

The
Uttar Pradesh Public Services (Tribunal)
(Amendment) Act, 2003

[U.P. Act No. 12 OF 2003]
(As passed by the Uttar Pradesh Legislature)

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

It is hereby enacted in the fifty fourth- Year of the Republic of India as follows:-

Prefatory Note - Statement of Objects and reasons:- The Uttar Pradesh Public Services (Tribunal) Act, 1976 (U.P. Act No. 17 of 1976) has been enacted to provide for the constitution of Tribunal to adjudicate disputes in respect of matters relating to employment of all public servants of the state. Section 4 of the said Act provides that a person who is or has been a public servant and is aggrieved by an order pertaining to a service matter within the jurisdiction of the Tribunal may make reference of claim to the Tribunal for the redressal of his grievance. The Hon'ble supreme Court in a special leave appeal required the state Government to clarify the word "order" so as to include "omission" and "inaction" in passing order by the state Government or a local authority or a corporation referred to in clause (b) of section 2 of the said Act in the meaning thereof. the state Law commission has recommended to amend the said Act to provide for giving right to the legal representatives of a deceased public servant to make a reference of claim to the Tribunal independently with respect to the pecuniary benefits admissible to the deceased. The Bar Association of the state has also demanded for making provision for such right, It has, therefore been decided to amend the said Act to provide for -

(a) giving right to the legal representatives of a deceased public servant to make a reference to the Tribunal for payment of salary, allowances, gratuity, provident fund, pension and other pecuniary benefits relating to service due to the deceased public servant:

(b) inclusion of "omission" and "inaction" in the meaning of "order" referred to in section 4 of the said Act.

2. The Uttar Pradesh Public Services (Tribunal) (Amendment) Bill, 2003 is introduced accordingly.

1.Short title- This Act may be called the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2003.

2.Amendment of Section 2 of U.P. Act No, 17 of 1976- in section 2 of the Uttar Pradesh Public services (Tribunal) Act, 1976 hereinafter referred to as the principal Act, after clause (a-3) the following clause shall be inserted, namely:-

(a-3A) 'Legal representative' means a person who in law represents the estate of the deceased person and includes a person in whole the right to receive pensionary retirement, terminal or other benefits vests:

3. Amendment of Section 4- In section 4 of the principal Act for sub-section (1) the following sub-section shall be substituted namely:-

(1) Subject to the other provision of this Act, a person who is or has been a public servant and is aggrieved by an order pertaining to a service matter within the jurisdiction of the Tribunal, may make a reference of claim to the Tribunal for the redressal of his grievance.

Explanation- For the purpose of this sub-section order means an order or omission or in action of the state Government or a local authority or any other corporation or company referred to in clause (b) of section 2 or an officer, committee or other body or agency of the state government or such local authority or corporation or company.

Provided that no reference shall subject to the terms of any contract, be made in respect of a claim arising out of the transfer of a public servant.

Provided further that in the case of the death of public servant his legal representative, and where there are two or more such representatives, all of them jointly, may make a reference to the Tribunal for payment of salary, allowances, gratuity provident fund pension and other pecuniary benefits relating to service due to such public servant.

1. Received the assent of the Governor on December 16, 2003 and published in the U. P Gazette, Extra part 1. Section (ka) dated 17 th December, 2003 pp. 3-4