UTTAR PRADESH
LEGAL SERVICES AUTHORITES AND COMMITTEES (EMPLOYEES) SERVICES RULES, 2009

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UTTAR PRADESH
LEGAL SERVICES AUTHORITES AND
COMMITTEES (EMPLOYEES)
SERVICES RULES, 2009[1]

In exercise of the powers conferred by sub-section (1) read with Clause (e), (g), (j) and (m) of sub-section (2) of Section 28 of the Legal Service Authorities Act, 1987 (Act No. 39 of 1987), the Governor in consultation with the Chief Justice, Allahabad High Court, is pleased to make the following rules :

PART I
GENERAL

1. Short title, commencement and applicability .—(1) These rules may be called the Uttar Pradesh Legal Services Authorities and committees (Employees) Services Rules, 2009.

(2) They shall come into force with effect from the date of its publication in the Gazette.

(3) They shall be applicable to every Group "C" and "D" employees of an Authority or a Committee constituted under the Act.

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2. Status of Service.—The Uttar Pradesh Legal Services Authority and Committees Service is a State Service comprising Group "C" and Group "D" posts.

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

(a) *"Absorption"* means where an employee on deputation to a post is permanently absorbed, subject to the rules as applicable to an employee under rules either before or after completion of period of deputation;

(b) *"Act"* means the Legal Services Authorities Act, 1987;

(c) *"Appointing Authority"* means in relation to employees of the Uttar Pradesh State Legal Services Authority, the Executive Chairman, in relation to the employees of a District Legal Services Authority, the Chairman of the concerned District Authority, in relation to the employees of the High Court Legal Services Committee, the Chairman, High Court Legal Services Committee and in relations to the employees of a Taluk Legal Services Committee, the Chairman of the Concerned Taluk Legal Service Committee;

(d) *"Citizen of India"* means a person who is or is deemed to be a citizen of India under Part II of the Constitution;

(e) *"Competitive examination"* means examination in such subjects including typing , stenography etc. or such other test as may be determined by the Executive chairman from time to time for different posts;

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1. *Vide* Noti. NO. 1011/VII Nyaya-7-2009-50/97, dated 26th October, 2009, published in the U. P. Gazette (Extra.), Part 4, Section (Kha), dated 26th October, 2009.

(f) *"Constitution"* means the Constitution of India;
(g) *"Deputation"* means and includes an employee posted on any post on deputation either from the State Government or from the High Court of Judicature at Allahabad or from any Government undertaking;
(h) *"Employee"* means an employee who is serving to a post in the service;
(i) *"Executive Chairman"* means Executive Chairman of the State Legal Services Authority;
(j) *"Government"* means the State government of Uttar Pradesh;
(k) *"Governor"* means the Governor of Uttar Pradesh;
(l) *"Other Backward Classes of citizen"* means the Backward Classes of the citizens specified in Schedule 5 to the Uttar Pradesh Public Service (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 as amended from time to time;
(m) *"Patron-in-Chief"* means Patron-in-Chief of the State Legal Services Authority;
(n) *"Promotion"* means the promotion of an employee to a post;
(o) *"Rules"* means the Uttar Pradesh State Legal Authority Rules,1996;
(p) *"Schedule"* means a schedule appended to these rules;
(q) *"Selection Committee"* means the Selection Committee, constituted from time to time by the Executive Chairman for the purpose of selection of employees;
(r) *"Service"* means the Uttar Pradesh Legal Services Authorities and Committees Service;
(s) *"Substantive Appointment"* means an appointment, not being an ad hoc appointment, on a post in the cadre of the service made after selection in accordance with the rules and, if there are no rules in accordance with the procedure prescribed, for the time being by executive instructions issued by the Government;
(t) *"Taluk"* means revenue Tahsil of a district in the State;
(u) *"Year of recruitment"* means a period of twelve months commencing on the first day of July of a calendar year.

(2) Words and expression not defined in these rules but defined under the Act or the rules shall have the same meaning assigned to them under the Act or the rules.

PART II
CADRE

4. Cadre of Service.—(1) The Service shall comprise the following cadre, namely—
(a) the State Legal Services Authority Cadre,
(b) the District Legal Services Authority Cadre,
(c) the High Court Legal Services Committee Cadre, and
(d) The Taluk Legal Service Committee Cadre.
(2) The strength of the service of each category of posts therein shall be as

may be determined by the Government from time to time in consultation with the Chief Justice of the High Court of Judicature at Allahabad.

(3) (a) The appointing authority may leave unfilled or the Governor may in consultation with the Chief Justice of Allahabad High Court hold in abeyance any vacant post without thereby entitling any person to compensation.

(b) The Governor may in consultation with the Chief Justice of the Allahabad High Court create such additional permanent or temporary posts, as he may consider proper.

PART III
RECRUITMENT

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

(1) By promotion in accordance with the procedure laid down in Part V of these rules.

(2) By direct recruitment in accordance with the procedure laid down in Part V of these rules.

6. Reservation.—Reservation for the candidate belonging to Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the orders of the Government in force at the time of the recruitment.

PART IV
QUALIFICATION

7. Nationality.—A candidate for direct recruitment to a post in the service must be :

(a) a citizen of India; or

(b) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India; or

(c) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka or any of the East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganika and Zanzibar) with the intention of permanently settling in India :

Provided that a candidate belonging to category (b) or (c) above must be a person in whose favour a certificate of eligibility has been issued by the State Government :

Provided also that if a candidate belongs to category (b) will also be required to obtain a certificate of eligibility granted by the Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh :

Provided also that if a candidate belongs to category (c) above, no certificate of eligibility will be issued for a period of more than one year and the retention of such a candidate in service beyond a period of one year, shall be subject to his acquiring Indian Citizenship.

Note.—A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused, may be admitted to an examination or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour.

8. Academic Qualification.—A candidate for recruitment to the various posts in the service must possess the following qualification **:**

Post	Qualification
Private Secretary	Intermediate or equivalent from any recognized Educational Institution/Board, having speed of 100 and 80 w.p.m. in Hindi and English shorthand respectively along with typing speed of 35 w.p.m. in Hindi and English.
Administrative Officer	Intermediate or equivalent from any recognized Educational Institution/Board, having speed in Hindi and English typing 25 and 40 w.p.m. respectively.
Senior Assistant	Intermediate or equivalent from any recognized Educational Institution/Board, having speed in Hindi and English typing 25 and 40w.p.m. respectively.
Personal Assistant	Intermediate or equivalent from any recognized Educational Institution/Board, having speed of 100 and 80 w.p.m. in Hindi and English shorthand respectively along with typing speed of Hindi and English 35 and 40 w.p.m. respectively.
Senior Clerk	Intermediate or equivalent from any recognized Educational Institution/Board, having speed in Hindi and English typing 25 and 40 w.p.m. respectively.
Accounts Clerk	Graduate in commerce from any recognized University, and having 5 years experience as junior clerk with knowledge of Hindi and English typing.
Stenographer	Intermediate or equivalent from any recognized Educational Institution/Board, having speed of 80w.p.m. in Hindi shorthand along with typing speed of 35 w.p.m. in Hindi. Preference will be given to those candidates who have knowledge of English Stenography, typing and computer.
Junior Clerk/Library Clerk/Typist	Intermediate or equivalent from any recognized Educational Institution/Board, having speed in Hindi typing 25 w.p.m. Preference will be given to those candidates, who have knowledge of English typing and computer, preference will also be given for the post of library clerk to those candidates who have diploma in library science.
Driver	Class VIII Passed from any recognized Educational Institution having valid driving licesnce of heavy or light motor vehicle, as applicable of not less than a period of 3 years from the date of notifying the vacancy.
Machine Operator-cum-Daftri	Class V passed from any recognized Educational Institution having knowledge of cycling.
Orderly/Peon	Class V passed from any recognized Educational Institution having knowledge of cycling.

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Sweeper-cum-Farrash	Literate.

9. Preferential qualification.—A candidate who has—

(i) Served in the Territorial Army for a minimum period of two years, or,

(ii) obtained a 'B' certificate of National Cadet Corps,

shall, other things being equal, be given preference in the matter of direct recruitment.

10. Age.—A candidate for direct recruitment must have attained the age of 18 years and must not have attained the age of more than 35 years on the first day of the year of recruitment :

Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and such other categories as may be notified by the Government from time to time shall be greater by such number of years as may be specified.

11. Character.—The character of candidate for direct recruitment to a post in the service must be such as to render him suitable in all respects for employment in Government service. The Appointing Authority shall satisfy itself on his point.

***Note.*—**Persons dismissed by the Union Government or a State Government or by a Local Authority or a Corporation or Body owned or controlled by the Union Government or a State Government shall be ineligible for appointment to any post in the service. Persons convicted of an offence involving moral turpitude shall also be ineligible.

12. Marital Status.—A male candidate who has more than one wife living or a female candidate who has married a man already having a wife living shall not be eligible for appointment to a post in the service:

Provided that the Government may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

13. Physical fitness.—No candidate shall be appointed to a post in the service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment he shall be required to produce a Medical Certificate to fitness in accordance with the rules framed under fundamental Rule 10, contained in Chapter III of the Financial Hand Book, Volume II, Para III :

Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotion.

PART V

PROCEDURE FOR RECRUITMENT

14. Determination of vacancies.—The appointing authority shall determine and notify to the Employment Exchange in accordance with the rules and order for the time being in force, the number of vacancies to be filled during the course of the year as also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6.

15. Procedure for direct recruitment.—(1) For the purpose of recruitment, there shall be constituted a Selection Committee comprising :

(A) In the case of the State Legal Services Authority,

(1) Appointing Authority *i.e.* Member-Secretary,

(2) Secretary,

(3) Two officers not below the rank of Additional District Judge of which one

Shall be a person belonging to Scheduled Caste or Scheduled Tribes and the other shall be a person belonging to Other Backward Class of citizen to be nominated by the Executive Chairman.

(B) In the case of a District Legal Services Authority

(1) Appointing Authority *i.e.* Chairman,

(2) Secretary,

(3) Two officers not below the rank of Civil Judge (Senior Division) of which one shall be a person belonging to Scheduled Caste or Scheduled Tribes and the other shall be a person belonging to Other Backward Class of citizens to be nominated by Chairman.

(C) In the case of a High Court Legal Services Committee

(1) Appointing Authority *i.e.* Chairman,

(2) Secretary,

(3) Two officers not below the rank of district Judge of which one shall be a person belonging to Scheduled Caste or Scheduled Tribes and the other shall be a person belonging to Other Backward Class of citizens to be nominated by the Chief Justice of High court of Judicature at Allahabad.

(D) In the case of a Taluk Legal Services Committee

(1) Appointing Authority *i.e.* Chairman,

(2) Secretary *i.e.* Tahsildar,

(3) Two officers not below the rank of Civil Judge (Junior Division) of which one shall be a person belonging to Scheduled Caste or Scheduled Tribes and the other shall be a person belonging to Other Backward Class of citizen to be

nominated by the Chairman, District Legal Services Authority.

(2) The Selection Committee shall scrutinize the applications and require the eligible candidates to appear in a competitive examination and in interview.

Note.—The procedure for competitive examination shall be such as may be determined by the Authority/Committee concerned.

(3) After the marks obtained by the candidates in the written test have been tabulated, the Selection Committee shall, having regard to the need for securing due representation of the candidates belonging to Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 5, call for interview such number of candidates as, on the result of the written examination, have come up to the standard fixed by the Committee in this respect. The marks awarded to each candidate in the interview shall be added to the marks obtained by him in the written test.

(4) The Selection Committee shall prepare a list of candidates in order of merit as disclosed by aggregate of marks obtained by them in the written test and in the interview. If two or more candidates obtain equal marks, the candidates obtaining higher marks in the written test shall be placed higher. The Selection Committee shall arrange their names in order of merit on the basis of their general suitability for the post. The number of the names in the list shall be larger (but not larger by more than 25%) than the number of the vacancies.

16. Procedure for recruitment by promotions.—(1) Recruitment by promotion shall be made on the basis of seniority-cum-merit subject to the rejection of unfit through the Selection Committee constituted under Rule15.

(2) The appointing authority shall prepare an eligibility list of the candidate arranged in order or seniority, and place it before the Selection Committee along with their character rolls and such other record, pertaining to them as may be considered proper.

(3) The Selection Committee referred to in Rule 15 shall consider the case of candidates on the basis of the records, referred to in sub-rule(2). if it considers necessary, it may interview the candidates also.

(4) The Selection Committee shall prepare a list of selected candidates arranged in order of seniority and forward the same to the appointing authority.

Note.—"Promotion of Class IV (Group-D) employees to Class III (Group-C) employees in the lowest scale would be in accordance with the Government orders applicable at the time of promotion".

17. Combined select list.—If in any year of recruitment appointment are made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of candidates from the relevant lists, in such manner that the prescribed percentage is maintained, the first name in the list is being of the person appointed by promotion.

Illustrations—

(i) Suppose, in a service, appointment is made both by direct recruitment (D) and by promotion (P) in the ration of 75:25 and in particular year, there are 20 vacancies. In such a case 15 vacancies will go to the direct recruits and 5 vacancies to promotees. After the selections are made the Combined Select list shall be prepared in the following cyclic order :

1.	D	11.	D
2.	D	12.	D
3.	D	13.	P
4.	D	14.	D
5.	P	15.	D
6.	D	16.	D
7.	D	17.	P
8.	D	18.	D
9.	P	19.	D
10.	D	20.	D

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Note.—Nomination of officers belonging

(ii) If in the above case instead of recruitment, in any Year (X), being in accordance with the prescribed Quota 8 persons are recruited by promotion and 12 directly and the rules or where there are no rules, the relevant orders in force for the time being do not permit the unfilled vacancies of any source being filled from the deficiency in the quota of direct recruits is made good in the next year (Y) by recruiting 18 direct recruits and 2 promotees out of 20 vacancies the combined select list in (X) and (Y) years shall be prepared in the following cyclic order :

(X) Year				*(Y) Year*			
1.	D	11.	D	1.	D Unfilled	11.	D
2.	D	12.	D	2.	D quota of	12.	P Excess of (X) year
3.	D	13.	P	3.	D (X) year	13.	D
4.	D	14.	D	4.	P Excess of (X) year	14.	D
5.	P	15.	D	5.	D	15.	D
6.	D	16.	D	6.	D	16.	P
7.	D	17.	P	7.	D	17.	D
8.	D			8.	P Excess of (X) year	18.	D
9.	P			9.	D	19.	D
10.	D			10.	D	20.	P

(iii) If, in the case mentioned in illustration (ii), the rules or, where there are no rules, the relevant orders in force for the time being provided for the unfilled vacancies of any source being filled from the other sources in specified contingency and the unfilled 3 vacancies of direct recruits are so filled by promotions the combined select list shall be in the following cyclic order.

1.	P	7.	D	13.	D	19.	P
2.	D	8.	D	14.	D	20.	P
3.	D	9.	P	15.	D		
4.	D	10.	D	16.	D		
5.	P	11.	D	17.	P		
6.	D	12.	D	18.	P		

PART VI

APOINTMENT, PROBATION, CONFIRMATION AND SENIORITY

18. Appointment.—(1) Subject to the provisions of sub-rule (2) the appointing authority shall make appointment by taking the names of candidates in the order in which they stand in the lists prepared under Rules 15,16 or 17 as the case may be.

(2) Where, in any year of recruitment, appointments are to be made both by direct recruitment and by promotions, regular appointment shall not be made unless selections are made from both the sources and combined list is prepared in accordance with Rule 17.

(3) If more than one order of appointment are issued in respect of any one selection, a combined order shall also be issued, mentioning the names of the persons in order of seniority as determined in the selection or, as the case may be, as it stood in the cadre from which they are promoted. If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the cyclic order, referred to in Rule17.

(4) The appointing authority may make appointments in temporary or officiating capacity also from the list prepared under sub-rule (1). If no candidate borne on these lists is available, he may make appointments in such vacancy from amongst persons eligible for appointment under these rules, Such appointment shall not last for a period exceeding one year or beyond the next selection under these rules, whichever be earlier.

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

(2) The appointing authority may, for reasons to be recorded extend the period of probation in individual cases specifying the date up to which the extention is granted :

Provided that, save in exceptional circumstances, the period of probation shall not be extended beyond one year and in no circumstances beyond two years.

(3) If it appears to the appointing authority at any time during or at the end of the period of probation or extended period of probation that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction he may be reverted to his substantive post, if any, and if he does not hold a line on any post, his services may be dispensed with.

(4) A probationer who is reverted or whose services are dispensed with under sub-rule (3) shall not be entitled to any compensation.

(5) The appointing authority may allow continuous service, rendered in an officiating or temporary capacity in a post included in the cadre or any other equivalent or higher post, to be taken into account for the purpose of computing the period of probation.

20. Confirmation.—A probationer shall be confirmed in his appointment at the end of the period of probation or the extended period of probation if---

(a) his work and conduct is reported to be satisfactory,

(b) his integrity is certified, and

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

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21. Seniority.—(1) Except as hereinafter provided, the seniority of persons in any category of post shall be determined from the date of the orders of substantive appointment and if two or more persons are appointed together, by such order in which their names are arranged in the appointment order :

Provided that if the appointment order specifies a particular back date with effect from which a person substantively appointed, that date, will be deemed to be the date of order of substantive appointment and, in other case, it will mean the date of issue of the order :

Provided further that, if more than one order of appointment are issued in respect of any one, on selection the seniority shall be as mentioned in the combined order of appointment issued under sub-rule (3) of Rule 18.

(2) The seniority *inter –se* of persons appointed directly on the result of any one selection, shall be the same as determined by Selection Committee :

Provided that a candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacancy is offered to him and the decision of the appointing authority as to the validity of reasons shall be final.

(3) The Seniority *inter –se* of persons appointed by promotion shall be the same as it was in the cadre from which they were promoted.

(4) Where appointments are made both by promotion and direct recruitment or from more than one source and the respective quota of the sources is prescribed, the seniority *inter –se* shall be determined by arranging the names in

a cyclic order in a combined list, prepared in accordance with Rule 17, in such manner that the prescribed percentage is maintained :

Provided that :

(i) Where appointments from any source are made in excess of the prescribed quota, the persons appointed in excess of quota shall be pushed down, for seniority, to subsequent year or years in which there are vacancies in accordance with the quota.

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

(iii) Where, in accordance with the rules or prescribed procedure, the unfilled vacancies from any source could, in the circumstances mentioned in the relevant rule or procedure be filled from the other source and appointment in excess of quota are so made, the persons so appointed shall get the seniority of that very year as if they are appointed against the vacancies of their quota.

PART VII

PAY ETC.

22. Scales of pay.—(1) The scales of pay admissible to persons appointed to the various categories of posts in the service, whether in a substantive or officiating capacity or as a temporary measure, shall be such as may be determined by the Government from time to time.

(2) The scales of pay at the time of the commencement of these rules with respect to the State Legal Service Authority Cadre, District Legal Services Authority Cadre, the High Court Legal Services Committee Cadre and the Taluk Legal Services Committee Cadre are as given in Schedules A, B, C and D respectively.

23. Pay during probation.—(1) Notwithstanding any provision in the Fundamental Rules, to the contrary, a person on probation, if he is not already in permanent Government service, shall be allowed his first increment in the time scale when he has completed one year of satisfactory service and second increment after two years service when he has completed the probationary period and is also confirmed :

Provided that if the period of probation is extended in account of failure to give satisfaction such extension shall not count for increment unless the appointing authority directs otherwise.

(2) The pay during probation of persons, who are already holding a post under the Government, shall be regulated by the relevant fundamental rules :

Provided that, if the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless the appointing authority directs otherwise.

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

PART VIII
OTHER PROVISIONS

24. Conveyssing.—No recommendations, either written or oral, other than those required under the rules applicable to the post or service will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature will disqualify him for appointment.

25. Regulation of other matters.—In regard to the matters not specifically covered by these rules or special order, persons appointed to the service shall be governed by the rules, regulations and orders applicable generally to government servants serving in connection with the affairs of the State.

26. Relaxation from the conditions of service.—Where the State Government is satisfied that the operation, of any rule regulating the conditions of service of persons appointed to the service causes undue hardship in any particular case, it may, notwithstanding anything contained in the rules applicable to the case, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary dealing with the case in a just and equitable manner.

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

SCHEDULE A

State Legal Services Authority

SI.No.	*Name of Posts*	*No. Of Post*	*Pay Scale*
1.	Private Secretary	1	Rs. 6500-200-10500
2.	Personal Assistant	3	Rs. 5500-175-9000
3.	Stenographer	2	Rs. 4000-100-6000
4.	Administrative Officer	1	Rs. 5500-175-9000
5.	Upper Division Assistant	3	Rs. 4500-125-7000
6.	Account Clerk	1	Rs. 4000-100-6000
7.	Senior Clerk	1	Rs. 4000-100-6000
8.	Typist	2	Rs. 3050-75-3950-80-4590
9.	Junior Clerk	3	Rs. 3050-75-3950-80-4590
10.	Library Clerk	1	Rs. 3050-75-3950-80-4590
11.	Orderly/Peon	10	Rs. 2550-55-2660-60-3200
12.	Daftary cum Machine Operator	1	Rs. 2610-60 3150-65-3540
13.	Driver	3	Rs. 3050-75-3950-80-4590
14.	Sewak	1	Rs. 45 per day
15.	Sweeper-cum-Farrash	1	Rs. 500 per month fixed pay

SCHEDULE B

District Legal Services Authority

SI.No.	*Name of Posts*	*No. of post*	*Pay Scale*
1.	Junior Clerk	57	Rs. 3050-75-3950-80-4590
2.	Orderly/ Peon	57	Rs. 2550-55-2660-60-3200

SCHEDULE C

High Court Legal Services Committee

SI. No.	*Name of Posts*	*No. of post*	*Pay Scale*
1.	Junior Clerk	2	Rs. 3050-75-3950-80-4590
2.	Orderly/ Peon	2	Rs. 2550-55-2660-60-3200

SCHEDULE D

Taluka Legal Services Committee

SI.No.	*Name of Posts*	*No. of post*	*Pay Scale*
1.	Junior Clerk	NILL	
2.	Orderly/ Peon	NILL	