

**THE UTTARAKHAND SUBORDINATE SERVICE SELECTION COMMISSION
ACT, 2014**

[UTTARAKHAND ACT NO. 20 OF 2014]

An

Act

to provide for the establishment of a Subordinate Services Selection Commission for certain categories for Subordinate Services and for matter connected therewith and incidental thereto.

It is Hereby enacted in the Sixty-five Year of the Republic of India as follows:-

**CHAPTER-1
PRELIMINAY**

**Short title and
Commencement**

1. (1) This Act may be called the Uttarakhand Subordinate Service Selection Commission Act, 2014.
- (2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Applicability

2. The provisions of this Act, shall apply in relation to direct recruitment to all Group ‘C’ posts outside the purview of the Public Service Commission. The State Government may by notification add or withdraw any Group ‘C’ post from the purview of the Commission in a Board or a Corporation or other statutory body established by a controlled by the State Government.

Exception

3. Nothing in the Act shall apply to recruitment to any post—
 - (a) in the Secretariat of the State Legislature;
 - ¹[(b) under the high court];
 - (c) under the State Public Service Commission;
 - (d) under the Lokayukta appointed under the Utrrakhand Lokayukta Act, 2014;
 - (e) ²{***}.

1- Subs. by section 2 of the Utrrakhand Act no 2 of 2019.

2- Omitted by section 2 of the UK Act no 02 of 2021.

Definition

4. In this Act, unless the context otherwise requires -

- (a) **“Appointing authority”** in relation to any service or post, means the authority empowered to make appointment to such service or post;
- (b) **“Commission”** means the Uttarakhand Subordinate Services Selection Commission constituted under section 5;
- (c) **“Chairman”** means the Chairman of the Commission;
- (d) **“Group ‘C’ post”** means the post specified as such by the State Government from time to time ;
- (e) **“Member”** means the member of the Commission and includes Chairman;
- (f) **“Secretary”** means the Secretary of the Commission;
- (g) **“year of recruitment”** means the period of twelve months commencing on the first day of July of a Calendar year.

CHAPTER-II

ESTABLISHMENT OF THE COMMISSION

**Establishment of
the Commission**

5. On and from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Commission to be known as the Uttarakhand Subordinate Service Selection Commission.

**Composition of
the Commission**

6. (1) The Commission shall consist of a Chairman and such other Member not exceeding two as the State Government may from time to time appoint;

Provided that member shall be eligible or appointment as /Chairman but shall not be eligible for re-appointment or continuance in office either as Member of Chairman after the period of his term.

(2) If the office of the Chairman becomes vacant or if the Chairman by reason of absence or for any other reason is unable to perform the duties of his office, such duties shall, until some person appointed under sub-section (1) has assumed or, as the case may be until the Chairman has resumed his duties, be performed by member as the State Government may appoint for the purpose.

**Appointment of
Chairman and
Member**

7. The Chairman and other Members shall be appointed by the State Government:

Provided that as nearly as may be one half of the member of the of the Commission shall be the persons who on the date of their respective appointment have held office on Group 'A' post for atleast ten years under the Government of India or under the State Government.

**Powers and duties
of Chairman and
other Member**

8. (1) The Chairman shall be incharge of the administration of the Commission and shall have the power to-

(a) Constitute Committees or sub-committees from amongst the Member with or without one of more non-member;

(b) allocate to Member, committees and sub-committees such work as is not specifically allocated by this bill or rules or regulation made there under;

(c) co-ordinate the working of the Commission and its Member;

(d) grant leave to and approve the tour programmes of Member and officers of the Commission;

(2) The Member shall assist the Chairman in conduction the

examinations and interviews of candidates and do such other work as may be allocated to them by or under this Act, the rules or regulation made there under, or by the Chairman under clause (b) of sub-section (1).

Terms of Office and conditions of service of Member

- 9.** (1) The Chairman or every other Member shall hold office for a term of six years from the date he assumes his office;

¹[Provided that no member including the Chairman shall hold office as such after he has attained the age of sixty eight years or he has completed his term, whichever is earlier.]

- (2) The Chairman or other Member may, at any time, by writing under his hand addressed to the State Government resign from his office.

1- Subs. by section 2 of Uttarakhand Act no. 7 of 2015.

- (3) The Chairman or other member may be removed from his office by an order made by the State Government on the ground that he has acquired any of the disqualifications specified in section 10 or on the ground of misconduct or incapacity after an inquiry made by a judge of the High Court in the manner as may be prescribed in which such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those

charges.

**Disqualification
for being the
Chairman or
other Member**

10.

A person shall be disqualified for appointment as Chairman or other member if he-

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court.

**Power
Associate**

to 11.

The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under this Act, any person whose assistance or advice it may desire to have in carrying out any of the provision of this Act.

**Proceedings of the
Commission not to
be invalidated**

12.

No bill or proceeding to the Commission shall be deemed to be invalid merely on the ground of –

(a) any vacancy or defect in the constitution of the Commission;

(b) any defect or irregularity in the appointment of a person acting as the Chairman or other Member thereof; or

(c) any defect or irregularity in such act or proceeding not affecting the substance.

**Secretary of the
Commission**

13.

(1) There shall be a Secretary of the Commission appointed by the State Government, who shall be the Head of the Office of the Commission.

(2) The Secretary shall exercise such powers and perform such duties as may be specified in the rules or regulations made under this Act or as may be directed by the Chairman.

**Authentication
of the orders of
the
Commission**

14.

All the decisions and orders of the Commission shall be authenticated by the signature of the Secretary or any other officer authorised by the

Commission in this behalf.

CHAPTER-III

POWERS AND DUTIES OF THE COMMISSION AND ALLOCATION OF BUSINESS

**Powers and
duties of the
Commission**

- 15.** (1) The Commission shall have the following powers and duties, namely-
- (a) to prepare guidelines on matters relating to method of recruitment;
 - (b) to conducted examinations, hold interview and make selection of candidates;
 - (c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);
 - (d) to perform such other duties and exercise such other powers as may be prescribed.
- (2) In exercising the powers or performing the duties referred to in sub-section (1), the Commission shall be guided by such rules or regulations as may be made in this behalf;

**Business to be
transacted by
Commission**

- 16.** The commission shall, with previous approval of the State Government, make regulations for the convenient transaction of its business, including performance of its functions by the chairman or other members or a committee thereof and the business transacted in accordance with such regulations shall be deemed to have been transacted by the Commission;

Provided that it shall be lawful for the State Government to accord approval to any such regulation either in original or in modified

form.

CHAPTER-IV

NOTIFICATION OF VACANCIES AND APPOINTMENT

- Notification of Vacancies** **17.** (1) The appointing authority shall determine and intimate to the Commission the number of vacancies to be filled through the Commission during the course of the year of recruitment as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories in accordance with the law for the time being in force in this behalf.
- (2) The Vacancies shall be notified to the Commission in such manner as may be prescribed.
- Selection by the Commission** **18.** (1) The Commission shall, as soon as possible after the intimation of vacancies under section 17, hold examination or interview or both and prepare in the manner prescribed a list of the candidates who are found suitable.
- (2) The list referred to in sub-section (1) shall be forwarded to the appointing authority and the appointing authority shall make appointments from the list so forwarded to it in the order mentioned therein.

CHAPTER-V

BUSINESS BEFORE THE COMMISSION

- Decision in meeting** **19.** All matters at any meeting of the Commission shall be determined by a majority of the members present and voting and in the case of equality of votes, the Chairman, or in his absence. The member presiding shall have a second or casting vote.
- Quorum** **20.** The quorum for a meeting of the Commission shall be one-half of the total number of members;

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

CHAPTER-VI

ANNUAL REPORT

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| Annual Reports | 21. | The Commission shall prepare every year, in such form and in such manner as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government and the State Government, shall cause the same to be laid before the house of the State Legislature. |
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CHAPTER-VII

MISCELLANEOUS

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| Power to make rules | 22. | The State Government may, by notification, make rules for carrying out the purposes of this Act. |
| Power to make regulations | 23. | <p>(1) The Commission may, with the previous approval of the State Government make or amend regulations relating to the discharge of its functions under this Act including charging of fees for holding examinations or interviews or both for making selection under this Act.</p> <p>(2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made thereunder.</p> |
| Protection of action taken in good faith | 24. | No, suit prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be under this Act. |
