

**THE ALLAHABAD HIGH COURT STAFF CAR DRIVERS
(CONDITIONS OF SERVICE AND CONDUCT) RULES – 2000**

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**THE ALLAHABAD HIGH COURT STAFF CAR DRIVERS
(CONDITIONS OF SERVICE AND CONDUCT) RULES – 2000**

In exercise of the powers conferred by clause (2) of Article 229 of the Constitution of India, the Chief Justice of the High Court of Judicature at Allahabad makes the following rules with respect to the Conditions of Services of Staff Car Drivers working in the establishment of the High Court of Judicature at Allahabad.

Part - I

General

1. Short title and commencement:- (i) These rules may be called The Allahabad High Court Staff Car Drivers (Conditions of Service and Conduct) Rules-2000.

(ii) These rules shall come into force with effect from the date of publication in the Official Gazette.

2. Status of the Service : The Allahabad High Court Staff Car Drivers Service comprises Group 'C' posts. *

3. Definition: - In these rules unless the context otherwise requires:-

(i) “Appointing Authority” means the Chief Justice of the Court or such other Judge or Officer as he may direct to exercise powers on his behalf.

(ii) “Chief Justice” means the Chief Justice of High Court of Judicature at Allahabad.

(iii) “Establishment” means the establishment of the office of the High Court of Allahabad including that of Lucknow Bench.

(iv) “Government” means State Government of Uttar Pradesh.

(v) “High Court” means the High Court of Judicature at Allahabad.

(vi) “Member of the establishment” means a person appointed to such post in accordance with these rules or orders prior to the Commencement of these rules.

(vii) “Registrar” means Registrar of the Allahabad High Court.

(viii) “Year of Recruitment” means the period of twelve months commencing from the first day of July of a Calendar year.

* - Amended vide Notification No. 41/Accounts B-IV dated : 29.10.2009

Part -II

Cadre

4. Strength of Service: (i) The Strength of the Service/ Posts shall be such as may be determined by the Chief Justice from time to time with the approval of Governor of Uttar Pradesh.

(ii) The Chief Justice may leave unfilled or may hold in abeyance any vacant post without thereby entitling any person to compensation.

Part - III

Recruitment

5. Source of Recruitment- Recruitment to the service shall be made by selection in accordance with the provision contained in Rule 14 Part-V.

6. Reservation: Reservation for the candidates belonging to the Scheduled Caste, Scheduled Tribes and other Categories shall be made in accordance with the orders passed by the Chief Justice from time to time read with the orders issued by the Governor from time to time on the subject.

Part - IV

Qualification

7. Nationality :- A Candidate for direct recruitment to the service must be -

(a) a citizen of India; or

(b) a subject of Sikkim; or

(c) a Tibetan refugee who came over to India before the 1st January 1972 with the intention of permanently settling in India; or

(d) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Tanzania (formerly Tanganayika and Zanzibar) with the intention of permanently settling in India.

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

Provided further that a candidate belonging to category (c) 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 (d) above no certificate of eligibility will be issued for a period of more than one year and such a candidate can be retained in service after a period of one year only if he has acquired Indian citizenship.

8. Age :- A candidate for recruitment to the service must have attained the age of 18 years and must not have attained the age of more than 35 years on the 1st July of the year in which advertisement is published:

Provided that the maximum age limit shall, in the case of candidates of the scheduled castes, scheduled Tribes and other categories, be enhanced by five years or such number of years as may be specified:

Provided also that in case of members of High Court Official, a relaxation by five years may, in suitable cases, be made by the Chief Justice.

9. Qualification :- A candidate for recruitment to the Service must -

- (a) possess a valid Motor Vehicle Driving licence for a period of not less than five years,
- (b) have knowledge of traffic regulations prescribed in the Motor Vehicles Act, 1988,
- (c) have ability to read and write Hindi in Devnagri Script,
- (d) possess strong physique,
- (e) must have passed at least Class X examination.

10. Preferential Qualification-(1) A candidate who has –

- (i) served in the Territorial Army for a minimum period of two years, or
- (ii) obtained A/B certificate of the National Cadet Corps shall, other thing being equal, be given preference in the matter of direct recruitment.

(2) Preference shall also be given to the candidates who have knowledge of Motor mechanism, the degree of preference depending upon their proficiency in repairing of Motor Vehicles.

11. Character – The character of a candidate for recruitment to the service must be such as may render him suitable in all respect for appointment as Driver for the Cars of Hon'ble Judges and staff car of the Department. The appointing authority shall satisfy itself on this point.

12. Marital Status – A male candidate who has more than one wife living or a female candidate who has married a person already having a wife living shall not be eligible for recruitment to the establishment.

13. Physical fitness – No person shall be recruited to the establishment unless he/she be in good mental and bodily health and free from any physical defect

likely to interfere with the efficient performance of his official duties. Before a candidate recruited directly is finally approved for appointment to the establishment he shall be required to produce a medical certificate of Physical fitness.

Part-V

Procedure for recruitment

14. Direct Recruitment *– (1) Whenever recruitment is to be made to the post of Drivers the appointing authority shall notify the vacancies in accordance with the procedure laid down by the Chief Justice from time to time in this behalf.

(1)(a) In the case of direct recruitment for any post under these Rules, the posts shall be advertised in at least two daily news papers one in Hindi and one in English having wide circulation in the State and also in Employment News and other like publications including the website of the High Court. In addition to it the names may be requisitioned from Employment Exchange. The advertisement apart from containing other necessary particulars shall also specify in clear terms, the number of posts available for selection and recruitment, the qualifications and other eligibility criteria for such posts and also the rules under which such recruitment and selection is to be made.

(2) For the purpose of direct recruitment there shall be a Selection Committee comprising of at least three members to be nominated by the Chief Justice.

(2) (a) The Selection Committee so nominated by the Chief Justice shall undertake the exercise of recruitment under these rules on a regular basis at least once in a year for existing vacancies or vacancies likely to occur during the course of year of the Recruitment.

(3) The Selection Committee shall scrutinize the applications and require the eligible candidates to appear in the test and interview.

(4) The Selection Committee shall prepare list of candidates in order or merit on the basis of marks obtained by them in the test and interview.

* Amended vide Notification No. 10/Accounts (B-II) Dated: 14.10.2003.

Further amended vide Notification No.15/Accounts (B -V) Dated: 30.04.2014.

15. Waiting list – The Committee shall prepare a list of selected candidates and the number of names in the list shall not be more than 25% of the number of vacancies.

Part - VI

Appointment, Probation, Confirmation and Seniority.

16. Appointment : (1) on the occurrence of substantive vacancies, the appointing authority shall make appointments to the service from the list prepared by Selection Committee under rules.

(2) Appointments against temporary and officiating vacancies shall also be made in the manner provided in sub rule (1).

17. Probation – A person on initial appointment to a post in the establishment in substantive capacity shall be placed on probation for a period of two years.

(2) The appointing authority may allow continuous service rendered in an officiating capacity or as a temporary measure on the post, to be taken into account for the purpose of computing the period of probation.

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

Provided that in no case the period of probation will be extended beyond three years.

(4) If it appears to the appointing authority at any time or at the end of the period of probation or extended period of probation, as the case may be, 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, or if he does not hold lien on any post, his services may be dispensed with.

(5) A person whose services are dispensed with under sub-rule (4) shall not be entitled to any compensation.

18. Confirmation– A probationer shall be confirmed in his appointment at the end of his period of probation or extended period of probation, as the case may be, if -

(a) his work and conduct during the probationary period have been found to be satisfactory,

(b) he is considered fit for confirmation, and

(c) his integrity is certified.

19. Seniority – Seniority in the category in the establishment shall be determined by the order in which their names are arranged in the select list.

Part – VI- A[#]

Placement in Various Grades

- (i) **Driver Grade-IV** Direct recruitment on the post of Driver Grade-IV shall be made as per rules on the basis of qualifications prescribed at present.
- (ii) **Driver Grade-III** Promotion on the post of Driver Grade-III shall be made on the basis of seniority from amongst Driver Grade-IV, who have completed 09 years' satisfactory service and have passed Trade Test prescribed in this behalf.
- (iii) **Driver Grade-II** Promotion on the post of Driver Grade-II shall be made on the basis of seniority from amongst the incumbents of the post of Driver Grade-III, who have completed 06 years' satisfactory service on the post of Driver Grade-III or a total of 15 years service including the service as Driver Grade-IV and have passed Trade Test prescribed in this behalf.
- (iv) **Driver Grade-I** Promotion on the post of Driver Grade-I shall be made on the basis of seniority from amongst the incumbents of the post of Driver Grade-II, who have completed 03 years satisfactory service on the post of Grade-II.
- (v) **Drivers (Special Grade)** Promotion on the post of driver (Special Grade) shall be made on the basis of seniority from amongst the substantively appointed drivers Grade-I, who have completed one years service as such on the first day of the year of recruitment.

Prescribed syllabus of Trade Test and pay scale admissible to various Grades of post of Driver of the High Court at commencement of these Rules are given against the concerned post in Schedule-I and II and its enclosure of the syllabus of Trade Test for the post of Driver Grade-IV to II.

SCHEDULE-I

Sl. No.	Name of Post	Present Pay Scale/Pay Band Grade Pay (Rs.)	Recommended Pay/Pay Band and Grade Pay (Rs.)	Percentage of posts of total cadre
1	Driver Grade-4	Pay Band-1 5200-20200 Grade Pay 1900	Pay Band-1 5200-20200 Grade Pay 1900	30
2	Driver Grade-3	Pay Band-1 5200-20200 Grade Pay 2400	Pay Band-1 5200-20200 Grade Pay 2400	25

[#] Inserted vide Notification No.29/Accounts (B-IV) dated 04.09.2009 and further amended vide Notification No.61/Accounts (B-V) dated 20.12.2013.

3	Driver Grade-2	Pay Band-1 5200-20200 Grade Pay 2800	Pay Band-1 5200-20200 Grade Pay 2800	20
4	Driver Grade-1	Pay Band-2 9300-34800 Grade Pay 4200	Pay Band-2 9300-34800 Grade Pay 4200	15
5	Special Drivers Grade	Pay Band-2	Pay Band-2 9300-34800 Grade Pay 4600	10

SCHEDULE-II

The syllabus of Trade Test for the promotion of Drivers from **Grade-IV to Grade-III:**

1. Must be able to read English numerals and figures.
2. Must have good knowledge of traffic regulation.
3. Must be able to locate faults and carry out minor running repairs.
4. Must be able to change wheels and correctly inflate tyres.

(Test- Practical Test based on above.)

The syllabus of Trade Test for the promotion of Driver from **Grade-III to Grade-II:**

1. Must be able to read English numerals and figures.
2. Must have a thorough knowledge of traffic regulation.
3. Must have good knowledge of petrol and diesel engine working and be able to locate faults and rectify minor running defects.
4. Must be able to clear carburettor plug etc.

(Test- Practical Test based on above.)

Part – VII

20. Pay – The Scales of pay admissible to the post of Driver in the establishment, whether in a substantive or officiating capacity or as a temporary measure shall be such as may be determined by the Chief Justice from time to time with the approval of Governor of Uttar Pradesh.

Part – VIII

Other Provisions

21. Canvassing- No recommendation either written or oral other than those required under these rules will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by other means will disqualify him for appointment.

22. Regulation of the other matters - (1) All drivers of the Court shall be subject to the superintendence and control of the Chief Justice.

(2) In respect of all matters (not provided for in these rules) regarding the conditions of service of the Drivers of the Court including matters relating to their conduct, control and discipline, the rules and orders for the time being in force and applicable to Government servants holding corresponding posts in the Government of Uttar Pradesh shall apply to the drivers of the Court subject to such modification, variations, the exceptions, if any, as the Chief Justice may, from time to time, specify:

Provided that no order containing modifications, variations or exceptions in rules or orders relating to salaries, allowances, leave or pensions shall be made by the Chief Justice except with the approval of the Governor of Uttar Pradesh:

Provided further that the said powers exercisable under rules and orders of Government of Uttar Pradesh by the Governor shall be exercised by the Chief Justice or by such officer as he may, by general or special order, direct.

(3) If any doubt arises in regard to a particular post in the establishment being corresponding to a post in the State Government, the matter will be decided by the Chief Justice.

22(A). Service not be dispensed with on the ground of disability & :-

1. No officer or employee shall be reduced in rank, his service dispensed with or promotion denied solely on the ground of a disability suffered during service.
2. In case a disability acquired during service renders the officer or employee unsuitable to discharge the duties and functions attached to the post he was holding, the appointing authority may consider his placement on another post which may, as far as possible, be in the same pay scale and grade as was drawn by the officer or employee at the time of the disability having been suffered.

Explanation:- The expression “*disability*” shall have the meaning assigned to it under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 as amended from time to time.

23. Residuary Powers– Nothing in these rules shall be deemed to affect the power of the Chief Justice to make such order, from time to time, as he may deem fit, in regard to all matters incidental or ancillary to these rules not specifically provided for herein or in this regard to matters as have not been sufficiently provided for:

Provided that if any such order relates to salaries, allowances, leave or Pension, the same shall be made with approval of the Governor of U.P.

24. Interpretation - All questions relating to the interpretation of these rules shall be referred to the Chief Justice, whose decision thereon shall be final.

25. General Rules – Notwithstanding anything contained in these rules, the Chief Justice shall have the power to make such orders, as he may consider fit, in respect of recruitment, promotion, confirmation or any other matter.
