

The
Uttar Pradesh Public Services (Tribunals) (Amendment)
(Second) Ordinance, 1995¹

[U.P. ORDINANCE NO. 32 OF 1995]

(Promulgated by the Governor in the Forty-sixth Year of the Republic of India)

An Ordinance further to amend the Uttar Pradesh Public Services (Tribunals) Act, 1976

Whereas the Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1994 was promulgated by the Governor on October 12, 1994 to provide for the aforesaid matter;

And, whereas, the Uttar Pradesh Public Services (Tribunals) (Amendment) Bill, 1995 was introduced in the Uttar Pradesh Legislative Council on February 1, 1995 to replace the said Ordinance;

And whereas the said Bill could not be passed by the Uttar Pradesh Legislative Council as such the Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1995 was promulgated by the Governor on March 10, 1995 to keep the provisions of the said Ordinance in force;

And whereas the said Bill is still pending in the Legislative Council;

And, whereas, both Houses of the State Legislature are not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:—

NOTES

Legislation by Ordinance.—The power of legislation by Ordinance is as wide as the power of the Legislature. An Ordinance promulgated under Article 213 has the same force and effects as an Act of the Legislature of the State assented to by the Governor except that it must be laid before the Legislative Assembly of the State, and expires after the expiration of 6 weeks or earlier if it is withdrawn by the Governor or disapproved by the Legislature. *State of Punjab v. Satya Pal Dang*, AIR 1969 SC 903: (1969) 1 SCR 478.

1. Short title and commencement.—(1) This Ordinance may be called the Uttar Pradesh Public Services (Tribunals) (Amendment) (Second) Ordinance, 1995.

(2) It shall be deemed to have come into force on October 12, 1994.

2. Amendment of Section 5 of U.P. Act No. 17 of 1976.—In Section 5 of the Uttar Pradesh Public Services (Tribunals) Act, 1976, hereinafter referred to as the principal Act, after sub-section (5-B), the following sub-section shall be *inserted*, namely:—

“(5-C) Notwithstanding anything in the foregoing sub-sections, the Tribunal shall have no power to make an interim order (whether by way of injunction or stay or in any other manner) in respect of an adverse entry made by an employer against a public servant, and every interim order (whether by way of injunction or stay or in any other manner) in respect of an adverse entry, which was made by a Tribunal before the date this sub-section came into force, and which was in force on that date shall stand vacated.”.

1. Promulgated by the Governor on August 25, 1995 and published in the U.P. Gazette, Extra., Part 2, Section (Ka), dated 25th August, 1995, pp. 3-4