

In pursuance of the provisions of Clause (3) of Article 348 of 'the constitution of India', the Governor pleased to order the publication of the following English translation of Notification No. 515/XX/5/2016, Dated June 02, 2016 for general information :

No. 515/XX/5/2016  
Dated Dehradun, June 02, 2016

**NOTIFICATION**

**Miscellaneous**

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating recruitment and the conditions of service of persons appointed to the Uttarakhand Home Guards Service.

**THE UTTARAKHAND HOME GUARDS GROUP "A" AND "B"  
SERVICE RULES, 2016**

**Part I - General**

- Short title and commencement** 1- (1) These Rules shall be called "The Uttarakhand Home Guards Service Rules, 2016"  
(2) It shall come into force at once.
- Status of service** 2- The Uttarakhand Home Guards Service is a State Service comprising Group 'A' and 'B' posts.
- Definitions** 3- In these rules, unless there is anything repugnant in the subject or context,  
(a) "Appointing Authority" means the Governor;  
(b) "Citizen of India" means a person who is or is deemed to be a citizen of India under Part II of the Constitution;  
(c) "Commission" means the Uttarakhand Public Service Commission;  
(d) "Government" means the Government of Uttarakhand;  
(e) "Governor" means the Governor of Uttarakhand;  
(f) "Member of the Service" means a person substantively appointed under these rules or rules or orders in force prior to the commencement of these rules, to a post in the cadre of the service;  
(g) "Service" means the Uttarakhand Home Guards service;  
(h) "Substantive appointment" means an appointment, not being an *ad hoc* appointment, on a post in the cadre of the Service; made after selection in accordance with the rules, and if there were no rules, in accordance with the procedure prescribed for the time being by executive instructions issued by the Government; and  
(i) "Year of recruitment" means the period of twelve months commencing from the first day of July of a Calendar Year.

**Part II - Cadre**

- Cadre of service** 4. (1) The strength of the Service and of each category of posts therein shall be such as may be determined by the Government from time to time.  
(2) The strength of the Service and each category of posts therein, until orders varying the same are passed under sub-rule (1), shall be as in appendix 'A':-
- Provided that;  
(i) Appointing Authority may leave any post vacant or The Governor may hold in abeyance any posts vacant without thereby entitling any person to compensation, or  
(ii) The Governor may create such additional permanent or temporary posts as he may consider proper.

**Part- III- Recruitment**

**Source of recruitment**

5. Recruitment to the various categories of posts in the Service shall be made from the following sources :-

(1) **Deputy Commandant General** - By promotion from amongst substantively appointed, senior staff officers who have completed minimum 5 years of service as such on the first day of the year of recruitment OR have completed minimum ten (10) years of service in subordinate Gazetted posts, on the basis merit.

(2) **Senior Staff Officer Homeguards**- By promotion from amongst substantively appointed, staff officer , assistant deputy commandant general homeguards, divisional commandant homeguards who have completed minimum five (5) years of service as such on the first day of the recruitment year on the basis of seniority subject to rejection of unfit.

(3) **Staff Officer** - By promotion, from amongst permanent District Commandants/Commandants district training center who have completed minimum eight (8) years continuous service as such, on the first day of the year of recruitment, on the basis of seniority subject to rejection of unfit.

(4) **Assistant Deputy Commandant General Homeguards** - By promotion , from amongst permanent District Commandants/Commandants district training center who have completed minimum eight (8) years continuous service as such, on the first day of the year of recruitment, on the basis of seniority subject to rejection of unfit.

(5) **Divisional Commandant** - By promotion from amongst permanent District Commandants/Commandants training center who have completed minimum 8 years continuous service as such, on the first day of the year of recruitment on the basis of seniority subject to rejection of unfit.

(6) **District Commandant/Commandant** - (i) 50 percent posts by direct recruitment through the Combined State Services Examination conducted by the Commission.

(ii) 50 percent posts by promotion from amongst the permanent members of Sub-ordinates Home Guards Service. Comprising the posts of Company Commanders, Administrative Inspectors and Quarter Masters. (Group 'C') who have completed minimum 8 years of continuous satisfactory service, On the basis of seniority subject to rejection of unfit.

**Reservation**

6. Reservation for candidates belonging to the Scheduled Castes, Schedule Tribes, other backward classes and other Categories of uttarakhand shall be made in accordance with the orders of the Government in force at the time of recruitment.

**Part -IV- Qualifications**

**Nationality**

7. A candidate for direct recruitment to the post in the Service must be, -

(a) a citizen of India; or

(b) a Tibetan refugee who came over to India before January 1, 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 or Tanzania (formerly Tanganyika 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 further that candidate belonging to category (b) will also be required to obtained a certificate of eligibility granted by the Deputy Inspector-General of Police, Intelligence Branch, Uttarakhand :

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

Note - A candidate in whose case 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.

**Academic Qualifications**

8. For homeguard service a candidate for direct recruitment to the post of district commandant/commandant training center must have Graduation degree from a recognized University duly established by the law or have passed a equivalent examination approved by the government.

**Preferential qualification**

9. A candidate who has -

(i) served in the Territorial Army for a minimum period of two years; or

(ii) Obtained 'B' or 'C' certificate of the National Cadet Corps, shall, other things being equal, be given preference in the matter of direct recruitment.

**Age** 10. A candidate for direct recruitment must have attained the age of 21 years and must not have attained the age of more than 42 years on January 1 of the year in which recruitment is to be made, if the post are advertised during the period from January 1 to June 30 and on July 1, if the posts are advertised during the period from July 1 to December 31 ;

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

**Character** 11. The character of a candidate for direct recruitment to the 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 this point.

**Note** - Persons dismissed by Union Government or State Government or a Local Authority or by a Corporation or a Body owned or controlled by the Union Government or 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.

**Marital Status** 12. 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 Governor may, if satisfied that there exists special ground for doing so, exempt any person from the operation of this Rule.

**Physical fitness** 13. 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 such as colour blindness, varicose veins, which is likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment he/she shall be required to pass an examination of physical fitness by a Medical Board;

Provided that in the case of appointment by promotion the physical fitness examination by the Medical Board will not be necessary:

Provided further also that no male or female candidate will be appointed if his height and chest / her height is not in accordance with the following standards :-

	Height	Chest (Unexpanded)	Chest (expanded)
1- Male Candidate	165 cm	84 cm	89 cm
2- Female candidate	150 cm	-	-
3- Male candidate (candidate belonging to Uttarakhand State)	160 cm	84 cm	89 cm

#### Part- V- Procedure for Recruitment

**Determination of vacancies** 14. The Appointing Authority shall determine and intimate to the Commission the number of vacancies to be filled during the course of year and also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes, other backward classes and other categories under rules 6.

**Procedure for direct recruitment** 15. (1) Application for permission to appear in the competitive examination shall be called by the Commission in the prescribed form which may be obtained from the Secretary to the Commission.

(2) No candidate shall be admitted to the examination unless he holds a certificate of admission granted by the Commission.

(3) After the result of the written examination have been received and tabulated, the Commission shall, having regard to the need for securing due representation of the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories under rule 6, summon for interview such number of candidates as, on the results of the written examination have come up to the standard fixed by the Commission in this respect. The marks, awarded to each candidate at the interview shall be added to the marks obtained by him in the written examination.

(4) The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the aggregate of the marks obtained by each candidate at the written examination and interview and recommend such number of candidates as they consider fit for appointment. If two or more candidates obtained equal marks in the aggregate, the name of the candidate who is older shall be placed higher in the list. The number of names in the list shall be more (but not more than 25 percent) than the number of vacancies. The Commission shall forward the list to the appointing authority.

**Note** - The syllabus and the rules for competitive examination shall be such as may be prescribed by the Commission from time to time with a prior approval of the governor.

**Recruitment by promotion through Public Service Commission** 16. Recruitment by promotion to the posts of District Commandant/Commandants in the Service shall be made on the basis of seniority subject to rejection of unfit in accordance with the Uttarakhand Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 2003 as amended from time to time.

**Procedure for recruitment by promotion to the posts outside the purview of Public Service Commission.** 17. (1) Recruitment by promotion to the posts of Deputy commandant general shall be made on the basis of merit by a selection committee:-  
(2) Recruitment by promotion to the post of Senior Staff Officer/staff officer/assistant deputy commandant general homeguards/divisional commandant shall be made on the basis of seniority, subject to rejection of unfit, through a selection committee. :-  
The committee shall comprise:-  
(i) Principal Secretary/Secretary, Home, Government of Uttarakhand - Chairman  
(ii) Principal Secretary/Secretary, Personnel Government of Uttarakhand or any officer nominated by Principal Secretary personnel not below the rank of Joint Secretary Government of Uttarakhand - Member  
(iii) Commandant General, Home Guards, Uttarakhand - Member  
(2) The Appointing Authority shall prepare an eligibility list in accordance with the Uttarakhand promotion by selection (for the Posts outside the Purview of Public Service Commission ) eligibility list Rules, 2003 as amended from time to time and place it before the Selection Committee with their Character Rolls and such other records pertaining to them, as may be considered proper.  
(3) The Selection Committee shall consider the cases of the candidates on the basis of the records, referred to in sub-rule 17 (2) and if it considers necessary, it may interview the candidates also.  
(4) Selection Committee will prepare a seniority list of the selected candidates and forward the same to Appointing Authority.

**Combined selection list** 18. If appointment is to be made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of the candidates alternately from the lists prepared under rule 15 and 16 in such a manner that the prescribed percentage of direct recruits and promotees is maintained, the first name being from the list prepared under the rule 16.

**Part - VI - Appointment, Probation, Confirmation and Seniority**

**Appointment** 19- (1) The Appointing Authority shall make appointment by taking the names of the candidates in the order in which they stand in the lists prepared under Rules 15, 16, 17 or 18, as the case may be,  
(2) Where, in any year of recruitment, appointments are to be made both by direct recruitment and by promotion, regular appointments shall not be made unless selection is made from both the sources and a combined list is prepared in accordance with Rule 18.  
(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 it stood in the cadre from which they are promoted as the case may be. If appointments are made by direct recruitment and by promotion, then the name will be entered in circular serial.  
(4) The Appointing Authority may make appointments in temporary or officiating capacity also from the lists referred to in sub-rule (1). If no candidate from these lists is available, he may make appointments in such vacancies from amongst the persons eligible for appointment under these Rules. Such appointments shall not last for a period exceeding one year or to the next selection under these rules, whichever be earlier, and the provisions of regulations 5 (a) of the Uttarakhand Public Service Commission (Limitations of Functions) Regulations 2003 will apply.

**Probation** 20- (1) A person on appointment to a post in the Service or against a substantive vacancy shall be placed on probation for a period of 2 years.  
(2) The Appointing Authority may, for reasons to be recorded extend period of probation in individual cases specifying the date up to which the extension is granted :  
Provided that save in some exceptional circumstances the period of probation shall not be extended for more than one year and in no circumstance beyond two years.  
(3) If it appears to the Appointing Authority at any time during or at the end of the 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 lien 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 of the Service or any other equivalent or higher post to be taken into account in computing the period of probation.

**Confirmation** 21. A probationer shall be confirmed in his appointment at the end of the period of probation or extended period of probation if—  
(i) he passed a fixed departmental examination if any,  
(ii) he successfully completed his training if any,

- (iii) his work and conduct are found to be satisfactory,  
 (iv) his integrity is certified, and  
 (v) the Appointing Authority is satisfied that he is otherwise fit for confirmation.

**Seniority**

22. (1) The seniority of a person will be according to the uttarakhand government servant (determination of seniority) rules 2002. If two or more persons are appointed together, by the order in which their names are arranged in the appointment order :-

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

Provided further that if more than one orders are issued in respect of any one selection, the seniority shall be the service as mentioned in the combined order of appointment issued under sub-rule (3) of rule 19.

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

Provided that a candidate recruited directly may lose his seniority if he fails to join without valid reasons when vacant post is offered to him. The decision of the appointing authority in regards 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 one source and the respective quota of the sources is prescribed the *inter se* seniority shall be determined by arranging the names in circular serial prepared in accordance with rule 18, in such manner that the prescribed percentage is maintained :

Provided that :-

- (1) Where from a source appointments are made greater than the fixed quota, the seniority of such appointed persons will be fixed lower in the forthcoming year/years in which vacancies are present according to fixed quota.
- (2) Where the appointment is made lesser than fixed quota of a source and the appointments are made against such vacant posts in the forthcoming year/years such appointed persons will not get the seniority of the previous year/years but will get the seniority of that year in which appointment is made. Though their names will be placed on the top of that year's combined list (list made under this rule) in which names are placed in circular fashion.
- (3) where, in accordance with these rules, the unfilled vacancies from any sources could, in the circumstances mentioned in the relevant rule 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.****Scales of Pay**

23. (1) The scales of pay admissible to persons appointed to the posts in the Service whether in substantive or officiating capacity or as a temporary measure, shall be such as may be prescribed by the Government from time to time.

(2) The scales of pay in force at the time of commencement of these rules are enclosed in appendix 'A'

**Pay during probation**

24. (1) Notwithstanding any provision in Fundamental Rules to the contrary, a person on probation, if 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, has passed departmental examination and undergone training, where prescribed and second increment after two years of service when he has completed the probationary period and is also confirmed :

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

(2) The pay during probation of person who was already holding a post under the Government, shall be regulated by the relevant Fundamental Rules :

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

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

**Part VIII- Other provisions****Canvassing**

25. No recommendations, either written or oral other than those required under the rules, shall 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.

**Regulation of other matters** 26. In regards to matters not specifically covered by these rules or by special orders, 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.

**Relaxations from services conditions** 27. Where the State Government is satisfied that operation of any rule relating the conditions of service of persons appointed to the Service causes undue hardship in any particular case, it may notwithstanding anything contained in the rules applicable to the case, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and suitable manner.

Provided that where the rule was framed in consultation with the Commission that Body shall be consulted before the requirements of that rule are dispensed with or relaxed.

**Saving** 28. Nothing in these rules affect reservation and other concessions required to be provided for the candidates belonging to the Scheduled Castes, Scheduled Tribes, other backward classes and other special categories of persons in accordance with orders issued by the Government from time to time in this regard.

### Appendix "A"

#### Group "A"

S. no.	Designation	Permanent	Temporary	Pay scale-grade pay
1-	Deputy commandant general, Homeguards	02	-	37400-67000-8700
2-	Senior staff officer, Homeguards	02	-	15600-39100-7600
3-	Staff officer, Homeguards	01	-	15600-39100-6600
4-	Assistant deputy commandant general, Homeguards	02	-	15600-39100-6600
5-	Divisional commandant, Homeguards	02	-	15600-39100-6600
<b>Total</b>		<b>09</b>		

#### Group "B"

s. no	Designation	Permanent	Temporary	Pay scale-grade pay
1-	District commandant, Homeguards	13	-	15600-39100-5400
2-	Commandant district training center, Homeguards	02	-	15600-39100-5400
<b>Total</b>		<b>15</b>		
<b>Group "A" and group "B" grand total</b>		<b>24</b>		

By Order,

Dr. UMAKANT PANWAR,  
Principal Secretary, Home,  
Government of Uttarakhand.