

**UTTAR PRADESH SARKAR  
VIDHAYI ANUBHAG-1**

No. 35/LXXIX-V-1-1(Ka) 7-2007  
Dated Lucknow, February 21, 2005

NOTIFICATION

MISCELLANEOUS

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Pradesh Lok Seva (Adhikaran) (Sanshodhan) Adhiniyam, 2007 (Uttar Pradesh Adhiniyam Sankhya 4 of 2007) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 20, 2007 :—

**THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNAL)**

(AMENDMENT) ACT, 2007

[U.P. ACT NO. 4 OF 2007]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*further of amend the Uttar Pradesh Public Services (Tribunal) Act. 1976.*

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows :—

- |                                                                                                                          |                                                   |
|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| 1 This Act may be called the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2007.                             | Short title                                       |
| 2 In Section 3 of the Uttar Pradesh Public Services (Tribunal) Act, 1976, hereinafter referred to as the principal Act,— | Amendment of Section 3 of U.P. Act no. 17 of 1976 |

(a) for sub-section (6) the following Sub-section shall be substituted, namely:—

(6) An officer of the Indian Administrative Service or an officer of the Provincial Civil Service (Executive Branch) in the pay scale of Rs. 18400-22400 of above shall be qualified for appointment as an Administrative Member provide he has adequate experience in dispensation Justice."

(b) in sub-section (8), for the existing proviso, the following provision be substituted, namely:—

"Provided that no Chairman, Vice-Chairman or other member shall hold office as such after he has attained—

- a. in the case of Chairman, the age of sixty seven year, and
- b. in the case of Vice-Chairman and any other member, the age of Sixty-five years."

(c) after sub-section (8) the following sub-section shall be inserted, namely:—

"(8-a) The provisions of sub-section (8) as amended by the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2007 shall apply also to the Chairman, the Vice-Chairman and other members holding office on the commencement of the said Act."

Amendment of section 4-A 3. In section 4-A of the principal Act, in sub-section (3) for the existing Explanation the following Explanation shall be substituted, namely:—

"Explanation :—For the purpose of this sub-section the Chairman who has been a High Court Judge or a District Judge or a Vice-Chairman who has been a District Judge shall be deemed to be a Judicial Member and the Chairman or Vice-Chairman who has been a member of the Indian Administrative Service or an officer of the Provincial Civil Service (Executive Branch) in the pay scale of Rs. 18400-22400 or above, shall be deemed to be an administrative member."

**STATEMENT OF OBJECTS AND REASONS**

Sub-section (6) of section 3 of the Uttar Pradesh public Services (Tribunal) Act. 1976 provides that a person shall not be qualified for appointment as an Administrative Member unless he has held, or has been eligible to hold, the post of Commissioner of a Division or Joint Secretary to the government of India and has adequate experience in dispensation of Justice and the proviso to sub-section (8) of the said section provides that no Chairman, Vice-Chairman or other member shall hold office after he has attained, in the case of Chairman or Vice-Chairman the age of sixty five years and in the case of any other member the age of sixty two years. Sub-section (3) of Section 4-A provides that a bench consisting of two members shall include a Judicial Member and an Administrative Member, and the Explanation thereto provides that the Chairman who has been a High Court Judge or a District Judge or a Vice-Chairman who has been a District Judge shall be deemed to be a Judicial Member and the Chairman or Vice-Chairman who has been the member of the Indian Administrative Service shall be deemed to be an Administrative Member after due consideration of the requests made to the State Government from various sources and the Chairman, Public Services Tribunal for amending the said provisions in accordance with the present situations, it has been decided to amend the said Act to provide that an officer of the Indian Administrative Service or an officer of the Provincial Civil Service (Executive Branch) in the pay scale of Rs. 18400-22400 or above shall be qualified for appointment as an Administrative Member and the superannuation age of the chairman shall be 67 years and the superannuation age of the Vice-Chairman and other members shall be 65 Years and to clarify that the Chairman who has been a High Court Judge or a District Judge or a Vice-Chairman who has a member of the Indian Administrative Service or an officer of the Provincial Civil Service (Executive Branch) in the pay scale of Rs. 18400-22400 or above shall be deemed to be an Administrative Member. The Uttar Pradesh Public Services (Tribunal) (Amendment) Bill, 2007 is introduced accordingly.

By order,

VIRENDRA SINGH.

Pramukh Sachiv