

¹***[The U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974] as applicable in Uttarakhand (as amended by Uttarakhand amendments rule, 2004, 2010, 2017, 1st 2023 and 2nd 2023)***
Notification No. 6/12-1973-Niyukti-4 Anubhag, dated 7th October, 1974

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Uttar Pradesh is pleased to make the following special rules regulating the recruitment of the dependants of Government servants dying in harness :

1. Short title and commencement. - (1) These rules may be called the Uttar Pradesh Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974.

(2) They shall be deemed to have come into force with effect from December 21, 1973.

2. Definitions. - In these rules, unless the context otherwise requires,-

(a) "**Government servant**" means a Government servant employed in connection with the affairs of Uttar Pradesh who-

- (i) was permanent in such employment; or
- (ii) though temporary had been regularly appointed in such employment; or
- (iii) though not regularly appointed, had put in three years' continuous service in regular vacancy in such employment.

Explanation. - "**Regularly appointed**" means appointed in accordance with the procedure laid down for recruitment to the post or service, as the case may be;

²(b) "**deceased Government servant**" means such a Government servant dying in harness or who is presumed to be dead on the basis of missing for seven years. First Information report regarding the missing has been lodged:

Provided that the dependant of the Government servant presumed to be dead, shall at the time to such appointment have to give an affidavit that

¹ By Uttarakhand [The U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974] (Adaptation and Modification) order, 2002

² Substituted by Not. No. 747/xxx(2)/09-55(8)/2002 Dated 28.05.2010, as applicable to The U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 (Adaptation and Modification) order, 2002

even after seven years the family is in miserable condition, none of the family member is public servant and on return of the government servant presumed to be dead, the services of the dependant shall be dispensed with and all the amount paid as salary shall be recovered from him/her.]

³[(c) "**family**" of a Deceased Government Servant in dying in harness includes the following relatives:-

- (1) Wife or husband;
- (2) Son;
- (3) Daughter;
- (4) Unmarried brother, unmarried sister and widow mother dependent on deceased Government servant, if in case the deceased Government Servant was unmarried.
- (5) Widowed daughter-in-law;

Provided that if any person from above mentioned relatives of the deceased Government servant is not available or is found to be physically and mentally unfit and thus ineligible for employment in Government service, then in such situation the word "Family" shall also include the grandson and the unmarried granddaughter of the deceased Government servant dependent on him.]

(d) "**Head of Office**" means Head of Office in which the deceased Government servant was serving prior to his death.

3. Application of the rules. - These rules shall apply to recruitment of dependants of the deceased Government servants to public services and posts in connection with the affairs of State of Uttar Pradesh, except services and posts which are within the purview of the Uttar Pradesh Public Service Commission.

4. Overriding effect of these rules. - These rules and any orders issued thereunder shall have effect notwithstanding anything to the contrary contained in any rules, regulations or orders in force at the commencement of these rules.

⁴**5. Recruitment of a member of the family of the deceased.** - (1) In case a Government servant dies in harness after the commencement of these rules and the spouse (as the case may be) of the deceased Government servant, is not already employed under the Central Government or any State Government or a Corporation owned or controlled by the Central Government or any State Government, then a member of his/her family who is not already employed under the Central Government or any State Government or a Corporation owned or

³ Substituted by Not. No. 112050/2023, Dated April 03, 2023, w.e.f. 03.04.2023

⁴ Subst. by Not. No. 178207, Personnel and Vigilance Sect-2, dated 28th December, 2023, w.e.f. 28.12.2023

controlled by the Central Government or State Government, shall on making an application for the purposes, be given a suitable employment in Government service in Group "D" or Group "C" as Junior Assistant or equivalent post, in relaxation of the normal recruitment rules, if such person:-

- (i) fulfils the educational qualifications prescribed for the post,
- (ii) is otherwise qualified for Government service, and
- (iii) makes the application for employment within five years of the date of the death of the Government servant:

Provided that where the State Government is satisfied that the time limit fixed for making the application for employment causes undue hardship in any particular case, it may dispense with or relax the requirement as it may consider necessary for dealing with the case in a just and equitable manner.

- (2) As far as possible, such an employment should be given in the same department in which the deceased Government servant was employed before his death.]

[5A. Recruitment of member of the family of Police/P.A.C. Personnel who dies in May, 1973. - Notwithstanding anything contained to the contrary contained in Rule 5 or in any other rule, the provisions of these rules shall apply in the case of members of the family of twenty-two police or per Provincial Armed Constabulary personnel who died as a result of disturbances in May, 1973, as they apply in the case of a Government servant during dying in harness after the commencement of these rules.]

6. Contents of application for employment. - An application for appointment under these rules shall be addressed to the appointing authority in respect of the post for which appointment is sought but it shall be sent to the Head of Office where the deceased Government servant was serving prior to his death. The application shall, *inter alia*, contain the following information :

- (a) the date of the death of the deceased Government servant; the department in which he was working and the post which he was holding prior to his death;
- (b) names, age and other details pertaining to all the members of the family of the deceased, particularly about their marriage, employment and income;
- (c) details of the financial condition of the family; and
- (d) the educational and other qualifications, if any, of the applicant.

7. Procedure when more than one member of the family seeks employment. - If more than one member of the family of the deceased Government servant seeks employment under these rules, the Head of Office shall decide about the suitability of the person for giving employment. The decision will be taken keeping in view also the overall interest of the welfare of the entire family, particularly the widow and the minor members thereof.

8. Relaxation from age and other requirements. - (1) The candidate seeking appointment under these rules must not be less than 18 years at the time of appointment.

(2) The procedural requirements for selection, such as written test or interview by a selection committee or any other authority, shall be dispensed with, but it shall be open to the appointing authority to interview the candidate in order to satisfy itself that the candidate will be able to maintain the minimum standards of work and efficiency expected on the post.

(3) An appointment under these rules shall be made against an existing vacancy only.

9. Satisfaction of appointing authority as regards general qualifications. -

Before a candidate is appointed the appointing authority shall satisfy itself that-

(a) the character of the candidate is such as to render him suitable in all respects for employment in Government service;

Note. - Persons dismissed by the Union Government or by any State Government or by a Local Authority or a Corporation owned or controlled by the Central Government or a State Government shall be deemed to be ineligible for appointment to the service.

(b) he is in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties, for which the candidates shall be required to appear before the appropriate medical authority and to produce a certificate of fitness in accordance with the rules applicable to the case; and

(c) in the case of a male candidate, he has not more than one wife living and in the case of a female candidate, she has not married a person already having a wife living.

10. Power to remove difficulties. - The State Government may, for the purpose of removing any difficulty (of the existence of which it shall be the sole judge) in the implementation of any provision of these rules, make any general or special order as it may consider necessary or expedient in the interest of fair dealing or in the public interest.