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CODE OF PROFESSIONAL ETHICS FOR EMPLOYEES

THE UTTAR PRADESH GOVERNMENT SERVANTS CONDUCT RULES, 1956

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History of Amendments

The Uttar Pradesh Government Servants' Conduct Rules, 1956 were originally published with Government notification No. 2367/II-B-118-54, dated July, 21, 1956 in the Uttar Pradesh Gazette, dated July 28, 1956.

- (1) They were first amended by notification No. 3445/II-B-118-54, dated September 15, 1956.
- (2) Second amendment by notification No. 2769/II-B-118-54, dated August 3, 1957.
- (3) Third amendment by notification No. 2985/II-B-152-57, dated October 8, 1957.
- (4) Fourth amendment by notification No. 3330/II-B-142-57, dated November 1, 1957.
- (5) Fifth amendment by notification No. 936/II-B-152 (2)-58, dated May 21, 1959.
- (6) Sixth amendment by notification No. 1610/II-B-152 (2)-60, dated August 3, 1960.
- (7) Seventh amendment by notification No. 3882/II-B-100-63, dated September 3, 1963.
- (8) Eighth amendment by notification No. 6450/II-B-152-57, dated May 11, 1964.
- (9) Ninth amendment by notification No. 299-A/II-B-152 (3)-59, dated September 21, 1964.
- (10) Tenth amendment by notification No. 1403/II-B-28(5)-64, dated June 23, 1965.
- (11) Eleventh amendment by notification No. 24/6/66-Appt. (B), dated October 22, 1968.
- (12) Twelfth amendment by notification No. 22/7/70-Appt. (B), dated October 4, 1971.
- (13) Thirteenth amendment by notification No. 9/6/74-Karmik-1, dated July 27, 1976.
- (14) Fourteenth amendment by Notification No. 9/1-75-Karmik-1, dated July 28, 1976.
- (15) Fifteenth amendment by notification No. 9/1-76-Karmik-1, dated July 29, 1976.



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(16) Sixteenth amendment by notification No. 22/2/1969-Karmik-1, dated October 20, 1976.

(17) Seventeenth amendment by notification No. 9/VI-74 Karmik-1, dated February 22, 1978.

(18) Eighteenth amendment by notification No. 9/VII-78 Karmik-1, dated November 20, 1980.

All the amendments have been incorporated at proper places. Some of the earlier amendments were superseded by the later ones.

Appointment (B) department.—Notification No. 2367/II-B-118-54 dated July 21, 1956—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Uttar Pradesh makes the following rules to regulate the conduct of Government servants employed in connexion with the affairs of the State of Uttar Pradesh.

THE UTTAR PRADESH GOVERNMENT SERVANTS CONDUCT RULES, 1956

1. **Short title.**—These rules may be called the Uttar Pradesh Government Servants Conduct Rules, 1956.

2. **Definitions.**—In these rules unless the context otherwise requires :

- (a) “Government” means the Government of Uttar Pradesh ;
- (b) “Government servant” means a person appointed to public services and posts in connection with the affairs of the State of Uttar Pradesh.

Explanation.—A Government servant whose services are placed at the disposal of a company, a corporation, an organization, a local authority, the Central Government or the Government of another State by the U. P. Government shall for the purposes of these rules, be deemed to be a Government servant notwithstanding that his salary is drawn from sources other than the Consolidated Fund of Uttar Pradesh.

(c) “Member of the family” in relation to Government servant, includes—

- (i) the wife, son, step-son, unmarried daughter or unmarried step-daughters of such Government servant whether residing with him or not, and, in relation to a Government servant, who is a woman, the husband, son, step-sons, unmarried daughters or unmarried step-daughters dependent on her and residing with her or not, and
- (ii) any other person related, whether by blood or by marriage, to the Government servant or to such Government servant’s wife or her husband, and wholly dependent on such Government servant,

but does not include a wife or husband legally separated from the Government servant or a son, step-son, unmarried daughter or unmarried step-daughter who is no longer, in any way dependent upon him or her, or of whose custody, the Government servant has been deprived by law.



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Comments

Clause (c) is as substituted by Notification No. 9/7/78-Karmik-1 dated November 20, 1980.

3. General.—(1) Every Government servant shall at all times maintain absolute integrity and devotion to duty.

(2) Every Government servant shall at all times conduct himself in accordance with the specific or implied orders of Government regulating behaviour and conduct which may be in force.

4. Equal treatment for all.—(1) Every Government servant shall accord equal treatment to people irrespective of their caste, sect or religion ;

(2) No Government servant shall practice untouchability in any form.

Comments

Rule 4 is as substituted by notification No. 9/1/75-Karmik-1 dated July 28, 1976.

4-A. Consumption of intoxicating drinks and drugs.—A Government servant shall—

- (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being ;
- (b) not be under the influence of an intoxicating drinks or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not effected in any way by the influence of such drink or drug ;
- (c) refrain from consuming any intoxicating drink or drug in a public place ;
- (d) not appear in a public place in a state of intoxication ;
- (e) not use any intoxicating drink or drug to excess.

Explanation I :—For purposes of this rule 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have, access, whether on payment or otherwise.

Explanation II :—Any club—

- (a) which admits persons other than Government servants as members ; or
- (b) the members of which are allowed to invite non-members as guests thereto even though the membership is confined to Government servants,

shall also, for purposes of Explanation I, be deemed to be a place to which the public have or are permitted to have access.

Comments

Rule 4-A is as substituted by notification No. 9/VI-74-Karmik-1 dated February 22, 1978.



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5. Taking part in politics and elections.—(1) No Government servant shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics, nor shall he take part in, subscribe in aid of, or assist in any other manner, any movement or organization which is, or tends directly or indirectly to be subversive of the Government as by law established.

Illustration

X, Y, Z are political parties in the State. *X* is the party in power and forms the Government of the day.

A is a Government servant.

The prohibitions of the sub-rule apply to *A* in respect of all parties, including *X*, which is the party in power.

(2) It shall be the duty of every Government Servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or, assisting in any other manner any movement or activity which is, or tends directly or indirectly, to be, subversive of the Government as by law established and where a Government servant fails to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

Illustration

A is a government servant.

B is a 'member of the family' of *A*, as defined in rule 2 (c).

M is a movement or activity, which is or tends directly or indirectly to be, subversive of Government as by law established.

A becomes aware that *B*'s association with *M* is objectionable under the provisions of the sub-rule. *A* should prevent such objectionable association of *B*. If *A* fails to prevent such association of *B*, he should report the matter to the Government..

If any question arises whether any movement or activity falls within the scope of this rule the decision of the Government thereon shall be final.

(3) [*Deleted*].

(4) No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or local authority ;

Provided that—

(i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give me indication of the manner in which he proposes to vote or has voted ;

(ii) a Government servant shall not be deemed to have contravened the provisions of this rule by reason only that he assists in the conduct of an election in the due performance of a duty-imposed on him by or under any law for the time being in force.



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Explanation—The display by a Government servant on his person, vehicle, or residence, of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

Illustration

Acting as a Returning Officer, Assistant Returning Officer, Presiding Officer, Polling Officer or Polling Clerk in connection with an election does not contravene the provisions of sub-rule (4).

Comments

Sub-rule (3) of rule 5 was deleted by notification No. 2769/II-B dated August 3, 1957.

5A. Demonstration and Strikes.—No Government servant shall—

(1) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(2) resort to, or in any way abet, any form of strike in connection with any matter pertaining to his service or the service of any other Government servant.

Comments

This rule is as substituted by notification No. 6450/II-B-152-57 dated May 11, 1964.

5B. Joining of Associations by Government Servants.—No Government Servant shall join, or continue to be a member of, an association the object or activities of which are prejudicial to the interests of the sovereignty and integrity of India or public order or morality.

Comments

This rule is as substituted by notification No. 6450/II-B-152-57 dated May 11, 1964.

6. Connection with press or radio.—(1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in editing or managing of any newspaper or other periodical publication.

(2) No Government servant shall, except with the previous sanction of the Government or any other authority empowered by it in this behalf, or in the *bona fide* discharge of his duties, participate in a radio broadcast or contribute any article or write any letter, either anonymously or in his own name or in the name of any other person to any newspaper or periodical :

Provided that no such sanction shall be required if such broadcast or such contribution is of a purely literary, artistic or scientific character.

7. Criticism of Government.—No Government servant shall, in any radio broadcast or in any document published anonymously or in his own name, or in any communication to the press, or in



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- (i) which has the effect of any adverse criticism of his superior officers, or of any current or recent policy or action of the Uttar Pradesh Government or the Central Government or the Government of any other State or a local authority ; or
- (ii) which is capable of embarrassing the relations between the Uttar Pradesh Government and Central Government or the Government of any other State ; or
- (iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State :

Provided that nothing in this rule shall apply to any statement made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

Illustrations

(1) A, a Government servant is dismissed from service by the Government. It is not permissible for B, another Government servant, to say publicly that the punishment is wrongful, excessive or unjustified.

(2) A public officer is transferred from station A to Station B. No government servant can join the agitation for the retention of the public officer at Station A.

(3) It is not permissible for a Government servant to criticise publicly the policy of Government on such matters as the price of sugarcane fixed in any year nationalisation of transport etc.

(4) A Government servant cannot express any opinion on the rate of duty imposed by the Central Government on specified imported goods.

(5) A neighbouring State lays claim to a tract of land lying on the border of Uttar Pradesh. A Government servant cannot publicly express any opinion on the claim.

(6) It is not permissible for a Government servant to publish any opinion on the decision of a foreign State to terminate the concessions given by it to the nationals of another State.

8. Evidence before committee or any other authority.—(1) Save as provided in sub-rule (3) no Government servant shall, except with the previous sanction of the Government, give evidence in connection with any inquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1) no Government servant giving such evidence shall criticise the policy of the Uttar Pradesh Government, the Central Government or any other State Government.

(3) Nothing in the rule shall apply to—

- (a) evidence given at an inquiry before an authority appointed by the Government, by the Central Government, by the Legislature of Uttar Pradesh or by Parliament, or



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(b) evidence given in any judicial inquiry.

9. **Unauthorised communication of information.**—No Government servant shall except in accordance with any general or special order of the Government or in the performance, in good faith, of the duties assigned to him, communicate, directly or indirectly, any official document or information to any Government servant or any other person to whom he is not authorised to communicate such document or information.

Explanation.—Question by a Government servant in his representation to his official superiors, of or from the notes on any file shall amount to unauthorised communication of information within the meaning of this rule.

Comments

Explanation to rule 9 was inserted by notification no. 24/6/66 Appt. (B) dated October 29, 1968.

10. **Subscriptions.**—No Government servant shall, except with the previous sanction of the Government, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any subject whatsoever.

Comments

Rule 10 is as substituted by notification No. 9/7/78 Karmik-1 dated November 20, 1980.

11. **Gifts.**—A Government servant shall not without previous approval of Government—

- (a) accept directly or indirectly on his behalf or on behalf of any other person, or
- (b) permit any member of his family, who is dependent on him, to accept, any gift, gratuity or reward from any person other than a close relation :

Provided that he may accept or permit any member of his family to accept from a personal friend, a wedding present or a present on a ceremonial occasion, of a value not exceeding Rs. 51/-. All Government servants shall, however, use their best endeavour to discourage even the tender of such presents.

Illustration

The citizens of a town decide to present to 'A' a Sub-Divisional Officer, a watch exceeding Rs. 51/- in value in appreciation of the services rendered by him during the flood.

'A' cannot accept the present without the previous approval of the Government.

Comments

Rule 11 is as substituted by notification No. 9/7/78 Karmik-1 dated Novem-



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- (ii) demand, directly or indirectly from the parents or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation.—For the purposes of this rule, the word “dowry” has the same meaning as in the Dowry Prohibition Act, 1961 (Act. 28 of 1961).

Comments

Rule 11-A has been inserted by notification No. 9/1/76 Karmik-1 dated July 29, 1976.

12. [* * *]

13. [* * *]

Comments

Rules 12 and 13 were omitted by notification No. 9/7/78 Karmik-1 dated November 20, 1980.

14. Public demonstrations in honour of Government servants.—No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address, or accept any testimonial or attend any meeting or public entertainment held in his honour, or in the honour of any other Government servant :

Provided that nothing in this rule shall apply to a farewell entertainment of a substantially private or informal character and held in honour of a Government servant on the occasion of his retirement or transfer or of any person who has recently quitted service of the Government.

Illustration

A, a Deputy Collector, is due to retire. *B*, another Deputy Collector in the district, may give a dinner in honour of *A* to which selected persons are invited.

15. Private trade or employment.—No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly in any trade or business or undertake any employment :

Provided that a Government servant may, without such sanction, undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not thereby suffer and that he informs his Head of Department, and when he is himself the Head of the Department, the Government, within one month of his undertaking such a work ; but he shall not undertake, or shall discontinue, such work if so directed by the Government.

16. Registration, promotion and management of companies.—No Government servant shall, except with the previous sanction of the Government, take part in the registration, promotion or management of any bank or other company registered under the Companies Act, 1956 or under any other law for the time being in force :

Provided that a Government servant may take part in the registration, promotion or management of a co-operative society registered under the Uttar Pradesh Co-operative Societies Act, 1965 (U. P. Act No. XI of 1966), or under any other law for the time being in force or of a literary,



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scientific or charitable society registered under the Societies Registration Act, 1860 (Act XXI of 1860), or under any corresponding law in force, but he will not take part in or associate himself with the collection of funds or raising subscriptions or selling shares or any other financial transactions of such society :

Provided further that if a Government servant attends any bigger Co-operative Society or body as a delegate of any Co-operative Society, he will not seek election for any post of that bigger society or body. He may take part in such election only for purposes of casting his vote.

Comments

Rule 16 is as substituted by notification No. 9/7/78—Karmik-1 dated November 20, 1980.

17. Insurance business.—A Government servant shall not permit his wife or any other relative who is either wholly dependent on him or is residing with him, to act as an insurance agent in the same district in which he is posted.

18. Guardianship of minors.—A Government servant may not, without the previous sanction of the appropriate authority, act as a legal guardian of the person or property of a minor other than his dependent.

Explanation 1.—A dependent for the purpose of this rule means a Government servant's wife, children and step-children and children's children and shall also include his parents, sisters, brothers, brother's children and sister's children if residing with him and wholly dependent upon him.

Explanation 2.—Appropriate authority for the purpose of this rule shall be as indicated below :

For a Head of Department, Divisional Commissioner or a Collector	...	The State Government.
For a District Judge	...	The Administrative Judge of the High Court.
For other Government servants	...	The Head of the Department concerned.

19. Action in respect of a relation.—(1) Where a Government servant submits any proposal or opinion or takes any other action, whether for or against any individual related to him, whether the relationship be distant or near, he shall with every such proposal, opinion or action, expressly state whether the individual is or is not related to him, and if so related the nature of the relationship.

(2) Where a Government servant has by any law, rule or order in force power of deciding finally any proposal, opinion or any other action, and that proposal, opinion or action is in respect of an individual related to him, whether the relationship be distant or near and whether that proposal, opinion or action affects the individuals favourably or otherwise, he shall not take a decision, but shall submit the case to his superior officer after explaining the reasons and the nature of relationship.

20. Speculation.—(1) No Government servant shall speculate in any investment.

Explanation.—The habitual purchase or sale of securities of a notoriously



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fluctuating value shall be deemed to be speculation in investments within the meaning of this rule.

(2) If any question arises whether a security or investment is of the nature referred to in sub-rule (1), the decision of the Government thereon shall be final.

21. Investments.—(1) No Government servant shall make, or permit any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.

(2) If any question arises whether a security or investment is of the nature referred to in sub-rule (1), the decision of the Government thereon shall be final.

Illustration

A district Judge shall not permit his wife, or son to open a cinema house or to purchase a share therein, in the district where he is posted, if he is transferred to a district where a member of his family has already made such an investment, he shall immediately inform his superior authority.

Comments

Rule 21 is as substituted by notification No. 9/7/78—Karmik-1 dated November 20, 1980.

22. Lending and borrowing.—(1) No Government servant shall, except with the previous sanction of the appropriate authority, lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid :

Provided that a Government servant may make an advance of pay to a private servant, or give a loan of a small amount, free of interest, to a personal friend or a relative.

(2) No Government servant shall, save in the ordinary course of business with a bank, Co-operative Society or a firm, or otherwise place himself under pecuniary obligation to any person within the local limits of his authority, nor shall he permit any member of his family, except with the previous sanction of the appropriate authority, to enter into any such transaction :

Provided that a Government servant may accept a purely temporary loan of small amount free of interest, from personal friend or relative or operate a credit account with a *bona fide* tradesman.

(3) When a Government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (1) or sub-rule (2), he shall forthwith report the circumstances to the appropriate authority and shall thereafter act in accordance with such orders as may be passed by the appropriate authority.

(4) The appropriate authority, in the case of Government servants who are gazetted officers, shall be the Government and in other cases, the Head of the Office.

Comments

Rule 22 is as substituted by notification No. 9/7/78—Karmik-1 dated November 20, 1980.



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23. Insolvency and habitual indebtedness.—A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant who becomes the subject of legal proceedings for insolvency shall forthwith report the full facts to the Head of the office or department in which he is employed.

24. Movable, immovable and valuable property.—(1) No Government servant shall, except with the previous knowledge of the appropriate authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of any member of his family :

Provided that any such transaction conducted otherwise than through a regular and reputed dealer shall require the previous sanction of the appropriate authority.

Illustrations

A, a Government servant proposes to purchase a house. He must inform the appropriate authority of the proposal. If the transaction is to be made otherwise than through a regular and reputed dealer, A must also obtain the previous sanction of the appropriate authority. The same procedure will be applicable if A proposes to sell his house.

(2) A Government servant who enters into any transaction concerning any movable property exceeding in value the amount of his pay for one month or rupees one thousand whichever is less, whether by way of purchase, sale or otherwise, shall forthwith report such transaction to the appropriate authority :

Provided that no Government servant shall enter into any such transaction except with or through a reputed dealer or agent of standing, or with the previous sanction of the appropriate authority.

Illustrations

- (i) 'A' a Government servant whose monthly pay is Rs. 600/- purchases a tape recorder for rupees seven hundred, or
- (ii) 'B' a Government servant whose monthly pay is Rs. 2,000/- sells a car for Rs. 1,500/-.

In either case A or B must report the matter to the appropriate authority. If the transaction is made otherwise than through a reputed dealer, he must obtain the previous sanction of the appropriate authority.

(3) At the time of first appointment and thereafter at intervals of five years, every Government servant shall make to the appointing authority, through the usual channel, a declaration of all immovable property, owned, acquired or inherited by him or held by him on lease or mortgage, and of shares, and other investments, which may, from time to time be held or acquired by him, or by his wife or by any member of his family living with, or in any way dependent upon him. Such declarations should state the full particulars of the property, shares and other investments.

(4) The appropriate authority may, at any time by general or special order, require a Government servant to submit within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or by any member of his family as may be specified in the order, and to furnish such statement to the appropriate authority,



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include details of the means by which or the source from which such property was acquired.

(5) The appropriate authority—

- (a) in the case of a Government servant belonging to the State service, shall for purposes of sub-rules (1) and (4), be the Government and for sub-rule (2), the Head of the Department,
- (b) in the case of other Government servants, for the purposes of sub-rules (1) to (4) shall be the Head of the Department.

Comments

Sub-rule (2) is as substituted by notification No. 9/VI—74 Karmik-1 dated July 27, 1976.

25. Vindication of acts and character of Government servants.—No Government servant shall, except with the previous sanction of the Government, have recourse to the press for the vindication of any official act which has been the subject-matter of adverse criticism or an attack of defamatory character.

Explanation.—Nothing in this rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in private capacity.

Comments

Rule 25 is as amended by notification No. 1610/II—B-152 (2)-61, dated August 3, 1960.

26. [*Deleted* by notification No. 3116/II—B-32-52 dated August 13, 1960].

27. Canvassing of non-official or other outside influence.—No Government servant shall bring or attempt to bring himself personally or through a member of his family, any political or other outside influence to bear upon any question relating to his interest in respect of matters pertaining to his service.

Explanation.—Any act done by the wife or husband, as the case may be, or any member of the family of a Government servant and falling within the purview of this rule, shall be presumed to have been done at the instance, or with the connivance of the Government servant concerned, unless the contrary shall have been proved.

Illustration

A is a Government servant and B a member of the family of A ; C is a political party and D is an organization under C. B gained sufficient prominence in C and became an office bearer of D. Through D, B started sponsoring the cause of A to the extent that B sponsored some resolutions against A's official superiors. This action which will be in violation of the provisions of the above rule on the part of B shall be presumed to have been done by B at the instance, or with the connivance, of A unless A is able to prove that this was not so.

Comments

Rule 27 is as substituted by notification No. 936/II—B-152 (4)-1958, dated May 21, 1959.

27A. Representations by Government Servants.—No Government servant shall whether personally or through a member of his family make any representa-



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tion to Government or any other authority except through the proper channel and in accordance with such directions as the Government may issue from time to time. The explanation to rule 27 shall apply to this rule also.

Comments

This rule has been inserted by notification No. 9/VI—74-Karmik-1 dated July 27, 1976.

28. Unauthorised pecuniary arrangements.—No Government servant shall enter into any pecuniary arrangement with another Government servant or any other person so as to afford any kind of advantage to either or both of them in any unauthorised manner or against the specific or implied, provisions of any rule for the time being in force.

Illustrations

1. 'A' is a senior clerk in an office and is due for officiating promotion. 'A' is diffident of discharging his duties satisfactorily in the officiating post. 'B', a junior clerk, privately offers for a pecuniary consideration to help 'A'. 'A' and 'B' accordingly enter into pecuniary arrangements. Both would thereby infringe the rule.

2. If 'A' the Superintendent of an office, proceeds on leave, 'B' the senior most assistant in the office, will be given a chance to officiate. If 'A' proceeds on leave after entering into arrangement with 'B' for a share in the officiating allowance, 'A' and 'B' both would commit a breach of the rule.

Comments

Rule 28 is as substituted by notification No. 9/7/78 Karmik-1 dated November 20, 1980. No substantial change has been made except for correcting clerical mistakes.

29. Bigamous marriages.—(1) No Government servant who has a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him.

(2) No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government.

Comments

Rule 29 is as substituted by notification No. 22/2/1969 Karmik-1 dated October 20, 1976. Earlier sub-rule (3) had been inserted in 1964 providing a minimum punishment of withholding 3 increments for breach of the rule but that sub-section has now been omitted.

30. Proper use of amenities.—No Government servant shall misuse, or carelessly use, amenities provided for him by the Government to facilitate the discharge of his public duties.

Illustrations

Among the amenities provided to Government servants are cars, telephones, residences, furniture, orderlies, articles of stationery, etc. Instance of misuse, or careless use of these are—

(a) employment of Government cars at Government expense by members



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of the family of the Government servant, or his guests or for other non-Government work,

- (ii) making telephonic trunk calls at Government expense on matters not connected with official work,
- (iii) neglect of Government residences and furniture and failure to maintain them properly, and
- (iv) use of Government stationery for non-official work.

31. Payment for purchases.—Unless payment by instalments is customary, or specially provided, or a credit account is maintained with a *bona fide* tradesman, no Government servant shall withhold prompt and full payment for the articles purchased by him whether the purchases are made on tour or otherwise.

32. Use of services without payment.—No Government servant shall, without making proper and adequate payment, avail himself of any service or entertainment for which a hire or price or admission fee is charged.

Illustration

Unless specifically prescribed as part of duty, a Government servant shall not—

- (i) travel free of charges in any vehicle plying for hire ;
- (ii) see a cinema show without paying the admission fee.

Comments

The Note appended to this rule was deleted by notification No. 4644/II-B-152(3)-58, dated November 22, 1958.

33. Use of conveyances belonging to others.—No Government servant shall, except in exceptional circumstances, use a conveyance belonging to a private person or a Government servant who is subordinate to him.

34. Purchases through subordinates.—No Government servant shall himself ask or permit his wife, or any other member of his family living with him to ask any Government servant who is subordinate to him, to make purchases, locally or from out station, on behalf of him, his wife or other member of his family, whether on advance payment or otherwise.

Illustration

A superior officer.

B is a subordinate officer under A.

A should not allow his wife to ask B to have cloth purchased for her,

Comments

Rule 34 is as amended by notification No. 9/7/78-Karmik-1 dated November 20, 1980.

35. Interpretation.—If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.



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36. Repeal and saving.—Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to Government servants under the control of the Government of Uttar Pradesh are hereby repealed :

Provided that an order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.



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क्रम-संख्या—147 (च)



रजि० नं० एल. डब्लू. एन. पी. 890

लाइसेंस नं० डब्लू० पी०-41

लाइसेंस टू पोस्ट एट कन्वेंशनल रेट

सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-4, खण्ड (क)
(सामान्य परिनियम नियम)

लखनऊ, बुधवार, 09 जून, 1999

ज्येष्ठ 19, 1921 शक सम्वत्

उत्तर प्रदेश सरकार

कार्मिक अनुभाग-1

संख्या 13/9/98-का-1-99

लखनऊ, 09 जून, 1999

अधिसूचना

प्रकीर्ण

सा० प० नि०-30

संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्ति का प्रयोग करके और सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1930 और उत्तर प्रदेश अधीनस्थ सेवाओं के लिए वण्ड एवं अपील नियमावली, 1932 का आधिक्रमण करके राज्यपाल निम्नलिखित नियमावली बनाने हैं।

उत्तर प्रदेश सरकारी सेवक (अनुशासन एवं अपील)

नियमावली, 1999

1—(1) यह नियमावली उत्तर प्रदेश सरकारी सेवक (अनुशासन एवं अपील) नियमावली, संश्लेषण और 1999 कही जायेगी। प्रारंभ

(2) यह तुरन्त प्रवृत्त होगी।

(3) यह 'भारत का संविधान' के अनुच्छेद 229 से आश्रयित उच्च न्यायालय, इलाहाबाद के अधिकारियों और कर्मचारियों के सिवाय संविधान के अनुच्छेद 309 के परन्तुक के अधीन राज्यपाल के नियम बनाने की शक्ति के अधीन सरकारी सेवकों पर लागू होगी।



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परिभाषाएं

2—जब तक विषय या संदर्भ में कोई प्रतिकूल बात न हो, इस नियमावली में :-

(क) "नियुक्ति प्राधिकारी" का तात्पर्य सुसंगत सेवा नियमावली के अधीन पदों पर नियुक्ति करने के लिए शसक्त प्राधिकारी से है :

(ख) "संविधान" का तात्पर्य भारत का संविधान से है,

(ग) "आयोग" का तात्पर्य उत्तर प्रदेश लोक सेवा आयोग से है,

(घ) "विभागीय जांच" का तात्पर्य इस नियमावली के नियम 7 के अधीन जांच से है,

(ङ) "अनुशासनिक प्राधिकारी" का तात्पर्य नियम 6 के अधीन शास्तियां अधिरोपित करने के लिए शसक्त किसी प्राधिकारी से है,

(च) "राज्यपाल" का तात्पर्य उत्तर प्रदेश के राज्यपाल से है,

(छ) "सरकार" का तात्पर्य उत्तर प्रदेश की राज्य सरकार से है,

(ज) "सरकारी सेवक" का तात्पर्य उत्तर प्रदेश राज्य के कार्यकलापों के सम्बन्ध में लोक सेवा और पद पर नियुक्त किसी व्यक्ति से है,

(झ) "समूह क, ख, ग और घ के पदों" का तात्पर्य सुसंगत सेवा नियमावली या इस संबंध में समय-समय पर जारी सरकार के आदेशों में इस रूप में उल्लिखित पदों से है,

(ञ) "सेवा" का तात्पर्य उत्तर प्रदेश राज्य के कार्य कलापों के सम्बन्ध में लोक सेवाओं और पदों से है।

शास्तियां

3—निम्नलिखित शास्तियां, उपयुक्त और पर्याप्त कारण होने पर और जैसा आगे उपर्युक्त है, सरकारी सेवकों पर अधिरोपित की जा सकेगी :-

लघु शास्तियां

(एक) परिनिन्दा,

(दो) किसी विनिर्दिष्ट अवधि के लिए वेतन वृद्धि को रोकना,

(तीन) किसी दक्षतरोध को रोकना,

(चार) आदेशों की उपेक्षा या उनका उल्लंघन करने के कारण सरकार को हुई आर्थिक हानि को पूर्णतः या अंशतः वेतन में वसूल किया जाना,

(पांच) समूह "घ" पदों को धारण करने वाले व्यक्तियों के मामले में जुर्माना :

परन्तु ऐसे जुर्माने की धनराशि किसी भी स्थिति में, उस मास के वेतन के, जिसमें जुर्माना अधिरोपित किया गया हो, पच्चीस प्रतिशत से अधिक नहीं होगी।

दीर्घ शास्तियां

(एक) संचयी प्रभाव के साथ वेतन वृद्धि का रोकना,

(दो) किसी निम्नतर पद या श्रेणी या समय वेतनमान या किसी समय वेतनमान में निम्नतर प्रक्रम पर अवगति करना,

(तीन) सेवा से हटाना जो भविष्य में नियोजन से निरहित नहीं करता हो,

(चार) सेवा से पदच्युति जो भविष्य में नियोजन से निरहित करता हो।

स्पष्टीकरण:-इस नियम के अर्थ के अन्तर्गत निम्नलिखित को शास्ति की कोटि में नहीं माना जायेगा, अर्थात् :-

(एक) किसी विभागीय परीक्षा उत्तीर्ण करने में विफल रहने पर या सेवा को शास्ति करने वाले नियमों या आदेशों के अनुसार किसी अन्य शर्त को पूरा करने में विफल रहने पर किसी सरकारी सेवक की वेतनवृद्धि का रोकना,

(दो) दक्षता रोक पार करने के लिए उपयुक्त न पाये जाने के कारण समय वेतनमान में दक्षता रोक पर वेतन का रुक जाना।



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(तीन) सेवा में परीक्षा पर नियुक्ति किसी व्यक्ति का परीक्षा अवधि के दौरान या उसकी समाप्ति कर नियुक्ति के निबंधन या ऐसी परीक्षा को शासित करने वाले नियमों या आदेशों के अनुसार सेवा में प्रतिवर्तन,

(चार) परीक्षा पर नियुक्ति किसी व्यक्ति की परीक्षा अवधि के दौरान या उसकी समाप्ति पर सेवा के निबंधन या ऐसी परीक्षा को शासित करने वाले नियमों और आदेशों के अनुसार, सेवा का पर्यवस्यन,

4—(1) कोई सरकारी सेवक जिसके आचरण के विरुद्ध कोई जांच अनुध्यात है या उसकी कार्यवाही चल रही है, नियुक्ति प्राधिकारी के विवेक पर जांच की समाप्ति के लक्षित रहने तक, निलम्बन के अधीन रखा जा सकेगा:

निलम्बन

प्रतिबन्ध यह है कि निलम्बन तब तक नहीं करना चाहिए जब तक कि सरकारी सेवक के विरुद्ध अभिकचन इतने गम्भीर न हों कि उनके स्थापित हो जाने की दशा में सामान्यतः दीर्घ शासित का समुचित आधार हो सकता हो

अप्रतिबन्ध यह है कि राज्यपाल द्वारा इस निमित्त जारी आदेश द्वारा सशयन सम्बन्धित विभागाध्यक्ष समूह "क" और "ख" वर्गों के सरकारी सेवक या सरकारी सेवकों के वर्ग को इस नियम के अधीन निलम्बित कर सकेगा:

परन्तु यह और भी कि समूह "ग" और "घ" वर्गों के किसी सरकारी सेवक या सरकारी सेवकों के वर्ग के मामले में नियुक्ति प्राधिकारी अपनी शक्ति इस नियम के अधीन अपने निम्नतर प्राधिकारी को प्रत्यायोजित कर सकेगा।

(2) कोई सरकारी सेवक, जिसके संबंध में या जिसके विरुद्ध किसी आपराधिक आरोप से संबंधित कोई अन्वेषण, जांच या विचारण, जो सरकारी सेवक के रूप में उसकी स्थिति से संबंधित है या जिससे उसके कर्तव्यों के निर्वहन करने में संकट उत्पन्न होने की सम्भावना हो या जिसमें नैतिक अधमता अन्तर्गत है, लक्षित हो, नियुक्ति प्राधिकारी या ऐसे प्राधिकारी द्वारा, जिसे इस नियमावली के अधीन निलम्बित करने की शक्ति प्रत्यायोजित की गई हो उसके विवेक पर तब तक निलम्बित रखा जा सकेगा जब तक कि उस आरोप से संबंधित समस्त कार्यवाहियां समाप्त न हो जायें।

(3) (क) कोई सरकारी सेवक यदि वह अड़तालीस घण्टे से अधिक की अवधि के लिए अभिरक्षा में निरुद्ध किया गया हो चाहे निरोध आपराधिक आरोप पर या अन्यथा किया गया हो निलम्बित करने के लिए सक्षम प्राधिकारी के आदेश द्वारा निरोध के दिनांक से यथास्थिति निलम्बन के अधीन रखा गया या निरन्तर रखा गया समझा जायगा।

(ख) उपर्युक्त सरकारी सेवक अभिरक्षा से निर्मुक्त किये जाने के पश्चात् अपने निरोध के बारे में सक्षम प्राधिकारी को लिखित रूप में सूचित करेगा और समझे गये निलम्बन के विरुद्ध अभ्यावेदन भी कर सकेगा। सक्षम प्राधिकारी मामले के तथ्यों और परिस्थितियों के साथ-साथ इस नियम में दिये गये उपबन्धों के प्रकाश में अभ्यावेदन पर विचार करने के पश्चात् अभिरक्षा से निर्मुक्त होने के दिनांक से समझे गये निलम्बन को जारी रखने या उसका प्रतिसंहरण या उपन्तरण करने के लिए समुचित आदेश पारित करेगा।

(4) कोई सरकारी सेवक उसके सिद्धदोष ठहराये जाने के दिनांक से, यदि किसी अपराध के लिए सिद्धदोष ठहराये जाने के कारण उसे अड़तालीस घण्टे से अधिक अवधि के कारावास की सजा दी गई है और उसे ऐसे सिद्धदोष के फलस्वरूप तत्काल पदच्युत नहीं किया गया है या हटाया नहीं गया है, तो इस नियमावली के अधीन निलम्बन के लिए सक्षम प्राधिकारी के किसी आदेश से, यथास्थिति, निलम्बन के अधीन रखा गया या निरन्तर रखा गया समझा जायगा।

स्पष्टीकरण—इस उपनियम में निर्दिष्ट अड़तालीस घण्टे की अवधि की गणना सिद्धदोष ठहराये जाने के पश्चात् और इस प्रयोजन के लिए कारावास की आन्तरायिक कालावधियों को, यदि कोई हो, ध्यान में रखा जायेगा।



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(5) जहाँ किसी सरकारी सेवक पर आरोपित पदच्युति या सेवा से हटायें जाने की शास्ति को इस नियमावली या इस नियमावली द्वारा विखंडित नियमावली के अधीन अपील में या पुनर्विलोकन में अपास्त कर दिया जाय और मामले की अग्रतर जांच या कार्यवाही के लिए किसी अन्य निर्देशों के साथ प्रेषित कर दिया जाय वहाँ—

(क) यदि वह शास्ति दिये जाने के ठीक पूर्व निलम्बन के अधीन था, तो उसके निलम्बन के आदेश को, उपर्युक्त किसी ऐसे निर्देशों के अध्वधीन रहते हुए, पदच्युति या हटाने के मूल आदेश के दिनांक को और से, निरन्तर प्रवृत्त हुआ समझा जायगा,

(ख) यदि वह निलम्बन के अधीन नहीं था, तो यदि उसे अपील या पुनरीक्षण करने वाले प्राधिकारी द्वारा इस प्रकार निदेशित किया जाय, पदच्युति या हटाने के मूल आदेश को और से नियुक्ति प्राधिकारी के आदेश से निलम्बन के अधीन रखा गया समझा जायगा:

प्रतिबन्ध यह है कि इस उपनियम में किसी बात का यह अर्थ नहीं लगाया जायगा कि वह ऐसे मामले में जहाँ किसी सरकारी सेवक पर पदच्युति या सेवा से हटायें जाने की अधिरोपित शास्ति को इस नियमावली के अधीन किसी अपील या पुनरीक्षण में, उन अभिकथनों के, जिन पर शास्ति अधिरोपित की गयी थी, गुणों से भिन्न आधार पर अपास्त कर दिया गया हो, किन्तु मामले की अग्रतर जांच या कार्यवाही के लिए या किसी अन्य निर्देशों के साथ प्रेषित कर दिया गया हो, उन अभिकथनों पर उसके विरुद्ध अग्रतर जांच लम्बित रहते हुए निलम्बन आदेश, इस प्रकार कि उसका भूतलकी प्रभाव नहीं होगा, पारित करने की अनुशासनिक प्राधिकारी की शक्ति को प्रभावित करता है।

(6) जहाँ किसी सरकारी सेवक पर आरोपित पदच्युति या सेवा से हटाने की शास्ति को किसी विधि न्यायालय के विनिश्चय या परिणामस्वरूप अपास्त कर दिया जाय या शून्य घोषित कर दिया जाय या शून्य कर दिया जाय और नियुक्ति प्राधिकारी मामले की परिस्थितियों पर विचार करने पर, उसके विरुद्ध उन अभिकथनों, जिन पर पदच्युति या हटाने की शास्ति मूलरूप में आरोपित की गई थी, अग्रतर जांच करने का विनिश्चय करता हो चाहे वे अभिकथन अपने मूल में रहे या उन्हें स्पष्ट कर दिया जाय या उनके विवरणों को और अच्छी तरह विनिर्दिष्ट कर दिया जाय या उनके किसी छोटे भाग का लोप कर दिया जाय, वहाँ

(क) यदि वह शास्ति दिये जाने के ठीक पूर्व निलम्बन के अधीन था, तो उसके निलम्बन के आदेश को नियुक्ति प्राधिकारी के किसी निर्देश के अध्वधीन रहते हुए पदच्युति या हटाने के मूल आदेश के दिनांक को और से निरन्तर प्रवृत्त हुआ समझा जायगा।

(ख) यदि वह निलम्बन के अधीन नहीं था तो उसे यदि नियुक्ति प्राधिकारी द्वारा इस प्रकार निदेशित किया जाय, पदच्युति या हटाने के मूल आदेश के दिनांक को और से सक्षम प्राधिकारी के किसी आदेश द्वारा निलम्बन के अधीन रखा गया समझा जायगा।

(7) जहाँ कोई सरकारी सेवक (चाहे किसी अनुशासनिक कार्यवाही के संबंध में या अन्यथा) निलम्बित कर दिया जाय या निलम्बित किया गया समझा जाय और कोई अन्य अनुशासनिक कार्यवाही उस निलम्बन के दौरान उसके विरुद्ध प्रारम्भ कर दी जाय, वहाँ निलम्बित करने के लिए सक्षम प्राधिकारी अभिलिखित किये जाने वाले कारणों से यह निर्देश दे सकेगा कि सरकारी सेवक सब तक निलम्बित बना रहेगा जब तक ऐसी समस्त या कोई कार्यवाही समाप्त न कर दी जाय।

(8) इस नियम के अधीन दिया गया या दिया गया समझा गया या प्रस्तावित हुआ कोई निलम्बन आदेश तब तक प्रवृत्त बना रहेगा जब तक कि सक्षम प्राधिकारी द्वारा उसे उपान्वित या प्रतिबंधित न कर दिया जाय।

(9) इस नियम के अधीन निलम्बन के अधीन या निलम्बन के अधीन समझा गया कोई सरकारी सेवक फाइनेशियल हैण्ड बुक, सार्वजनिक, भाग दो से चार के फ्लाइमेन्टल रूल 53 के उपबन्धों के अनुसार उपादान भला पाने का हकदार होगा।



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5—इस नियमावली के अधीन यथास्थिति विभागीय जांच या आपराधिक मामले के आधार पर आदेश पारित हो जाने के पश्चात् संबंधित सरकारी सेवक के वेतन और भत्तों के बारे में विनिश्चय और उक्त अवधि को झूटी पर बिताया गया माना जायेगा अथवा नहीं पर विचार करते हुए उक्त सरकारी सेवक को नोटिस देकर फाइनैशियल हैण्ड बुक, खण्ड दो, भाग-दो से चार के नियम-54 के अधीन विनिर्दिष्ट अवधि के भीतर स्पष्टीकरण मांगने के पश्चात् अनुशासनिक प्राधिकारी द्वारा किया जायेगा।

निलम्बन अवधि में वेतन और भत्ते आदि

6—किसी सरकारी सेवक का नियुक्ति प्राधिकारी उसका अनुशासनिक प्राधिकारी होगा जो इस नियमावली के उपबन्धों के अधीन रहते हुए उस पर नियम 3 में विनिर्दिष्ट शास्तियों में कोई शास्ति अधिरोपित कर सकेगा:

अनुशासनिक प्राधिकारी

प्रतिबन्ध यह है कि किसी व्यक्ति को किसी ऐसे प्राधिकारी द्वारा, जो उसके अधीनस्थ हो जिसके द्वारा उसकी वास्तविक रूप में नियुक्ति की गयी थी, पदच्युत या हटाया नहीं जायगा:

अत्रतर प्रतिबन्ध यह है कि उत्तर प्रदेश श्रेणी-दो सेवा (लघु शास्तियों का आरोपण) नियमावली, 1973 के अधीन अधिसूचित विभागाध्यक्ष इस नियमावली के उपबन्धों के अधीन रहते हुए, इस नियमावली के नियम 3 में उल्लिखित लघु शास्तियां अधिरोपित करने के लिए सशक्त होगा:

प्रतिबन्ध यह भी है कि इस नियमावली के अधीन राज्य सरकार अधिसूचित आदेश द्वारा समूह "ग" और "घ" के पदों के किसी सरकारी सेवक के मामले में पदच्युति या सेवा से हटाये जाने के सिवाय किसी भी शास्ति को अधिरोपित करने की शक्ति को नियुक्ति प्राधिकारी के अधीनस्थ किसी प्राधिकारी को ऐसी शर्तों के अधीन रहते हुए, जैसी उसमें विहित की जाय, प्रत्यायोजित कर सकती है।

7—किसी सरकारी सेवक पर कोई दीर्घ शास्ति अधिरोपित करने के पूर्व निम्नलिखित रीति से जांच की जायगी:—

दीर्घ शास्तियां अधिरोपित करने के लिए प्रक्रिया

(एक) अनुशासनिक प्राधिकारी स्वयं आरोपों की जांच कर सकता है या अपने अधीनस्थ किसी प्राधिकारी को आरोपों की जांच करने के लिए जांच अधिकारी के रूप में नियुक्त कर सकता है।

(दो) अवचार के ऐसे तथ्यों को जिन पर कार्यवाही का किया जाना प्रस्तावित हो, निश्चित आरोप या आरोपों के रूप में रूपान्तरित किया जायगा जिसे आरोप-पत्र कहा जायगा। आरोप-पत्र अनुशासनिक प्राधिकारी द्वारा अनुमोदित और हस्ताक्षरित किया जायगा:

प्रतिबन्ध यह है कि जहां नियुक्ति प्राधिकारी राज्यपाल हों वहां आरोप-पत्र संबंधित विभाग के यथास्थिति, प्रमुख सचिव या सचिव द्वारा अनुमोदित किया जा सकेगा।

(तीन) विरचित आरोप इतने संक्षिप्त और स्पष्ट होंगे जिससे आरोपित सरकारी सेवक के विरुद्ध तथ्यों और परिस्थितियों के पर्याप्त उपदर्शन हो सके। आरोप-पत्र में प्रस्तावित दस्तावेजी साक्ष्यों और उसे सिद्ध करने के लिए प्रस्तावित गवाहों के नाम मौखिक साक्ष्यों के साथ, यदि कोई हो, आरोप-पत्र में उल्लिखित किये जायेंगे।

(चार) आरोपित सरकारी सेवक से यह अपेक्षा की जायगी कि वह किसी विनिर्दिष्ट दिनांक को जो आरोप-पत्र के जारी होने के दिनांक से 15 दिन से कम नहीं होगा, व्यक्तिगत रूप से अपनी प्रतिरक्षा में एक लिखित कथन प्रस्तुत करे और यह कथन करे कि आरोप-पत्र में उल्लिखित किसी साक्षी का प्रतिपरीक्षा करना चाहता है और क्या वह अपनी प्रतिरक्षा में साक्ष्य देना या प्रस्तुत करना चाहता है। उसको यह भी सूचित किया जायगा कि विनिर्दिष्ट दिनांक को उसके उपस्थित न होने या लिखित कथन दाखिल न करने की दशा में यह उपधारणा की जायगी कि उसके पास प्रस्तुत करने के लिए कुछ नहीं है और जांच अधिकारी एक पक्षीय जांच पूरी करने की कार्यवाही करेगा।



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(पांच) आरोप-पत्र, उसमें उल्लिखित दस्तावेजी साक्ष्यों की प्रति और साक्षियों की सूची और उनके कथन, यदि कोई हो, के साथ आरोपित सरकारी सेवक को व्यक्तिगत रूप से या रजिस्ट्रीकृत डाक द्वारा कार्यालय अभिलेखों में उल्लिखित पते पर तामील की जायेगी, उपर्युक्त रीति से आरोप-पत्र तामील न कराये जा सकने की दशा में आरोप-पत्र को व्यापक परिचालन वाले किसी दैनिक समाचार पत्र में प्रकाशन द्वारा तामील कराया जायगा :

प्रतिबन्ध यह है कि जहां दस्तावेजी साक्ष्य विशाल हो वहां इसकी प्रति आरोप-पत्र के साथ प्रस्तुत करने के बजाय, आरोपित सरकारी सेवक को उसे जांच अधिकारी के समक्ष निरीक्षण करने की अनुज्ञा दी जायगी।

(छः) जहां आरोपित सरकारी सेवक उपस्थित होता है और आरोपों को स्वीकार करता है, वहां जांच अधिकारी ऐसी अभिलेखीकृत के आधार पर अपनी रिपोर्ट अनुशासनिक प्राधिकारी को प्रस्तुत करेगा।

(सात) जहां आरोपित सरकारी सेवक आरोपों को इन्कार करता है, वहां जांच अधिकारी आरोप-पत्र में प्रस्तावित साक्षी को बुलाने की कार्यवाही करेगा और आरोपित सरकारी सेवक की उपस्थिति में जिसे ऐसे साक्षियों की प्रति परीक्षा का अवसर दिया जायेगा, उनके मौखिक साक्ष्य को अभिलिखित करेगा। उपर्युक्त साक्ष्यों को अभिलिखित करने के पश्चात् जांच अधिकारी उस मौखिक साक्ष्य को मांगेगा और उसे अभिलिखित करेगा जिसे आरोपित सरकारी सेवक ने अपनी प्रतिरक्षा में अपने लिखित कथन में प्रस्तुत करना चाहा था :

प्रतिबन्ध यह है कि जांच अधिकारी ऐसे कारणों से जो लिखित रूप में अभिलिखित किये जायेंगे, किसी साक्षी को बुलाने से इन्कार कर सकेगा।

(आठ) जांच अधिकारी उत्तर प्रदेश विभागीय जांच (साक्ष्यों को हजिर होने और दस्तावेज पेश करने के लिए बाध्य करना) अधिनियम, 1976 के उपबन्धों के अनुसार अपने समक्ष किसी साक्षी को साक्ष्य देने के लिए बुला सकेगा या किसी व्यक्ति से दस्तावेज प्रस्तुत करने की अपेक्षा कर सकेगा।

(नी) जांच अधिकारी सत्य का पता लगाने या आरोपों से सुसंगत तथ्यों का उचित प्रमाण प्राप्त करने की दृष्टि से किसी भी समय, किसी साक्षी से या आरोपित व्यक्ति से कोई भी प्रश्न, जो वह चाहे, पूछ सकता है।

(दस) जहां आरोपित सरकारी सेवक जांच में किसी नियत दिनांक पर या कार्यवाही के किसी भी स्तर पर उसे सूचना तामील किये जाने या दिनांक की जानकारी रखने के बावजूद उपस्थित नहीं होता है तो, जांच अधिकारी एक पक्षीय जांच की कार्यवाही करेगा। ऐसे मामले में जांच अधिकारी, आरोपित सरकारी सेवक की अनुपस्थिति में, आरोप-पत्र में उल्लिखित साक्षियों के कथन को अभिलिखित करेगा।

(ग्यारह) अनुशासनिक प्राधिकारी यदि यह ऐसा करना आवश्यक समझता हो, आदेश द्वारा उसकी ओर से आरोप के समर्थन में मामले को प्रस्तुत करने के लिए किसी सरकारी सेवक या विधि व्यवसायी को जिसे प्रस्तुतकर्ता अधिकारी कहा जायगा नियुक्त कर सकता है।

(बारह) सरकारी सेवक अपनी ओर से मामले को प्रस्तुत करने के लिए किसी अन्य सरकारी सेवक की सहायता ले सकता है किन्तु इस प्रयोजन के लिए किसी विधि व्यवसायी की सेवा तब तक नहीं ले सकता है जब तक कि अनुशासनिक प्राधिकारी द्वारा नियुक्त प्रस्तुतकर्ता अधिकारी कोई विधि व्यवसायी न हो या अनुशासनिक प्राधिकारी, मामले की परिस्थितियों को ध्यान में रखते हुए, ऐसी अनुज्ञा न दे, दिया हो :

प्रतिबन्ध यह है कि यह नियम निम्नलिखित मामलों में लागू नहीं होगा:-

(एक) जहां किसी व्यक्ति पर कोई दीर्घ शास्ति ऐसे आचरण के आधार पर अधिरोपित की गई हो जो किसी आपराधिक आरोप पर उसे सिद्धोप ठहराए, या



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(दो) जहाँ अनुशासनिक प्राधिकारी का ऐसी कारणों से जो उसके द्वारा लिखित रूप में अभिलिखित किये जायेंगे, यह समाधान हो जाता है कि इस नियमावली में उपबंधित रीति से जांच करना युक्तियुक्त रूप से व्यवहारिक नहीं है, या

(तीन) जहाँ राज्यपाल का यह समाधान हो जाय कि राज्य की सुरक्षा के हित में इस नियमावली में उपबंधित रीति से जांच किया जाना समीचीन नहीं है।

8—जांच पूरी हो जाने पर जांच अधिकारी जांच के समस्त अभिलेखों के साथ अपनी जांच रिपोर्ट अनुशासनिक प्राधिकारी को प्रस्तुत करेगा। जांच रिपोर्ट में संश्लिप्त तथ्यों का पर्याप्त अभिलेख, साक्ष्य और प्रत्येक आरोप पर निष्कर्ष का विवरण और उसके कारण अन्तर्विष्ट होंगे। जांच अधिकारी शास्ति के बारे में कोई संस्तुति नहीं करेगा।

जांच रिपोर्ट का प्रस्तुत किया जाना

9—(1) अनुशासनिक प्राधिकारी सरकारी सेवक को सूचना देने हुए ऐसे कारणों से जो लिखित रूप में अभिलिखित किये जायेंगे, मामला पुनर्जांच के लिए उसी या किसी अन्य जांच अधिकारी को प्रेषित कर सकेगा। तदुपरान्त जांच अधिकारी उस स्तर से जिससे अनुशासनिक प्राधिकारी द्वारा निर्दिष्ट किया गया हो, नियम-7 के उपबन्धों के अनुसार जांच की कार्यवाही करेगा।

जांच रिपोर्ट पर कार्यवाही

(2) अनुशासनिक प्राधिकारी, यदि वह किसी आरोप के निष्कर्ष पर जांच अधिकारी से असहमत हो तो उस अभिलिखित किये जाने वाले कारणों से अपने निष्कर्ष को अभिलिखित करेगा।

(3) आरोप सिद्ध न होने की दशा में अनुशासनिक प्राधिकारी द्वारा आरोपित सरकारी सेवक को आरोपों से विमुक्त कर दिया जायगा और तदनुसार उसे सूचित कर दिया जायगा।

(4) यदि समस्त या किन्हीं आरोपों के निष्कर्षों को ध्यान में रखते हुए अनुशासनिक प्राधिकारी की यह राय हो कि नियम 3 में विनिर्दिष्ट कोई शास्ति आरोपित सरकारी सेवक पर अधिरोपित होनी चाहिए। तो वह उपनियम (2) के अधीन जांच रिपोर्ट और उसके अभिलिखित निष्कर्षों की एक प्रति आरोपित सरकारी सेवक को देगा और उससे उसका अभ्यावेदन, यदि वह ऐसा चाहता हो, एक युक्तियुक्त विनिर्दिष्ट समय के भीतर प्रस्तुत करने की अपेक्षा करेगा। अनुशासनिक प्राधिकारी जांच और आरोपित सरकारी सेवक के अभ्यावेदन से संबंधित समस्त सुसंगत अभिलेखों को ध्यान में रखते हुए, यदि कोई हो, और इस नियमावली के नियम 16 के उपबन्धों के अध्याधीन रहते हुए इस नियमावली के नियम 3 में उल्लिखित एक या अधिक शास्तियों अधिरोपित करते हुए एक युक्ति संगत आदेश पारित करेगा और उसे आरोपित सरकारी सेवक को संसूचित करेगा।

10—(1) जहाँ अनुशासनिक प्राधिकारी का समाधान हो जाय कि ऐसी प्रक्रिया को अंगीकार करने के लिए समुचित और पर्याप्त कारण हैं, वहाँ यह उपनियम (2) के उपबन्धों के अध्याधीन रहते हुए, नियम 3 में उल्लिखित एक या अधिक लघु शास्तियाँ अधिरोपित कर सकेगा।

लघु शास्तियाँ अधिरोपित करने के लिए प्रक्रिया

(2) सरकारी सेवक को उसके विरुद्ध अभ्यारोपणों का सार सूचित किया जायगा और उससे एक युक्तियुक्त समय के भीतर अपना स्पष्टीकरण प्रस्तुत करने की अपेक्षा की जायगी। अनुशासनिक प्राधिकारी उक्त स्पष्टीकरण, यदि कोई हो, और सुसंगत अभिलेखों पर विचार करने के पश्चात् ऐसे आदेश जैसा वह उचित समझता है, पारित करेगा और जहाँ कोई शास्ति अधिरोपित की जाय वहाँ उसके कारण दिये जायेंगे। आदेश संबंधित सरकारी सेवक को संसूचित किया जायगा।

11—(1) इस नियमावली के अधीन राज्यपाल द्वारा पारित आदेश के सिवाय सरकारी सेवक अनुशासनिक प्राधिकारी द्वारा पारित किसी आदेश की अपील अगले उच्चतर प्राधिकारी को करने का हकदार होगा।

अपील

(2) अपील, अपील प्राधिकारी को सम्बोधित और प्रस्तुत की जायगी। यदि कोई सरकारी सेवक अपील करेगा तो वह उसे अपने नाम से प्रस्तुत करेगा। अपील में ऐसे समस्त ताल्लिक कथन और तर्क होंगे जिन पर अपीलार्थी भरोसा करता हो।

(3) अपील में किसी असंयमित भाषा का प्रयोग नहीं किया जायेगा। कोई अपील, जिसमें ऐसी भाषा का प्रयोग किया जाय, सरसरी तौर पर खारिज की जा सकेगी।



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- (4) अपील आहोपित आदेश की संसूचना के दिनांक से 90 दिन के भीतर प्रस्तुत की जायगी। उक्त अवधि के पश्चात् की गई कोई अपील सरसरी तौर पर खारिज कर दी जायगी।
- अपील पर विचार 12—अपील प्राधिकारी निम्नलिखित पर विचार करने के पश्चात् अपील में इस नियमावली के नियम 13 के खण्ड (क) से (घ) में यथाउल्लिखित ऐसा आदेश पारित करेगा जैसा वह उचित समझे—
- (क) क्या ऐसे तथ्य जिन पर आदेश आधारित था, स्थापित किये जा चुके हैं,
- (ख) क्या स्थापित किये गये तथ्य कार्यवाही करने के लिए पर्याप्त आधार प्रदान करते हैं, और
- (ग) क्या शास्ति अत्यधिक, पर्याप्त या अपर्याप्त है।
- पुनरीक्षण 13—इस नियमावली में किसी बात के होते हुए भी, सरकार स्वप्रेरणा से या संबंधित सरकारी सेवक के अभ्यावेदन पर किसी ऐसे मामले के अभिलेख को मंगा सकेगी जिसका विनिश्चय उसके अधीनस्थ किसी प्राधिकारी द्वारा इस नियमावली द्वारा प्रदत्त शक्ति का प्रयोग करके किया गया हो और
- (क) ऐसे प्राधिकारी द्वारा पारित आदेश को पुष्टि कर सकेगी, उसका उपान्तर कर सकेगी या उसे उलट सकेगी, या
- (ख) निदेश दे सकेगी कि मामले में अग्रतर जांच की जाय, या
- (ग) आदेश द्वारा अधिरोपित दण्ड को कम कर सकेगी या उसमें वृद्धि कर सकेगी, या
- (घ) मामले में ऐसा अन्य आदेश दे सकेगी जैसा वह उचित समझे।
- पुनर्विलोकन 14—राज्यपाल यदि उसके संज्ञान में यह बात लाई गई हो कि आक्षेप आदेश पारित करते समय कोई ऐसी नई सामग्री या साक्ष्य को पेश न किया जा सका था या वह उपलब्ध नहीं था या विधि की कोई ऐसी तात्त्विक त्रुटि हो गई थी जिसका प्रभाव मामले की प्रकृति को परिवर्तित करता हो, तो वह किसी भी समय स्वप्रेरणा से या सम्बन्धित सरकारी सेवक के अभ्यावेदन पर इस नियमावली के अधीन अपने द्वारा पारित किसी आदेश का पुनर्विलोकन कर सकेगी।
- शास्ति अपिरोपित करने या वृद्धि करने के पूर्व अवसर 15—नियम 12, 13 और 14 के अधीन शास्ति अधिरोपित करने या उसमें वृद्धि करने का कोई आदेश तब तक नहीं किया जायेगा जब तक कि संबंधित सरकारी सेवक को प्रस्तावित यथास्थिति, अधिरोपित करने या वृद्धि करने के विरुद्ध कारण बताने का युक्तियुक्त अवसर न दिया गया हो।
- आयोग से परामर्श 16—इस नियमावली के अधीन राज्यपाल द्वारा किसी आदेश के पारित किये जाने के पूर्व समय-समय पर यथासंशोधित उत्तर प्रदेश लोक सेवा (कृत्वों का परिसीमन) विनियम, 1954 के अधीन यथा अपेक्षित आयोग से भी परामर्श किया जायगा।
- विखंडन और श्रावृत्ति 17—(1) सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1930 और उत्तर प्रदेश अधीनस्थ सेवाओं के लिए दण्ड एवं अपील नियमावली, 1932 एतद्वारा विखंडित की जाती है।
- (2) ऐसे विखंडन के होते हुए भी,—
- (क) उत्तर प्रदेश अधीनस्थ सेवाओं के लिए दण्ड एवं अपील नियमावली, 1932 में उल्लिखित शक्तियों का प्रत्यायोजन और सिविल सेवा (वर्गीकरण, नियंत्रण एवं अपील) नियमावली, 1930 या उत्तर प्रदेश अधीनस्थ सेवाओं के लिए दण्ड एवं अपील नियमावली, 1932 के अधीन जारी किया गया कोई ऐसा आदेश जिसमें किसी प्राधिकारी की नियम 3 में उल्लिखित किसी शास्तियों को अधिरोपित करने की शक्ति या निलम्बन की शक्ति प्रत्यायोजित की गई हो, इस नियमावली के अधीन जारी किया गया समझा जायेगा और तब तक विधिमान्य रहेगा जब तक कि उसे रद्द या विखंडित न कर दिया जाय,



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(ख) इस नियमावली के प्रवृत्त होने के दिनांक को लम्बित कोई जांच, अपील, पुनरीक्षण या पुनर्विलोकन जारी रहेगा और इस नियमावली के उपबन्धों के अधीन निर्णीत किया जायगा,

(ग) इस नियमावली की कोई बात किसी व्यक्ति को किसी अपील, पुनरीक्षण या पुनर्विलोकन के ऐसे अधिकार के प्रवर्तन से वंचित नहीं करेगी जो उसे इस नियमावली के प्रारम्भ होने के पूर्व किसी पारित आदेश के संबंध में इस नियमावली के प्रवर्तन न होने पर प्राप्त होते और इस नियमावली के प्रारम्भ के पूर्व पारित किसी आदेश के संबंध में अपील, पुनरीक्षण या पुनर्विलोकन को इस नियमावली के अधीन दाखिल की जायेगी और तदनुसार निस्तारित की जायेगी मानो इस नियमावली के उपबन्ध सभी सारवान समय पर प्रवृत्त थे।

आज्ञा से,
सुधीर कुमार,
सचिव।

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. 13/9/98-Ka-1-99, dated June 9, 1999 :

NO. 13/9/98-Ka-1-99

Dated Lucknow, June 9, 1999

IN exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of the Civil Service (Classification, Control and Appeal) Rules, 1930 and Punishment and Appeal Rules for Subordinate Service, Uttar Pradesh, 1932, the Governor is pleased to make the following rules :—

THE UTTAR PRADESH GOVERNMENT SERVANT (DISCIPLINE AND APPEAL) RULES, 1999

1. (1) These rules may be called the Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999. Short title and commencement

(2) They shall come into force at once.

(3) They shall apply to Government servants under the rule making power of the Governor under the proviso to Article 309 of the Constitution except the Officers and Servants of the High Court of Judicature at Allahabad covered under Article 229 of the Constitution of India.

2. In these rules, unless there is anything repugnant in the subject or context : Definitions

(a) "Appointing Authority" means the authority empowered to make appointments to the posts under the relevant service rules;

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

(c) "Commission" means the Uttar Pradesh Public Service Commission;

(d) "Departmental Inquiry" means the inquiry under rule 7 of these rules;

(e) "Disciplinary Authority" means an Authority empowered under rule 6 to impose penalties;

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

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



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(h) "Government Servant" means a person appointed to public services and posts in connection with the affairs of the State of Uttar Pradesh;

(i) "Group A, B, C and D posts" means the posts mentioned as such in the relevant Service Rules or the orders of the Government issued from time to time in this regard;

(j) "Service" means the public services and posts in connection with the affairs of the State of Uttar Pradesh.

Penalties

3. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon the Government Servants :—

Minor Penalties

(i) Censure;

(ii) Withholding of increments for a specified period;

(iii) Stoppage at an efficiency bar;

(iv) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders;

(v) Fine in case of persons holding Group 'D' posts;

Provided that the amount of such fine shall in no case exceed twenty five per cent of the months pay in which the fine is imposed.

Major Penalties

(i) Withholding of increments with cumulative effect;

(ii) Reduction to a lower post or grade or time scale or to a lower stage in a time scale;

(iii) Removal from the service which does not disqualify from future employment;

(iv) Dismissal from the service which disqualifies from future employment.

Explanation :—The following shall not amount to penalty within the meaning of this rule, namely :—

(i) Withholding of increment of a Government Servant for failure to pass a departmental examination or for failure to fulfil any other condition in accordance with the rules or orders governing the service;

(ii) Stoppage at the efficiency bar in the time scale of pay on account of ones not being found fit to cross the efficiency bar;

(iii) Reversion of a person appointed on probation to the service during or at the end of the period of probation in accordance with the terms of appointment or the rules and orders governing such probation;

(iv) Termination of the service of a person appointed on probation during or at the end of the period of probation in accordance with the terms of the service or the rules and orders governing such probation.



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4.(1) A Government Servant against whose conduct an inquiry is contemplated, or is proceeding may be placed under suspension pending the conclusion of the inquiry in the discretion of the Appointing Authority :

Provided that suspension should not be resorted to unless the allegations against the Government Servant are so serious that in the event of their being established may ordinarily warrant major penalty:

Provided further that concerned Head of the Department empowered by the Governor by an order in this behalf may place a Government Servant or class of Government Servants belonging to Group 'A' and 'B' posts under suspension under this rule:

Provided also that in the case of any Government Servant or class of Government Servants belonging to Group 'C' and 'D' posts, the Appointing Authority may delegate its power under this rule to the next lower authority.

(2) A Government Servant in respect of, or against whom an investigation, inquiry or trial relating to a criminal charge, which is connected with his position as a Government Servant or which is likely to embarrass him in the discharge of his duties or which involves moral turpitude, is pending, may, at the discretion of the Appointing Authority or the Authority to whom the power of suspension has been delegated under these rules, be placed under suspension until the termination of all proceedings relating to that charge.

(3) (a) A Government Servant shall be deemed to have been placed or, as the case may be, continued to be placed under suspension by an order of the Authority Competent to suspend, with effect from the date of his detention, if he is detained in custody, whether the detention is on criminal charge or otherwise, for a period exceeding forty eight hours.

(b) The aforesaid Government Servant shall, after the release from the custody, inform in writing to the Competent Authority about his detention and may also make representation against the deemed suspension. The Competent Authority shall, after considering the representation in the light of the facts and circumstances of the case as well as the provisions contained in this rule, pass appropriate order continuing the deemed suspension from the date of release from custody or revoking or modifying it.

(4) Government Servant shall be deemed to have been placed or, as the case may be, continued to be placed under suspension by an order of the Authority Competent to suspend under these rules, with effect from the date of his conviction if in the event of a conviction for an offence he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed removed consequent to such conviction.

Explanation :

A period of forty eight hours referred to in sub-rule 11 be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment shall be taken to account.

(5) Where a penalty of dismissal or removal from service imposed upon a Government Servant is set aside in appeal or on review under these rules or under rules framed by these rules and the case is remitted for further inquiry or action or with any other directions:



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(a) if he was under suspension immediately before the penalty was awarded to him, the order of his suspension shall, subject to any such directions as aforesaid, be deemed to have continued in force on and from the date of the original order of dismissal or removal:

(b) if he was not under suspension, he shall, if so directed by the appellate or Reviewing Authority, be deemed to have been placed under suspension by an order of the Appointing Authority on and from the date of the original order of dismissal or removal :

Provided that nothing in this sub-rule shall be construed as affecting the power of the Disciplinary Authority in a case where a penalty of dismissal or removal in service imposed upon a Government Servant is set aside in appeal or on review under these rules grounds other than the merits of the allegations which, the said penalty was imposed but the case is remitted for further inquiry or action or with any other directions to pass an order of suspension being further inquiry against him on those allegations so, however, that any such suspension shall not have retrospective effect.

(6) Where penalty of dismissal or removal from service imposed upon a Government Servant is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Appointing Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, whether the allegations remain in their original form or are clarified or their particulars better specified or any part thereof of a minor nature omitted :

(a) if he was under suspension immediately before the penalty was awarded to him, the order of his suspension shall, subject to any direction of the Appointing Authority, be deemed to have continued in force on and from the date of the original order of dismissal or removal;

(b) if he was not under such suspension, he shall, if so directed by the Appointing Authority, be deemed to have been placed under suspension by an order of the Competent Authority on and from the date of the original order of dismissal or removal.

(7) Where a Government Servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the Authority Competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government Servant shall continue to be under suspension till the termination of all or any of such proceedings.

(8) Any suspension ordered or deemed to have been ordered or to have continued in force under this rule shall continue to remain in force until it is modified or revoked by the Competent Authority.

(9) A Government Servant placed under suspension or deemed to have been placed under suspension under this rule shall be entitled to subsistence allowance in accordance with the provisions of fundamental rule 53 of the Financial Hand Book, Volume-II, Part II to IV.



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5. After the order is passed in the departmental enquiry or in the criminal case, as the case may be under these rules, the decision as to the pay and allowances of the suspension period of the concerned Government Servant and also whether the said period shall be treated as spent on duty or not, shall be taken by the Disciplinary Authority after giving a notice to the said Government Servant and calling for his explanation within a specified period under rule 54 of the Financial Hand Book Volume-II part II to IV.

Pay and allowances etc. the suspension period

6. The Appointing Authority of a Government Servant shall be his Disciplinary Authority who, subject to the provisions of these rules, may impose any of the penalties specified in rule 3 on him :

Disciplinary Authority

Provided that no person shall be dismissed or removed by an authority subordinate to that by which he was actually appointed :

Provided further that the Head of Department notified under the Uttar Pradesh Class II Services (Imposition of Minor Punishments) Rules, 1973, subject to the provisions of these rules, shall be empowered to impose minor penalties mentioned in rule 3 of these rules :

Provided also that in case of a Government Servant belonging to Group 'C' and 'D' posts, the Government, by a notified order, may delegate the power to impose any penalty, except dismissal or removal from service under these rules, to any Authority subordinate to the Appointing Authority and subject to such conditions as may be prescribed therein.

7. Before imposing any major penalty on a Government Servant, an inquiry shall be held in the following manner :

Procedure for imposing major penalties

(i) The Disciplinary Authority may himself inquire into the charges or appoint an Authority subordinate to him as Inquiry Officer to inquire into the charges.

(ii) The facts constituting the misconduct on which it is proposed to take action shall be reduced in the form of definite charge or charges to be called chargesheet. The chargesheet shall be approved by the Disciplinary Authority :

Provided that where the Appointing Authority is Governor, the chargesheet may be approved by the Principal Secretary or the Secretary, as the case may be, of the concerned department.

(iii) The charges framed shall be so precise and clear as to give sufficient indication to the charged Government Servant of the facts and circumstances against him. The proposed documentary evidences and the name of witnesses proposed to prove the same alongwith oral evidences, if any, shall be mentioned in the chargesheet.

(iv) The charged Government Servant shall be required to put in a written statement of his defence in person on a specified date which shall not be less than 15 days from the date of issue of chargesheet and to state whether he desires to cross-examine any witness mentioned in the chargesheet and whether desires to give or produce evidence in his defence. He shall also be informed that in case he does not appear or file the written statement on the specified date, it will be presumed that he has none to furnish and inquiry officer shall proceed to complete the inquiry exparte.



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(v) The chargesheet, alongwith the copy of documentary evidences mentioned therein and list of witnesses and their statements, if any shall be served on the charged Government Servant personally or by registered post at the address mentioned in the official records in case the chargesheet could not be served in aforesaid manner, the chargesheet shall be served by publication in a daily news paper having wide circulation :

Provided that where the documentary evidence is voluminous, instead of furnishing its copy with chargesheet, the charged Government servant shall be permitted to inspect the same before the Inquiry Officer.

(vi) Where the charged Government Servant appears and admits the charges, the inquiry Officer shall submit his report to the Disciplinary Authority on the basis of such admission.

(vii) Where the charged Government Servant denies the charges the Inquiry Officer shall proceed to call the witnesses proposed in the chargesheet and record their oral evidence in presence of the charged Government Servant who shall be given opportunity to cross examine such witnesses. After recording the aforesaid evidences, the Inquiry Officer shall call and record the oral evidence which the charged Government Servant desired in his written statement to be produced in his defence :

Provided that the Inquiry Officer may for reasons to be recorded in writing refuse to call a witness.

(viii) The Inquiry Officer may summon any witnesses to give evidence or require any person to produce documents before him in accordance with the provisions of the Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1976.

(ix) The Inquiry Officer may ask any question he pleases, at any time of any witness or from person charged with a view to discover the truth or to obtain proper proof of facts relevant to charges.

(x) Where the charged Government Servant does not appear on the date fixed in the inquiry or at any stage of the proceeding inspite of the service of the notice on him or having knowledge of the date, the Inquiry Officer shall Proceed with the inquiry ex parte. In such a case the Inquiry Officer shall record the statement of witnesses mentioned in the chargesheet in absence of the charged Government Servant.

(xi) The Disciplinary Authority, if it considers it necessary to do so, may, by an order appoint a Government Servant or a legal practitioner, to be known as "Presenting Officer" to present on its behalf the case in support of the charge.

(xii) The Government servant may take the assistance of any other Government Servant to present the case on his behalf but not engage a legal practitioner for the purpose unless the presenting officer appointed by the Disciplinary Authority is a legal practitioner of the Disciplinary Authority having regard to the circumstances of the case so permits :

Provided that this rule shall not apply in following cases :—

(i) Where any major penalty is imposed on a person on the ground of conduct which has led to his conviction on a criminal charge; or



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(ii) Where the Disciplinary Authority is satisfied, that for reason to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in these rules; or

(iii) Where the Governor is satisfied that, in the interest of the security of the State, it is not expedient to hold an inquiry in the manner provided in these rules.

8. When the inquiry is complete, the Inquiry Officer shall submit its inquiry report to the Disciplinary Authority alongwith all the records of the inquiry. The inquiry report shall contain a sufficient record of brief facts, the evidence and statement of the findings on each charge and the reasons thereof. The Inquiry Officer shall not make any recommendation about the penalty.

Submission of Inquiry Report

9. (1) The Disciplinary Authority may, for reasons to be recorded in writing, remit the case for re-inquiry to the same or any other Inquiry Officer under intimation to the charged Government Servant. The Inquiry Officer shall thereupon proceed to hold the inquiry from such stage as directed by the Disciplinary Authority, according to the provisions of Rule 7.

Action on Inquiry Report

(2) The Disciplinary Authority shall, if it disagrees with the findings of the Inquiry Officer on any charge, record its own findings thereon for reasons to be recorded.

(3) In case the charges are not proved, the charged Government Servant shall be exonerated the Disciplinary Authority of the charges and informed him accordingly.

(4) If the Disciplinary Authority, having regard to its findings on all or any of charges is of the opinion that any penalty specified in rule 3 should be imposed on the charged Government Servant, he shall give a copy of the inquiry report and his findings recorded under sub-rule (2) to the charged Government Servant and require him to submit his representation if he so desires, within a reasonable specified time. The Disciplinary Authority shall, having regard to all the relevant records relating to the inquiry and representation of the charged Government Servant, if any, and subject to the provisions of rule 16 of these rules, pass a reasoned order imposing one or more penalties mentioned in rule 3 of these rules and communicate the same to the charged Government Servant.

10. (1) Where the Disciplinary Authority is satisfied that good and sufficient reasons exist for adopting such a course, it may, subject to the provisions of sub-rule (2) impose one or more of the minor penalties mentioned in rule 3.

Procedure for imposing minor penalties

(2) The Government Servant shall be informed of the substance of the imputations against him and called upon to submit his explanation within a reasonable time. The Disciplinary Authority shall, after considering the said explanation, if any, and the relevant records, pass such orders as he considers proper and where a penalty is imposed, reason thereof shall be given. The order shall be communicated to the concerned Government Servant.

11. (1) Except the orders passed under these rules by the Governor, the Government Servant shall be entitled to appeal to the next higher authority from an order passed by the Disciplinary Authority.

Appeal

(2) The appeal shall be addressed and submitted to the Appellate Authority. A Government Servant preferring an appeal shall do so in his own name. The appeal shall contain all material statements and arguments relied upon by the appellant.



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- (3) The appeal shall not contain any intemperate language. Any appeal, which contains such language may be liable to be summarily dismissed.
- (4) The appeal shall be preferred within 90 days from the date of communication of impugned order. An appeal preferred after the said period shall be dismissed summarily.
- Consideration of Appeals.** 12. The Appellate Authority shall pass such order as mentioned in clauses (a) to (d) of rule 13 of these rules, in the appeal as he thinks proper after considering,—
- (a) Whether the facts on which the order was based have been established;
 - (b) Whether the facts established afford sufficient ground for taking action; and
 - (c) Whether the penalty is excessive, adequate or inadequate.
- Revision** 13. Notwithstanding anything contained in these rules, the Government may of its own motion or on the representation of concerned Government servant call for the record of any case decided by an authority subordinate to it in the exercise of any power conferred on such authority by these rules; and
- (a) confirm, modify or reverse the order passed by such authority, or
 - (b) direct that a further inquiry be held in the case, or
 - (c) reduce or enhance the penalty imposed by the order; or
 - (d) make such other order in the case as it may deem fit.
- Review** 14. The Governor may at any time, either on his own motion or on the representation of the concerned Government servant, review any order passed by him under these rules, if it has brought to his notice that any new material or evidence which could not be produced or was not available at the time of passing the impugned order or any material error of law occurred which has the effect of changing the nature of the case.
- Opportunity before imposing or enhancing penalty** 15. No order under rules 12, 13 and 14 imposing or enhancing any penalty shall be made unless the Government servant concerned has been given a reasonable opportunity or showing cause against the proposed imposition or enhancement, as the case may be.
- Consultation with the Commission** 16. Before any order is passed by the Governor under these rules, the Commission, as required under the Uttar Pradesh Public Service Commission (Limitation of Function) Regulation, 1954, as amended from time to time, shall also be consulted.
- Rescission and savings** 17 (1) The Civil Service (Classification, Control and Appeal) Rules, 1930 and the Punishment and Appeal Rules for Subordinate Services, Uttar Pradesh, 1932 are hereby rescinded.
- (2) Notwithstanding such rescission,—
- (a) Delegation of power mentioned in punishment and Appeal Rules for Subordinate Services Uttar Pradesh, 1932 and any order issued under the Civil Service (Classification, Control and Appeal) Rules, 1930 or Punishment and Appeal Rules for subordinate Services, Uttar Pradesh, 1932 delegating the power of imposing any of the penalties mentioned in rule 3 or power of suspension the any authority shall be deemed to have been issued under these rules and shall remain valid unless cancelled or rescinded;

