नति हुई हो तो वास्तविक प्रोन्नति के पद पर पुनरीक्षित वेतनमान में उसका वेतन निर्धारण निम्न पद के साधारण वेतनमान में निर्धारित वेतन के आधार पर सामान्य नियमों के अन्तर्गत किया जायगा।

9- ऐसे कर्मचारी जिन्हें वर्तमान वेतनमान में दक्षता रोक प्रक्रम पर रोक लिया गया हो उनके मामले में सक्षम प्राधिकारी द्वारा मूल स्थिति को प्रत्यावर्तित करने के आदेश दिए जाने पर कोई रोक नहीं है और जब ऐसा किया जायगा तो पुनरीक्षित वेतनमान में उनका वेतन उस आदेश के प्रभावी होने के दिनांक से पुनः निर्धारित कर दिया जायगा।

अवशेष को भुगतान की प्रक्रिया	10- दिनांक 1.1.1996 या 1.1.1996 के बाद की तिथि, जैसी भी स्थिति हो, को पुनरीक्षित वेतनमान में दी जाने वाली धनराशि में से उस धनराशि को घटाते हुए अवशेष निकाला जायगा जो सम्बन्धित कर्मचारी ने उस दिनांक को पुराने वेतनमान
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में वेतन, महंगाई भत्ता और अंतरिम सहायता की प्रथम, द्वितीय तथा तृतीय किस्त के रूप में समय-समय पर आहरित किया हो। वेतन निर्धारण के फलस्वरूप अवशेष का भुगतान निम्न प्रकार किया जायगा :-

(क) 1.1.1996 से 30.9.1997 तक के पुनरीक्षित वेतनमान में देय अवशेष तथा दिनांक 1.7.1996, 1.1.1997 तथा 1.7.1997 से महंगाई भत्ता के रूप में दिनांक 30.9.1997 तक के अवशेष को कर्मचारियों के भविष्य निधि खाते में निम्न के अधीन जमा किया जाय:-

आयकर की परिधि में न आने वाले कर्मचारियों को उक्त अवशेष के 20 प्रतिशत भाग का भुगतान नकद किया जायगा।

आयकर की परिधि में आने वाले अधिकारियों/कर्मचारियों के सम्बन्ध में उपर्युक्त वर्णित अवशेष का आंकलन कर नियमानुसार अवशेष पर आयकर के स्रोत पर कटौती,

यदि (1) आयकर 20 प्रतिशत या उससे अधिक देय है तो समस्त आयकर की कटौती के उपरान्त अवशेष को अधिकारियों/कर्मचारियों के भविष्य निधि खाते में जमा किया जायगा, अन्यथा (2) अवशेष पर देय आयकर के 20 प्रतिशत से कम होने की दशा में वास्तविक आयकर की कटौती के उपरान्त 20 प्रतिशत की धनराशि की सीमा तक नकद भुगतान कर अवशेष कर्मचारी के भविष्य निधि खाते में जमा किया जाय।

उदाहरणार्थ-यदि किसी कर्मचारी को रु. 10,000/- दिनांक 1.1.1996 से 30.9.1997 तक देय अवशेष होता है, तो 20 प्रतिशत की धनराशि रु. 2,000/- होगी और इसमें यदि उसका देय आयकर रु. 1,500/- की कटौती कर रु. 500/- कर्मचारी को नकद भुगतान कर दिया जायगा और अवशेष रु. 8,000/- कर्मचारी के भविष्य निधि खाते में जमा किया जाय।

संलग्नक “क”

उदाहरण-1

(रु.)

1- वर्तमान वेतनमान	750-12-870-द.रो.-14-940
2- पुनरीक्षित वेतनमान	2550-55-2660-60-3200
3- वर्तमान वेतनमान में मूल वेतन	786.00
4- 1.1.1996 को महंगाई भत्ता	1163.00
5- अंतरिम सहायता की पहली किस्त	100.00
6- अंतरिम सहायता की दूसरी किस्त	
(मूल वेतन का 10 प्रतिशत	
7- परन्तु न्यूनतम रु. 100/-)	100.00
8- वर्तमान परिलब्धियां	2149.00
9- मूल वेतन का 40 प्रतिशत	314.00
योग,	2463.00
10- पुनरीक्षित वेतनमान में अगला स्तर	2550.00 (न्यूनतम)
11- वर्तमान वेतनमान की प्रत्येक 3 वेतन वृद्धि के लिए पुनरीक्षित वेतनमान में एक वेतन वृद्धि सुनिश्चित करने पर पुनरीक्षित वेतनमान में वेतन की स्थिति	2605.00
12 पुनरीक्षित वेतनमान में निर्धारित किया जाने वाला वेतन (क्रम-सं. 9 या 10 की स्थिति, इनमें जो भी अधिक हो)	2605.00

उदाहरण-2

	(रु.)	
1- वर्तमान वेतनमान	1640-60-2600-70-75-2900	
2- पुनरीक्षित वेतनमान	5500-175-9000	
3- वर्तमान वेतनमान में मूल वेतन	2360.00	
4- 1.1.1996 को महंगाई भत्ता	3493.00	
5- अंतरिम सहायता की पहली किस्त	100.00	
6- अंतरिम सहायता की दूसरी किस्त (मूल वेतन का 10 प्रतिशत परन्तु न्यूनतम रु 100/-)	236.00	
7- वर्तमान परिलब्धियां	6189.00	
8- मूल वेतन का 40 प्रतिशत	944.00	
	योग,	7133.00
9- पुनरीक्षित वेतनमान में अगला स्तर	7250.00	
10- वर्तमान वेतनमान की प्रत्येक 3 वेतन वृद्धि के लिए पुनरीक्षित वेतनमान में एक वेतन वृद्धि सुनिश्चित करने पर पुनरीक्षित वेतनमान में वेतन की स्थिति	6200.00	
11- पुनरीक्षित वेतनमान में निर्धारित किया जाने वाला वेतन (क्रम-सं 9 या 10 की स्थिति, इनमें जो भी अधिक हो)	7250.00	

उदाहरण-3

	(रु.)	
1- वर्तमान वेतनमान	4500-150-5700	
2- पुनरीक्षित वेतनमान	14300-400-18300	
3- वर्तमान वेतनमान में मूल वेतन	5400.00	
4- 1.1.1996 को महंगाई भत्ता	5994.00	
5- अंतरिम सहायता की पहली किस्त	100.00	
6- अंतरिम सहायता की दूसरी किस्त (मूल वेतन का 10 प्रतिशत परन्तु न्यूनतम रु. 100/-)	540.00	
7- वर्तमान परिलब्धियां	12034.00	
8- मूल वेतन का 40 प्रतिशत	2160.00	
	योग,	14194.00
9- पुनरीक्षित वेतनमान में अगला स्तर	14300.00	
10- वर्तमान वेतनमान की प्रत्येक 3 वेतन वृद्धि के लिए पुनरीक्षित वेतनमान में एक वेतन वृद्धि सुनिश्चित करने पर पुनरीक्षित वेतनमान में वेतन की स्थिति	15100.00	
11- पुनरीक्षित वेतनमान में निर्धारित किया जाने वाला वेतन (क्रम-सं. 9 या 10 की स्थिति, इनमें जो भी अधिक हो)	15100.00	

संख्या-वे.आ.-1-751/दस-42 (एम)/97 23 दिसम्बर, 1997

भत्ते - महंगाई भत्ता :- राज्य कर्मचारियों और सहायता प्राप्त शिक्षण एवं प्राविधिक शिक्षण संस्थाओं तथा शहरी स्थानीय निकायों के कर्मचारियों को महंगाई भत्ते का भुगतान दिनांक 1.7.1996, 1.1.1997 एवं 1.7.1997 से लागू संशोधित करें।

वित्त(वेतन आयोग) अनुभाग-1	पठित-निम्नलिखित :- (1) शासनादेश संख्या वे.आ.-1-311/दस-48(एम)/88, दिनांक 4 जून, 1997। (2) भारत सरकार, वित्त मंत्रालय, व्यय विभाग, कार्यालय ज्ञापन सं.-1(13)/97-संस्था-1।(ख), दिनांक 3.10.1997 (3) शासकीय संकल्प संख्या-प.मा.नि.-352/दस-20(एम)/97, दिनांक 22 दिसम्बर, 1997
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उपर्युक्त विषय पर मुझे यह कहने का निदेश हुआ है कि पाँचवे केन्द्रीय वेतन आयोग की संस्तुतियों पर केन्द्र सरकार द्वारा लिये गये निर्णयानुसार केन्द्रीय सरकारी कर्मचारियों को उपर्युक्त क्रम-संख्या (2) पर उल्लिखित कार्यालय ज्ञापन द्वारा दिनांक 1.1.1996, दिनांक 1.7.1996, दिनांक 1.1.1997 एवं दिनांक 1.7.1997 से निम्नानुसार संशोधित दरों पर महंगाई भत्ते की स्वीकृति के आदेश जारी किये गये हैं :-

तिथि जिस दिन से देय है	प्रतिमाह महंगाई भत्ते की दर
1.1.1996	कोई महंगाई भत्ता नहीं।
1.7.1996	वेतन का 4 प्रतिशत।
1.1.1997	वेतन का 8 प्रतिशत।
1.7.1997	वेतन का 13 प्रतिशत।

2- उपर्युक्त क्रम-संख्या 3 पर उल्लिखित शासकीय संकल्प, दिनांक 22 दिसम्बर, 1997 के क्रम में राज्यपाल महोदय ने प्रदेश के समस्त पूर्णकालिक नियमित राज्य कर्मचारियों को दिनांक 1.1.1996, 1.1.1997, 1.1.1997 तथा 1.7.1997 से निम्नानुसार संशोधित दरों पर महंगाई भत्ते के भुगतान की स्वीकृति सहर्ष प्रदान कर दी है :-

तिथि जिस दिन से देय है	प्रतिमाह महंगाई भत्ते की दर
1.1.1996	कोई महंगाई भत्ता नहीं।
1.7.1996	वेतन का 4 प्रतिशत।
1.1.1997	वेतन का 8 प्रतिशत।
1.7.1997	वेतन का 13 प्रतिशत।

3- इस आदेश के अनुसार महंगाई भत्ते का उपरोक्त दरों पर भुगतान पूर्व में शासनादेश संख्या वे.आ.-1-297/दस-48(एम)/88, दिनांक 21.5.1996, शासनादेश संख्या वे.आ.-1-810/दस-48(एम)/88, दिनांक 6.12.1996, शासनादेश संख्या वे.आ.-1-311/दस-48(एम)/88, दिनांक 4.6.1997 द्वारा स्वीकृत एवं भुगतान की गयी महंगाई भत्ते की किश्तों को समायोजित करने के बाद किया जायेगा।

4- इस शासनादेश द्वारा स्वीकृत महंगाई भत्ते के आगणन हेतु “वेतन” का तात्पर्य दिनांक 1.1.1996 से लागू पुनरीक्षित वेतनमानों में कर्मचारियों को अनुमन्य मूल वेतन, जैसा कि मूल नियम 9 (21) (1) में परिभाषित है, से होगा, अर्थात् महंगाई भत्ते के आगणन हेतु विशेष वेतन, सीमान्त विशेष वेतन/भत्ता, वैयक्तिक वेतन, प्रतिनियुक्ति भत्ता/वेतन तथा अन्य भत्ते आदि भत्ते ही वे मूल नियमों के अन्तर्गत वेतन की परिभाषा में आते हों, को मूल वेतन के साथ सम्मिलित नहीं किया जायेगा। परन्तु प्रैक्टिस बन्दी भत्ता एवं वृद्धिरोध वेतनवृद्धि को शासनादेश संख्या जी-1159/दस-208/90, दिनांक फरवरी, 1990 तथा शासनादेश संख्या वे.आ.-1-2589/दस-90-48(एम)/88, दिनांक 11 फरवरी, 1991 के अनुसार “वेतन” का अंश माना जायेगा।

5- ऐसे राजकीय कर्मचारी जिन्होंने दिनांक 1.1.1996 से लागू पुनरीक्षित वेतनमानों के बजाय पूर्ववर्ती वेतनमान में ही बने रहने के लिए विकल्प दिया हो, के लिए “वेतन” का तात्पर्य मूल वेतन के अतिरिक्त दिनांक 1.1.1996 को शासनादेश संख्या-वे.आ.-1-297/दस-48(एम)/88, दिनांक 21.5.1996 के अनुसार देय महंगाई भत्ता और शासनादेश संख्या-वे.आ.

-1-2043/दस-93-39(एम)/93, दिनांक 14.10.1993 तथा शासनादेश संख्या वे.आ.-1-624/दस-39(एम)/93 टी.सी., दिनांक 16.8.1995 के अनुसार देय अन्तरिम सहायता क्रमशः 100 रु. प्रतिमाह की प्रथम किस्त तथा वेतन का 10 प्रतिशत परन्तु कम से कम 100 रु. प्रतिमाह की द्वितीय किस्त की राशि का योग होगा।

6- जिन राजकीय कर्मचारियों/अधिकारियों का 1.1.1996 से वेतन पुनरीक्षण नहीं हुआ है तथा राज्य निधि से सहायता प्राप्त शिक्षण एवं प्राविधिक शिक्षण संस्थाओं के कर्मचारियों तथा शहरी स्थानीय निकाय के अनुमोदित एवं पूर्णकालिक कर्मचारियों के मामले में अभी केवल 1.7.1997 से प्रभावी महंगाई भत्ता वेतन के 5 प्रतिशत के आधार पर, का ही भुगतान देय होगा और इस प्रयोजन के लिए “वेतन” का तात्पर्य उपरोक्त प्रस्तर 5 के अनुसार माना जायेगा। साथ ही प्रस्तर 4 में उल्लिखित शासनादेशों के अनुसार प्रैक्टिस बन्दी भत्ता एवं वृद्धिरोध वेतनवृद्धि को “वेतन” का अंश माना जायेगा। इसके साथ-साथ दिनांक 1.1.1997 से प्रभावी पूर्व स्वीकृत दरों पर महंगाई भत्ता का भुगतान उक्त शासनादेश दिनांक 4 जून, 1997 के अनुसार किया जाता रहेगा। दिनांक 1.7.1997 से पूर्व की अवधि के लिए संशोधित दरों पर महंगाई भत्ते के भुगतान के सम्बन्ध में बाद में निर्णय लिए जायेंगे। ऐसे मामलों में पूर्व दर पर महंगाई भत्ता की धनराशि तथा 1.7.1997 से प्रभावी 5 प्रतिशत की दर पर महंगाई भत्ते की धनराशि वेतन बिलों में अलग-अलग कालम में दर्शायी जायेगी।

7- मुझे यह भी कहने का निदेश हुआ है कि उपरोक्त प्रस्तर 6 से आच्छादित मामलों में 3500 रु. प्रतिमास से अधिक वेतन पाने वाले अधिकारियों/कर्मचारियों के सम्बन्ध में पहले दिनांक 1.7.1990, 1.1.1991, 1.7.1992 और 1.7.1992 से प्रभावी महंगाई भत्ते की 5 किस्तों की धनराशि जिसे सामान्य भविष्य निधि में जमा किया जाता रहा है, को तत्काल प्रभाव से जी.पी.एफ. में जमा न करते हुए नगद भुगतान किया जायेगा।

8- इन आदेशों द्वारा स्वीकृत महंगाई भत्ता उन कर्मचारियों को भी, जो प्रभावी तिथि को सेवारत थे किन्तु इस शासनादेश के जारी होने के पूर्व जिनकी सेवायें चाहे जिन कारणों से यथा अनुशासनिक कारणों से या त्याग-पत्र, सेवा-निवृत्ति, मृत्यु या सेवा-मुक्त करने या स्वीकृत पदों की समाप्ति के कारण समाप्त हो गयी हों, सेवा-समाप्ति, सेवा निवृत्ति आदि की तिथि तक अनुमन्य होगा।

9- इस शासनादेश के अनुसार स्वीकृत महंगाई भत्ता पर शासनादेश संख्या वे.आ.-1-3366/दस-36(एम)/86, दिनांक 9.3.1988 के प्रस्तर 5 व 6 में उल्लिखित शर्तें एवं प्रतिबन्ध यथावत लागू रहेंगे।

10- इन आदेशों द्वारा स्वीकृत संशोधित दरों पर महंगाई भत्ते की दिनांक 30 सितम्बर, 1997 तक की देय अवशेष धनराशि सम्बन्धित अधिकारी/कर्मचारी के भविष्य निधि खाते में जमा की जायेगी और इस प्रकार जमा धनराशि को भविष्य निधि खाते में दिनांक 1 अक्टूबर, 1997 से जमा माना जायेगा और इस तिथि से उपर्युक्त धनराशि पर ब्याज भविष्य निधि पर लागू दर से देय होगा। यदि कोई अधिकारी/कर्मचारी भविष्य निधि का सदस्य नहीं है तो उसे उपर्युक्त अवशेष धनराशि नेशनल सेविंग्स सर्टिफिकेट के रूप में दी जायेगी, परन्तु धनराशि के जिस अंश का सर्टिफिकेट उपलब्ध न हो वह उसे नकद दी जायेगी। इन आदेशों द्वारा स्वीकृत महंगाई भत्ते की बढ़ी हुई धनराशि का भुगतान दिनांक 1 अक्टूबर, 1997 से (जिसका भुगतान 1 नवम्बर, 1997 में देय है) कर्मचारियों को नकद किया जायेगा। जिन कर्मचारियों की सेवायें इन आदेशों के जारी होने की तिथि से पूर्व समाप्त हो गयी हों अथवा जो कर्मचारी अधिवर्षता की आयु पर दिनांक 30 जून, 1998 तक सेवा-निवृत्त होने वाले हों, उनको देय महंगाई भत्ते के बकाया की सम्पूर्ण धनराशि का भुगतान नकद किया जायेगा। महंगाई भत्ते की सामान्य भविष्य निधि लेखे में जमा की जाने वाली अवशेष धनराशि से सम्बन्धित बिल/शेड्यूल पर शासनादेश संख्या-सा-4-12/दस-97-500(1)/97, दिनांक 7.10.1997 में निहित आदेशानुसार निर्धारित मोहर लगायी जानी चाहिए।

11- इन आदेशों द्वारा स्वीकृत महंगाई भत्ते की देय धनराशि को निकटतम एक रुपये में पूर्णांकित किया जायेगा अर्थात् 50 पैसे और इससे अधिक को अगले उच्चतर रुपये पर पूर्णांकित किया जायेगा और 50 पैसे से कम की राशि को छोड़ दिया जायेगा।

उत्तर प्रदेश शासन
वित्त (पद मापदण्ड निर्धारण) अनुभाग
संख्या-प.मा.नि.-352/दस-20 (एम)/97
लखनऊ : दिनांक 22 दिसम्बर, 1997

संकल्प

पढ़ा गया : वेतन समिति, उत्तर प्रदेश (1997) का प्रथम प्रतिवेदन तथा उसकी संस्तुतियां।

पर्यालोचनायें- शासन द्वारा राजकीय कर्मचारियों तथा राजकीय पेंशनर्स के सम्बन्ध में की गयी संस्तुतियों पर विचार किया गया। शासन ने निम्नलिखित के अधीन रहते हुए वेतन समिति के प्रथम प्रतिवेदन में दी गई संस्तुतियों को स्वीकार कर लिया है:-

- (1) पुनरीक्षित वेतनमानों में वेतन निर्धारण वेतन समिति द्वारा की गयी संस्तुतियों के अनुसार किया जायगा।
- (2) राजकीय कर्मचारियों/अधिकारियों को देय महंगाई भत्ते के सम्बन्ध में वेतन समिति द्वारा की गयी संस्तुति स्वीकार की गयी।
- (3) राजकीय पेंशनर्स को पेंशन, ग्रेच्युटी, पेंशन राशिकरण, पारिवारिक पेंशन तथा महंगाई राहत के सम्बन्ध में की गयी वेतन समिति की संस्तुतियां स्वीकार की गयी।
- (4) पेंशन भोगियों/पारिवारिक पेंशन भोगियों को दिनांक 30.9.1997 तक के देय अवशेष का नकद भुगतान दो बराबर किस्तों में करने, जिसमें पहली किस्त का भुगतान दिनांक 31.3.1998 से पूर्व व दूसरी किस्त का भुगतान वित्तीय वर्ष 1998-99 में दिनांक 31.7.1998 से पूर्व करने को वेतन समिति की संस्तुति स्वीकार की गयी।
- (5) राजकीय कर्मचारियों के पुनरीक्षित वेतनमान एवं महंगाई भत्ते का दिनांक 1.10.1997 से नकद भुगतान किए जाने का वेतन समिति की संस्तुति स्वीकार की गयी।
- (6) दिनांक 1.1.1996 से 30.9.1997 तक के पुनरीक्षित वेतनमान में देय वेतन का अवशेष तथा दिनांक 1.7.1996, 1.1.1997 तथा 1.7.1997 से महंगाई भत्ते के रूप में दिनांक 30.9.1997 तक के अवशेष को कर्मचारी के भविष्य निधि खाते में जमा किया जाय।

आयकर की परिधि में आने वाले अधिकारियों/कर्मचारियों के सम्बन्ध में उपर्युक्त वर्णित अवशेषों का आंकलन कर नियमानुसार आयकर के स्रोत पर कटौती करने के उपरान्त यदि, (1) आयकर 20 प्रतिशत या उससे अधिक देय है तो समस्त आयकर कटौती के उपरान्त अवशेषों को अधिकारियों/कर्मचारियों के भविष्य निधि खाते में जमा किया जाय, अन्यथा (2) अवशेष पर देय आयकर के 20 प्रतिशत से कम होने की दशा में वास्तविक आयकर की कटौती के उपरान्त 20 प्रतिशत की धनराशि की सीमा तक नकद भुगतान कर अवशेष धनराशि कर्मचारी के भविष्य निधि खाते में जमा की जाय।

उदाहरणार्थ :- यदि किसी कर्मचारी को रु. 10,000 दिनांक 1.1.1996 से 30.9.1997 तक देय अवशेष होता है, तो 20 प्रतिशत की धनराशि रु. 2,000 होगी और इसमें यदि उसका देय आयकर रु. 1,500 होता है, तो रु. 15,00 की कटौती कर रु. 500 कर्मचारी को नकद भुगतान कर दिया जायेगा और अवशेष रु. 8,000 कर्मचारी के भविष्य निधि खाते में जमा कर दिया जाय।

जिन कर्मचारियों के भविष्य निधि खाते नहीं खुले हैं, उनको देय अवशेष की धनराशि राष्ट्रीय बचत प्रमाण-पत्र के रूप में दी जायेगी।

(7) ऐसे संवर्ग/पदों के धारकों को जिनके वेतनमान का उच्चीकरण/संशोधन दिनांक 1.1.1996 के बाद हुआ है, यह विकल्प होगा कि वे या तो दिनांक 1.1.1996 को विद्यमान वेतनमान का सामान्य पुनरीक्षित वेतनमान अथवा उच्चीकरण/संशोधन के दिनांक के उच्चीकृत/संशोधित वेतनमान का सामान्य पुनरीक्षित वेतनमान को चुन लें।

(8) वेतन समिति के प्रतिवेदन के प्रस्तर-23 (11) में चयन की प्रक्रिया से सम्बन्धित संस्तुतियों को स्वीकार नहीं किया गया और इसके स्थान पर अभी हाल में शासन द्वारा जो निर्णय लिये गये हैं, उसके अनुरूप कार्यवाही की जाय। वेतन समिति की संस्तुतियां प्रस्तर-23(2) से 23 (5), 23 (7), 23 (9) तथा 23 (13) को दृष्टिगत रखते हुए वांछित कार्यवाही की जाय।

2- वेतन समिति द्वारा संस्तुत सामान्य पुनरीक्षित वेतनमान राजकीय कर्मचारियों/अधिकारियों को उनके द्वारा दिनांक 1.1.1996 को प्राप्त हो रहे वेतनमान के आधार पर दिया जाय, परन्तु :

(क) चूँकि न्यायिक सेवाओं के अधिकारियों के वेतनमानों का पुनरीक्षण भारत सरकार द्वारा गठित प्रथम राष्ट्रीय न्यायिक वेतन आयोग के विचाराधीन है, अतः उक्त सामान्य पुनरीक्षित वेतनमान उ.प्र. न्यायिक सेवा/उच्चतर न्यायिक सेवा के अधिकारियों पर लागू नहीं होंगे।

(ख) राजकीय प्राइमरी/जूनियर हाईस्कूल तथा हाईस्कूल/इण्टरमीडिएट कालेजों सहित समस्त शिक्षण संस्थाओं के शिक्षकों एवं शिक्षणेत्तर कर्मचारियों हेतु भी उक्त सामान्य पुनरीक्षित वेतनमान लागू नहीं होंगे। स्नातक/स्नातकोत्तर महाविद्यालय/विश्वविद्यालय, विभिन्न इंजीनियरिंग कालेजों तथा कृषि विश्वविद्यालय के शिक्षणेत्तर कर्मचारी के सम्बन्ध में भी उक्त सामान्य पुनरीक्षित वेतनमान लागू नहीं होंगे।

(ग) कार्य-प्रभारित कर्मचारियों पर भी उक्त सामान्य पुनरीक्षित वेतनमान लागू नहीं होंगे।

(घ) स्वशासी संस्थाओं के कर्मचारियों/अधिकारियों पर भी उक्त सामान्य पुनरीक्षित वेतनमानों के आदेश लागू नहीं होंगे।

(ङ.) उच्च शिक्षा/प्राविधिक शिक्षण संस्थाओं के शिक्षक एवं शिक्षणेत्तर कर्मचारियों के सम्बन्ध में तथा इसके अतिरिक्त कुछ विभाग ऐसे भी हैं, जहां पर उन्होंने अपने विद्यालय खोल रखे हैं और उनमें शिक्षक नियुक्त हैं। ऐसे विद्यालयों में भी शिक्षक एवं शिक्षणेत्तर कर्मचारियों पर उक्त सामान्य पुनरीक्षित वेतनमान लागू नहीं होंगे।

3- ऐसे संवर्ग/पद, जिनके लिए वेतन समिति द्वारा संस्तुत/शासन द्वारा स्वीकृत पुनरीक्षित वेतनमानों से भिन्न कोई वेतनमान का औचित्य पाते हुए वेतन समिति द्वारा बाद में संस्तुति दी जाती है, के बारे में यथासमय निर्णय लिया जायेगा।

4- वेतन समिति की संस्तुतियों पर लिये गये निर्णयों के अनुसार पुनरीक्षित वेतनमानों की स्वीकृति के सामान्य आदेश तथा वेतन निर्धारण के सम्बन्ध में विस्तृत आदेश वित्त विभाग द्वारा जारी किए जायेंगे। सचिवालय के सम्बन्धित प्रशासकीय विभागों द्वारा अलग से आदेश निर्गत करने की आवश्यकता नहीं है।

5- इस संकल्प के जारी होने के दिनांक से राजकीय सेवाओं में पदों पर भर्ती, पदों का सृजन तथा अस्थायी कर्मचारियों का स्थायीकरण पुनरीक्षित वेतनमानों में ही किया जायेगा।

6- उपर्युक्त निर्णयों को लागू करने के फलस्वरूप यदि कोई असंगति उत्पन्न होती है तो उसका निराकरण करने के लिए सामान्य विभागीय कार्यवाही का तरीका अपनाया जायेगा।

7- जहां कहीं किसी स्पष्टीकरण की आवश्यकता हो, तो परामर्श वित्त विभाग से प्राप्त किया जा सकता है।

8- शासन, वेतन समिति के अध्यक्ष व सदस्यों ने जिस परिश्रम, अध्वसाय व निष्ठा से अपना गुरुतर दायित्व निर्वहन करते हुए प्रथम प्रतिवेदन प्रस्तुत किया है, उसकी सराहना करता है।

आदेश

आदेश दिया जाता है कि यह संकल्प जन-साधारण की सूचना के लिए उत्तर प्रदेश गजट में प्रकाशित किया जाय को सम्बन्धित विभागों को भेजा जाय। यह भी आदेश दिया जाता है कि वेतन समिति के प्रथम प्रतिवेदन तथा संकल्प की प्रतियां, राजकीय सेवा संघों और अन्य के हाथ बिक्री के लिए भी उपलब्ध करा दिया जाये।

[17] PUNCTUALITY

G.L. No. 29/A-10 dated 3rd December, 1945

The register of attendance required to be maintained under rule 8, Chapter I, General Rules (Civil), 1957 should be kept in Provincial Form no. 161 which may be obtained from the Superintendent, Printing and Stationery, Uttar Pradesh, * Allahabad on indent.

C.L. No. 32/VIIIb-203 dated 12th May, 1955 and

C.L. No. 97/VIIIb-203 dated 2nd November, 1957

A separate attendance register shall be maintained by the Munsarim of each court in a Judgeship. The attendance shall be noted by each official himself and in no case by the Munsarim. The Munsarim should see that every official correctly notes the time of his arrival and departure in his own hand.

C.L. No. 135/VIIId-20 dated 21st October, 1975

District Judges should see that the officials working under them attend the office in time. If any official fails to attend the office at 10 a.m. the following punishment may be awarded.

- | | |
|--|------------------------------------|
| (1) For one day's late attendance | : Verbal Warning. |
| (2) For two days' late attendance. | : Written warning. |
| (3) For three days' late attendance. | : One day's C.L. may be deducted. |
| (4) For four days' or more late attendance | : Disciplinary action may be taken |

It should also be ensured that officials should not take more than half an hour as lunch interval.

The officials should abide by the time schedule prescribed for work.

C.L. No. 66/VIIId-20/Admn. (G) dated 14th November, 1991

NB: See under the Head Judicial Officers.

(18) LEAVE AND VACATION

(i) Extra casual leave

G.L. No. 33/23-127 dated 3rd May, 1937

Casual Leave may not ordinarily be granted for more than fourteen days in a year. But sanctioning authorities have the discretion to grant, in exceptional circumstances, a few days extra leave. In some departments the limit of fourteen days is relaxed in favour of government servants serving in the Hills or those serving in the plains and having their homes in the hills so as to admit of the grant to them of fourteen days' casual leave exclusive of the time required for journeys to and from their homes. A general rule extending this concession to all government servants of the above class is, however, not required. It is suggested as a rough guiding principle for sanctioning authorities that extra leave to cover the time occupied by journeys should be granted only in cases in which the journeys to a government servant's home whether in the plains or in the hills and back take more than four days.

C.L. No. 71/23-127 dated 30th July, 1980

The concession of four days' extra casual leave allowed as journey time to the Officers and staff belonging to the plains and posted in the Hill districts or belonging to the Hills and posted

* Now Director, Printing and Stationery, U.P.

in the plains, shall be confined to the districts of Pithoragarh, Chamoli and Uttar Kashi only. In case of other Hill districts the sanctioning authority may at its discretion grant extra casual leave as it considers fit.

(ii) Lieu leave

C.L. No. 80/Ve-70 dated 8th May, 1973

Officials called to attend office during the vacation or holidays are entitled to lieu leave according to the instructions contained in G.O. No. 3/2/1972-Niyukti (3), dated July 26, 1973.

C.L. No. 34/VI C-Admn. (D) dated 22nd February, 1977

It has been brought to the notice of the court that Malis and Chowkidars are not allowed to avail of gazetted holidays and for their absence during holidays they are treated to be on casual leave. The Court has, after careful consideration come to the conclusion that the present practice may continue but it should be kept in view that during Hindu festivals, Muslim employees may, if possible, be required to be on duty and vice versa and those who are so permitted to avail of the holidays should not be treated to be on casual leave.

Class IV employees detained on duty during holidays may be given compensatory leave as is admissible to other employees under standing Government orders.

C.L. No. 35/VIIb-108/LAAB/LA dated 21st June, 1989

In terms of G.O, No. 3/2/1972, Appointment (3) dated 26.7.1973, all government servants who have to work in connection with their duty on any holiday are entitled to compensatory leave in lieu thereof.

Henceforth, in case a civil court employee is detained for doing work in connection with Legal Aid Camps and Lok Adalats on Sunday or other non-working days, he shall be entitled to the travelling and daily allowance or compensatory leave in lieu thereof. It is also made clear that the expenses of travelling and daily allowance shall be borne out of the budget placed at the disposal of District Judge by the U.P. Legal Aid and Advice Board and not by the Court.

(iii) Vacation to staff

C.L. No. 60/W/Admn. (D) dated 8th June, 1978

In accordance with the provisions of Financial Hand Book, Vol. II, Parts II to IV, the District Judges may, at their own discretion, permit such staff as is attached to the Court of Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges, to avail of summer vacation by rotation up to a maximum period of 15 days.

G.L. No. 5/Ve-70-50 dated 22nd March, 1950

If work in the copying office is in arrears just before the vacation, a few copyists may be detained during the whole of the vacation so that the arrears may be cleared off before the, re-opening of the courts.

(19) COMPLIANCE OF GOVERNMENT ORDERS AND CIRCULAR LETTERS ISSUED FOR BENEFITS TO THE EMPLOYEES

C.L. No. 47/Ve-60/Adrmn.(D) dated 20th July, 1981

Compliance of Government Orders and Circular Letters issued for benefits to the employees.

I am directed to say that it has come to the notice of the Court that Government orders and circular letters issued by this Court which are beneficial to the employees are not being complied with.

I am, therefore, to request you kindly to see that such Government orders and Court's circular letters are complied with in future.

(20) CONDUCT OF SUBORDINATE COURT STAFF

C.L. No. C.V. 1492/1993 dated 12th August, 1993

No business avocation or profession by subordinate Court staff.

It has been brought to the notice of the Court that some members of the staff of the subordinate courts engage themselves, directly or indirectly in trade or business either individually or collectively or undertake another employment. This is specifically prohibited by Rule 15 of the U. P. Government Servant Conduct Rules, 1956.

I am, therefore, to say that attention of the staff be drawn to this Rule and any violation of this by any member of the staff be suitably dealt with.

C.L. No. 120/Admn. (D) dated 23rd November, 1994

Concerning possession of identity cards by the employees of Subordinate Courts as well as clerks of Advocates.

I am directed by the Court to say that all employees of District Courts should have identity cards with their photographs and that they be displayed on their coat or shirt as the case may be.

I am further directed to say that all clerks of Advocates should also display their identity cards with photographs attested by the Chief Judicial Magistrate or by any other Judicial Officer specifically nominated for this purpose by you.

C.L. No. 32 / 98 dated Allahabad 20th August, 1998

Issue of Identity Cards to Civil Courts' staff and to Advocates' Clerks

It has come to the notice of the Court that persons not on the roll of the subordinate courts are found handling the judicial records. Such situation can not be permitted to continue for long. The matter came for consideration in the Administrative Conference held recently. The Hon'ble Court has taken a decision for enforcing better behaviour from the civil courts staff all the employees of the subordinate courts should bear badges indicating their names. The Advocates' clerks must have an Identity Card with photograph duly stamped and signed by the District Judge or his nominee. The Advocates' clerks, not possessing the Identity Cards be not permitted to enter the offices of the subordinate courts.

I am, therefore, directed to communicate that the aforesaid directions of the Hon'ble Court may be brought to the notice of all concerned and be strictly complied with.

[21] GROUP INSURANCE

(i) Payment under the Group Insurance Scheme

C.L. No. 52/Admn. (D) dated 31st August, 1982

Vide statement I of Part IV of F.H.B. Vol. II Parts II to IV the District Judges have been declared as Heads of Department of their establishment for the purpose of payment of cheques relating to Group Insurance Scheme.

In view of this provision District judges are Required to open a current account in the State Bank of India in the name of the District Judge under the head Group Insurance Scheme with a sum of Rs. 100/- to be taken from the contingent grant at their disposal for the purpose and the cheques received from the Government will be got deposited in that account. After the cheque has been deposited in that account, the payment thereof shall be made to the rightful claimant by issuing an account payee cheque from the account aforesaid, in the name of the claimant.

परि० प० संख्या 43/X बी-97/प्रशा० वि० (घ), दिनांक 20 जुलाई 1993

विषय:- लापता सरकारी सेवकों के आश्रितों को सामूहिक बीमा की धनराशि का भुगतान।

महोदय,

उपर्युक्त विषयक वित्त (बीमा) अनुभाग के पत्र संख्या 1905/दस-91-46-87, दिनांक 21.7.1992 की प्रतिलिपि संलग्न करते हुए मुझे आपसे यह कहने का निर्देश हुआ है कि कृपया उक्त शासनादेश के निर्देशानुसार कार्यवाही करने का कष्ट करें।

पत्र संख्या बीमा 1905/दस-91-46-87, दिनांक 21 जुलाई 1992

लापता सरकारी सेवकों के आश्रितों को सामूहिक बीमा की धनराशि का भुगतान।

मुझे यह कहने का निदेश हुआ है कि उपर्युक्त विषयक शासनादेश संख्या बीमा-1321/दस-89-46-1987, दिनांक 15 सितम्बर, 1989 को एतद्वारा निरस्त करते हुए सरकारी सेवा काल में लापता हुए अधिकारियों/कर्मचारियों की सामूहिक बीमा योजना के अन्तर्गत देय धनराशि का उनके लाभार्थियों को भुगतान करने की प्रक्रिया को सुगम एवं उदार बनाने के साथ ही साथ योजना की कल्याणकारी छवि को और व्यापक बनाने के उद्देश्य से सम्यक विचारोपरान्त शासन ने अब यह निर्णय लिया है कि लापता सरकारी सेवकों के मामलों में मासिक अभिदान की कटौती उसके लापता होने के माह तक ही की जायेगी तथा तदनुसार ही उस माह में प्रभावी दरों पर योजनान्तर्गत देयों की गणना की जायेगी, देय धनराशि का भुगतान सम्बन्धित सरकारी सेवक के लापता होने के माह के पश्चात् सात वर्ष की अवधि पूर्ण होने पर सक्षम न्यायालय द्वारा घोषणात्मक डिक्री पारित करके उसे मृत घोषित किये जाने के उपरान्त ही किया जायेगा। भुगतान करने के पूर्व लाभार्थी से संलग्न प्रपत्र में एक क्षतिपूर्ति बन्ध-पत्र, दो प्रतियों में भरवाया जायेगा तथा उसकी एक प्रति दावे के साथ उत्तर प्रदेश राज्य कर्मचारी सामूहिक बीमा निदेशालय को प्रेषित की जायेगी।

2. इस सम्बन्ध में यह भी स्पष्ट किया जाता है कि इस योजना के अन्तर्गत बीमा आच्छादन की धनराशि का भुगतान उपरोक्त प्रक्रिया के अनुसार किया जायेगा, भले ही इस प्रकार मानी गई मृत्यु की तिथि सरकारी सेवक को अधिवर्षता प्राप्त करने की तिथि के बाद ही क्यों न पड़ती हो।

3. कृपया अपने अधीनस्थ समस्त अधिकारियों/कर्मचारियों को उपर्युक्त आदेशों से अवगत करा दें।

INDEMNITY BOND

(THIS DEED OF INDEMNITY is made on the.....day of..... 19.....corresponding to Saka Samwat the.....day of.....19..... BETWEEN

(1) widow/husband/son/daughter of Sri/Srimati residing at (hereinafter called "Bounden-I" which expression shall unless excluded by or repugnant to the context include his/her heirs, executed, administrators and Legal representatives) and (2) Son of

..... resident of (hereinafter called “Bounden II” which expression shall unless excluded by or repugnant to the context include his heirs, executors administrators, and legal representatives) on the one part AND the Governor of the State of Uttar Pradesh (hereinafter called “the Governor” which expression shall unless excluded by or repugnant to the context include his successors-in-office and assigns) of the other part.

WHEREAS Sri/Srimati/Kumari son of/wife of/widow of/daughter of Sriwas in the employment of the Government of Uttar Pradesh (hereinafter called “the Government”) as in Department and as such he/she was enrolled as a member of the (U.P. State Employees Group Insurance and Savings Scheme.

AND WHEREAS the aforesaid Sri/Srimati/Kumari has been missing since and nor had on issued a decree declaring Sri/Srimati/Kumari to be dead as has not been heard of for seven years (hereinafter called “the deceased”). A certified copy of which as produced by the Bounden/Boundens, is annexed hereto:

AND WHEREAS the sum of Rs.....(Rupeesonly) is due to the deceased on account of Group Insurance in respect of his/her said enrolment from the Government.

AND WHEREAS the Bounden I who is of the deceased and the Bounden II who is of the deceased (hereinafter jointly called “the Boundens”), claim to be entitled to the aforesaid sum;

AND WHEREAS on the request of the Boundens the Government is willing to pay the aforesaid sum to the Boundens on the condition that they should first execute a bond, being these presents, to indemnify and save the Government harmless against all claims to the amount so due to the deceased before the said sum could be paid to the Boundens.

NOW THIS DEED WITNESSES THAT:-

(1) In consideration of the Government agreeing to pay the Boundens the sum as aforesaid the Boundens hereby jointly and severally covenant with the Government that, if after payment has been made to the Boundens, they shall in the event of a claim being made by any other person or by the missing Government servant, in case the deceased Government servant appear before the Government and/or..... and makes any claim against the Government with respect to the aforesaid sum of Rs(Rupees..... only) refund to the Government the sum of Rs(Rupees only) and shall otherwise indemnify and save the Government harmless from all liability in respect of the aforesaid sum and all costs incurred in consequence of any claim thereto then this bond shall be void but otherwise the said bond shall remain in full force, effect and virtue.

(2) Without prejudice to any other legal remedy the Government may on a certificate of the Joint Director, U.P. State Employees Group Insurance Directorate, Lucknow which shall be final, conclusive and binding on the Bounden/Boundens recover all dues hereunder from him/her/them as arrears of land revenue.

(3) The stamp duty on this instrument will be borne by the Government, in witnesses where, of the parties hereto have hereunto set their respective hands on the day and the year first above written.

Signed by Signed by

For and on behalf of the Government Bounden-I
of the State of Uttar Pradesh

Signed by

Bounden-II

Witnesses:

1 1
(Name and address) (Name and address)

2 2
(Name and address) (Name and address)

(Name of the competent court to be given here)

C.L. No. 17479/-97/General/Admn. (A) /Dated: 2nd November 1999

Decentralisation of procedure for payment of the amount of Group Insurance under U.P. State Employees Group Insurance Scheme.

I am directed to invite your attention to G.O. No. Beema-8/x-89/91/A/99, dated 16. 7. 1999 (copy enclosed for ready reference addressed to all Head of Departments/Head of the Offices as well as Chief Treasury Officers/Senior Treasury Officers/Treasury Officers of the State of U. P., on the above subject and to say that the claims of Group Insurance of retired/deceased officers/officials who had earlier submitted through Head of Department/Office to the Directorate of Group Insurance Scheme, U.P., Lucknow, for payment of the amount of Group Insurance on Form No. 26 or 27 (as the case may be) prior to 30-9-1999, shall be decided by the aforesaid Directorate.

I am to add that the procedure for payment of the amount of Group Insurance of retired/deceased Officers/ Officials as on 30-9-99, and onwards, shall now be adopted, as envisaged in paras 4 and 5 of the said G.O. dated 16.7.99

I am therefore, to request you kindly to ensure the strict compliance of the aforesaid G.O. dated 16.7.99, under intimation to the Court.

[22] STANDARD PRESCRIBED FOR ENGLISH AND HINDI TYPISTS/COPYISTS

C.L. No. 49/VIIIb-89/Admn.(G) dated 17th July, 1990

Amendment to be made in Rule 267 of the General Rules (Civil), 1957 Volume 1.

I am directed to refer to Court's Notification No. 298/VIIIb-89 dated 26.7.88 (correction slip No. 107) whereby Rule 267 of the General Rules (Civil), 1957 Volume 1 was amended and the daily quota of the copyists and typists was enhanced accordingly. In this connection I am to say that on receipt of representations from various corner a revision of the said quota is under consideration of the Hon'ble Court.

I am, therefore, to request that pending approval of the aforesaid revision, the standard prescribed for English and Hindi typists falling short by 20% and that of English and Hindi copyists falling short by 12% may not be adversely considered and the same be treated as sufficient for the purpose of counting their outturn.

[23] LITIGATION

C.L. No. 2679/L.C. dated 25th May, 1998

Submission of List of Cases with full particulars concerning Civil Court employees In which High Court and/or the District Judge are the parties.

As per prevalent practice in the past the District Judges were permitted to contest the cases concerning its employees in consultation with the Chief Standing Counsel under intimation to the Court. It has been noticed that the copies of the cases concerning Civil Court employees in which High Court is not a party were not made available to the Cell by the Chief Standing Counsel nor the Litigation Cell has any knowledge about such cases and regarding filing of counter affidavit in such cases.

Now on the recommendation of the Court the State Government has been pleased to appoint Shri Sunil Ambwani, Sri Sudhir Agrawal and Sri K.R.Sirohi Advocates as Special Counsel to look after the cases of Officers and Officials of the High Court, Officers of Subordinate Judiciary and Officials/employees of Civil Courts of the State of Uttar Pradesh. Shri Sunil Ambwani has been authorised to accept notices of such cases on behalf of the High Court and/or District Courts.

After approval of the aforesaid panel the Special Counsel find it very difficult to contest the cases concerning Civil Court employees in the absence of copies of counter affidavits in the cases and also in the absence of copies of writ petitions in which High Court is not a party.

In the circumstances narrated hereinabove I am desired to request you to:

- a) furnish a list of cases with full particulars concerning employees of the Judgeship.
- b) make available copies of the counter affidavits filed by or on behalf of the District Judge in the cases concerning employees of the Judgeship:
- c) make also available the copies of the writ petitions/cases preferred by the aggrieved employees of the Judgeship in which High Court is not a party.

Please ensure strict compliance of the directions at the earliest, preferably within a fortnight from the date of receipt of the Circular Letter.

[24] MISCELLANEOUS

(a) Change of name of English Office

C.L. No. 42/Xe-5 dated 15th April, 1961

The name of English Office is changed as “Administrative Office” (Prashashkiya Karyalaya).

(b) Utilization of court staff in absence of presiding officer

G.L. No. 973/67-3 dated 6th March, 1914

When owing to the temporary transfer of or the grant of short leave to the presiding officer of the court the ministerial staff is left without work, it should, in the absence of any orders from the High Court, be utilized in clearing off arrears, if any, in the court left vacant or in other courts in the judgeship. At the end of the period a report should be submitted to the High Court indicating how the staff was employed.

(c) Checking of Amin’s proceedings register by Munsarim

G.L. No.1500/67-3 dated 7th March, 1927

The Munsarim when checking the proceedings of an Amin should enter in the column of remarks his initials together with the date on which such check was made.

(d) Standard of work for Assistant Record Keeper

G.L. No. 66/A-20 dated 3rd December, 1935

Under paragraph 117, page 77 of the Dupernex Scheme the standard fixed for one Assistant Record Keeper is 3,000 records a year. In the case of small cause court records, however, an Assistant Record Keeper is expected to deal with 9,000 records a year.

(e) Maintenance of Karguzari Register of Deputy and Assistant Record Keeper

C.L. No. 1/Ve-55 dated 7th January, 1955

Each Deputy and Assistant Record Keeper shall maintain a diary of daily work in a form prescribed by the District Judge and enter therein, besides the daily work done by him, all such other informations as may be directed by the District Judge.

The District Judge, if he considers it more convenient to prescribe a form other than the specimen forms forwarded with the Circular Letter noted in the margin, shall communicate the form so prescribed by him to the Court.

(f) Supervision over process-servers

G.L. No. 2702/A-I dated 3rd July, 1915

The main work of peons allotted to serve processes is the service of processes. When necessary they may also be employed to-

- (1) attend on arbitrators; or
- (2) to keep custody of a judgment-debtor; or
- (3) to bring records, forms or stationery from an outlying court or vice-versa; or
- (4) to take back forms and stationery from the district court to the outlying courts.

They should not be employed to perform duties which are ordinarily performed by orderlies, office peons and bastabardars.

(g) Norm of work of process-servers

C.L. No. 54 dated 15th May, 1968

The norm of work fixed by the Court is 700 processes per process-server per year.

C.L. No. 105/VIIIc-1/12 dated 7th December, 1968

With regard to change of beats of process-servers, the provisions contained in rule 130 of the General Rules (Civil), 1957, Vol. I should be followed.

C.L. No. 95/VIc-4 dated 20th September, 1951

The rules in Order V of the Code of Civil Procedure primarily aim at personal service on the party to be served or his duly authorised agent, and service by affixation is to be resorted to only when personal service is not practicable even after the exercise of due and reasonable diligence as provided in rule 17 of that Order. Prompt and personal service should therefore, be the first concern of the serving officer. Yet, for various reasons, the service of processes can

hardly be said to be satisfactory. At present some courts interpret the term 'personal service' to include 'refusal to take summons' refusal to sign an acknowledgement of service on the original summons after receiving the copy, 'running away to avoid service followed by affixation' or not coming out of the house followed by affixation. The Court is of the view that such service should not be taken as 'personal service'.

Sustained effort vigilance and strictness on the part of the officer-in-charge of the Nazarat should eliminate all slackness on the part of the process-servers. Personal service in 75 per cent of cases should be regarded as reasonable standard and process-servers showing a percentage of personal service below this standard should be suitably dealt with. If in spite of a warning they do not improve they should be suitably punished.

To ensure efficiency and a proper control over the staff, the Nazir should be required to submit to the District Judge for perusal and necessary orders, through the officer in-charge, a monthly statement containing the following particulars namely:

- (1) Name of process-server.
- (2) Percentage of processes in which personal service effected as indicated in this letter.
- (3) Percentage of processes in which extension of time was applied for and granted.
- (4) A brief note of the action taken by the officers in-charge against each process-server found to be at fault.
- (5) Number of processes not returned to the issuing court within three days in the case of local courts, and seven days in the case of out-station courts of the date fixed for hearing and a brief note explaining the delay in each case.
- (6) A brief note of the action taken by the officer-in-charge with respect to such delays

(h) Uniforms for inferior staff

C.E. No. 30/Main A/Admn. (D) dated 14th April, 1987

All the District Judges and Munsif-Magistrates of outlying courts are informed of G.O. No. 6584/VII-A-Nya-619/83-Nyaya (Adhinasth Nyayalaya) Anubhag, dated 28th October, 1986 for providing dress to Process-Servers, Jamadars, Daftaris and Chaukidars.

(i) Duty hours and accommodation to chaukidars

C.L. No. 41/VI-C-10/Admn. (D) dated 29th May, 1986

The District Judge should take only eight hours duty from the Chaukidars.

C.L. No. 26/VIC-10/Admn. (D) dated 3rd April, 1987

The District Judges are requested to provide necessary accommodation to the Chaukidars within the campus of civil courts.

(j) Committee to solve problems

C.L. No. 41/VI-C-10/Admn. (D) dated 29th May, 1986

The District Judge should constitute a committee consisting of two senior officers including Officer-in-Charge, Nazarat for looking into the local problems and grievances of Class IV employees.

C.L. No. 39 Dated 12 October, 2004

Constitution of Advisory Committee for settlement of problems and grievances of the Civil Court Employees.

In continuation of Court's Circular Letter No. 49/Ve-60/Admn.(D) Sec. Dated September 21, 1985, I am directed to say that it has been brought to the notice of the Court that for looking into the grievances and problems of the Civil Court Employees either no Advisory Committee has been constituted or is non-functional. Upon consideration of the matter the Hon'ble Court has taken this lapse very seriously and has desired that in compliance with the directions as contained in the aforementioned circular letter, an Advisory Committee consisting of two Judicial Officers for looking into the grievances and problems of the employees of your judgship be now constituted / made functional under intimation to the Court and the demands, grievances and problems of the employees are dealt with as expeditiously as possible.

I am, therefore, directed to request you kindly ensure strict compliance faithfully.

(k) Application of Medical Attendance Rules

C.L. No. 29/Xb-55 dated 5th April, 1956 and

G.O. No. 6604-B/V-1261-49 dated 29th November, 1954

The *U.P. Government Servants (Medical Attendance) Rules 1946*, apply only to those wholtime temporary and officiating employees of the U.P. Government, who are paid from the establishment section of the budget. Temporary and officiating employees of the State who are paid from the contingencies are excluded from the above concession, besides those who are already excluded from the benefits of these Rules under rule 2(5) of the U.P. Government Servants (Medical Attendance) Rules, 1946.

(l) Age of superannuation

C.L. No. 16639 /Ve-4 / Admn. (D) Dated 18th November, 2002

Amendment in Fundamental Rule 56 of Financial Hand Book., Volume II, Parts II to IV concerning increase in the age of superannuation from 58 years to 60 year of the State Government employees.

In continuation of the Court's letter No.763/Ve-4/Admn. (D), dated 19.1. 2002, on the above subject, I am directed to send herewith a copy of notification No .G- 2-60 5/X- 534(19) 57, dated 27.6.2002 of Uttar Pradesh Government concerning, aforesaid amendment, for information and necessary action.

अधिसूचना/प्रकीर्ण

प0 आ0-414

संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्ति का प्रयोग करके राज्यपाल फाइनैन्शियल हैण्डबुक, खण्ड-दो, भाग-दो से चार में दिये गये फण्डामेन्टल रूल्स में संशोधन करने की दृष्टि से निम्नलिखित नियमावली बनाते हैं।

उत्तर प्रदेश फण्डामेन्टल (संशोधन) नियमावली, 2002

संक्षिप्त नाम और प्रारम्भ

1-(1) यह नियमावली उत्तर प्रदेश फण्डामेन्टल (संशोधन) नियमावली, 2002 कही जायेगी।

(2) यह 28 नवम्बर, 2001 से प्रवृत्त हुई समझी जायेगी।

फण्डामेन्टल रूल 56 का संशोधन

2. फाइनैन्शियल हैण्डबुक खण्ड-दो, भाग दो से चार में दिये गये उत्तर प्रदेश फण्डामेन्टल रूल्स में, नियम 56 में,

(क) नीचे स्तम्भ-1 में दिये गये खण्ड (क) के स्थान पर स्तम्भ 2 में दिया गया खण्ड रख दिया जायेगा. अर्थात:-

स्तम्भ-1 वर्तमान खण्ड	स्तम्भ-2 एतद्द्वारा प्रतिस्थापित खण्ड
56(क) इस नियम के अन्य खण्डों में अन्यथा उपबन्धित के सिवाय प्रत्येक सरकारी सेवक उस मास के जिसमें वह अट्ठावन वर्ष की आयु प्राप्त करे अंतिम दिन अपरान्ह में सेवानिवृत्त होगा। उसे अधिवर्षता पर सेवानिवृत्ति के दिनांक के पश्चात् सरकार की पूर्व स्वीकृति से लोक आधार पर, जिसे अभिलिखित किया जायेगा, सेवा में रखा जा सकता है, किन्तु अति विशेष परिस्थितियों के सिवाय उसे साठ वर्ष की आयु के पश्चात् सेवा में नहीं रखा जाना चाहिए: परन्तु 5 नवम्बर 1985 के पूर्व भर्ती किया गया और समूह (घ) पद को धारण करने वाला कोई सरकारी सेवक उस मास के जिसमें वह साठ वर्ष की आयु प्राप्त करे अन्तिम दिन अपरान्ह में सेवा से निवृत्त होगा।	56 (क) इस नियम में अन्यथा उपबन्धित के सिवाय प्रत्येक सरकारी सेवक उस मास के जिसमें वह साठ वर्ष की आयु प्राप्त करे अन्तिम दिन अपरान्ह में सेवानिवृत्त होगा। परन्तु कोई सरकारी सेवक जिसकी जन्म तिथि किसी मास के प्रथम दिवस को हो तो वह साठ वर्ष की आयु प्राप्त कर लेने पर पूर्ववर्ती मास की अन्तिम दिवस के अपरान्ह में सेवा से निवृत्त होगा। परन्तु यह और कि कोई सरकारी सेवक जिसने नवम्बर 2001 के प्रथम दिवस पर या उसके पूर्व अट्ठावन वर्ष की आयु प्राप्त करली हो और सेवा विस्तार पर है तो वह उसकी सेवा अवधि के विस्तार की समाप्ति पर सेवा से निवृत्त होगा। (क)-1 किसी सरकारी सेवक की सेवा में साठ वर्ष की सेवा निवृत्ति की आयु के आगे सेवा में विस्तार नहीं दिया जाएगा। परन्तु किसी ऐसे सरकारी सेवक जो बजट कार्य से सम्बद्ध है या किसी ऐसी समिति के पूर्णकालिक सदस्य के रूप में कार्य कर रहा हो जिसका अल्प समय में परिसमापन किया जाना है सेवा का विस्तार लोकहित में सरकार द्वारा तीन मास से अधिक की अवधि के लिए बढ़ाया जा सकता है। परन्तु यह और कि सरकार को किसी स्थायी सरकारी सेवक की दशा में तीन मास से अन्यून या अस्थायी सरकारी सेवक

स्पष्टीकरण - उपर्युक्त परन्तुक उन मामलों पर लागू नहीं होगा जहां उक्त परन्तुक में निर्दिष्ट पद/पदों की परिस्थिति में 27 फरवरी 1982 के पश्चात् परिवर्तन किया गया हो और उच्चतर समुह के पद/पदों वर्गीकृत किया गया हो। (ख) टिप्पणी 3 निकाल दी जाएगी।	की दशा में एक मास की लिखित सूचना देकर या ऐसी सूचना के बदले में वेतन और भत्ते देकर ऐसे किये गये सेवा विस्तार की अवधि के समाप्ति के पूर्व उसे समाप्त करने का अधिकार होगा। आज्ञा से, नवीन चन्द्र बाजपेयी प्रमुख सचिव
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(m) Closure of Court due to sad demise

C.L.No. 37 / 98 / dated Allahabad 20th August 1998

Closure of courts and offices on sad demise of an employee of civil court.

On the aforesaid subject, the Hon'ble Court has taken a decision that the District Judges should exercise their discretion on the occasion of sad demise of an employee of the civil court as the situation warrants. The District Judge can permit few members of the staff to attend the funeral of the employee even during court hours.

I am, therefore, directed to communicate you the aforesaid direction of the Court for compliance.

(n) To keep attendance of Law Clerks (Trainee) and to maintain a diary of work done on day-to-day basis by them

C.L. No. 30/2010/Admin. 'G-II' Dated 07.01.2010

I have been directed to inform you to keep attendance of the Law Clerks (Trainee) and also he/she be instructed to maintain a diary of work done on day-to-day basis by them.

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* Withdrawn by the Hon'ble court through C.L. No. 138/Admn (G) dt. 21.12.1994