

**The
Uttar Pradesh Public Services (Tribunal)
(Amendment) Act, 2009¹**

[U.P. ACT NO. 19 OF 2009]

(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 Sixtieth Year of the Republic of India as follows:—

Prefatory Note—Statement of Objects and Reasons.—The Uttar Pradesh Public Services (Tribunals) Act, 1976 (U.P. Act no. 17 of 1976) has been enacted to provide for the constitution of tribunals to adjudicate disputes in respect of matters relating to employment of all public servants of the State of Uttar Pradesh. Sub-section (4) of Section 3 of the said Act provided that a person shall not be qualified for appointment as Vice-Chairman (Judicial) unless he has held the post of District Judge or any other post equivalent thereto for at least five years, or has, for at least two years held the post of a Judicial Member. With a view to ensuring availability of sufficient number of eligible candidates for appointment to the said office which was lying vacant for long time, it was decided to amend the said Act to provide that a person shall not be qualified for appointment as Vice-Chairman (Judicial) unless he has held the post of District Judge of Super Time Scale or any other post equivalent thereto, as has for at least two years held the post of Judicial Member.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 2009 (U.P. Ordinance No. 6 of 2009) was promulgated by the Governor on June 16, 2009.

This Bill is introduced to replace the aforesaid Ordinance.

1. Short title and commencement.—(1) This Act may be called the **Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2009**.

(2) It shall be deemed to have come into force on June 16 2009.

2. Amendment of Section 3 of U.P. Act No. 17 of 1976.—In Section 3 of the Uttar Pradesh Public Services (Tribunal) Act, 1976 hereinafter referred to as the principal Act for sub-section (4) the following sub-section shall be *substituted*, namely:—

“(4) A person shall not be qualified for appointment as Vice-Chairman (Judicial) unless he,—

- (a) has held the post of District Judge of Super Time Scale or any other post equivalent thereto; or
- (b) has, for at least two years, held the post of a Judicial Member.”

1. Received the assent of the Governor on August 19, 2009 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 20th August, 2009, pp. 3-4