



The Uttar Pradesh Public Services (Tribunals) Act, 1976

Act 17 of 1976

Keyword(s):

Public Servant, Legal Representative, Chief Justice, Service Matter, Public Servant

Amendments appended: 1 of 1977, 2 of 1982, 13 of 1985, 6 of 1987, 7 of 1992, 5 of 2000, 12 of 2003, 15 of 2013, 1 of 2015, 4 of 2017

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THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNALS)
ACT, 1976

(U. P. ACT NO. 17 OF 1976)

[Authoritative English Text of the Uttar Pradesh Lok Seva (Adhikaran)
Adhiniyam, 1976]

AN

ACT

to provide for the constitution of tribunals to adjudicate disputes in respect of
matters relating to employment of all public servants of the State.

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

1. (1) This Act may be called the Uttar Pradesh Public Services
(Tribunals) Act, 1976.

Short title, ex-
tent, commea-
cement and appli-
cation.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on November 24, 1975.

(4) This section and sections 2 and 6 shall apply in relation to all public
servants while the remaining provisions shall not apply to the following classes
of public servants, namely :—

(a) a member of a judicial service ;

(b) an officer or servant of the High Court ;

(c) a member of the secretariat staff of any House of the State Legis-
lature ;

(d) a member of the staff of the State Public Service Commission ;

(e) a workman as defined in the Industrial Disputes Act, 1947 or the
United Provinces Industrial Disputes Act, 1947.

Act XIV
of 1947.
U. P. Act
XXVHI of
1947.

[For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*,
dated March 31, 1976].

(Passed in Hindi by the Uttar Pradesh Legislative Council on April 6, 1976 and by
the Uttar Pradesh Legislative Assembly on April 5, 1976)

(Received the Assent of the President on April 30, 1976 under Article 201 of the Con-
stitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated May 1,
1976).

Definitions.

2. In this Act—

(a) "appointed date", means the twenty-fourth day of November, 1975 ;

(b) "public servant" means every person—

(i) in the service or pay of the State Government, or remunerated by fees or commission for the purpose of any public duty by the State Government ; or

(ii) in the service or pay of a local authority, any corporation (not being a company as defined in section 3 of the Companies Act, 1956 or a local authority) owned or controlled by the State Government (not including a University) or any company (as defined in section 3 of the Companies Act, 1956) in which not less than fifty per cent of the paid-up share capital is held by the State Government ;

(c) "Tribunal" means a State Public Services Tribunal constituted under section 3.

Constitution of the Tribunal.

3. (1) The State Government may by notification constitute two or more Tribunals, each to be called a State Public Services Tribunal.

(2) Each Tribunal shall consist of a Judicial Member and an Administrative Member.

(3) The Judicial Member shall be a person who is or has been or is qualified to be a Judge of a High Court, and an Administrative Member shall be a person who holds or has held the post of, or any post equivalent to, Commissioner of a Division.

(4) One of the members shall be designated by the State Government to be the Chairman of the Tribunal :

Provided that where the Judicial Member is a person who is or has been a Judge of a High Court, he shall be the Chairman.

(5) No person shall be appointed or continue to hold office as a member of a Tribunal if in the case of a retired High Court Judge he has attained the age of sixty-five years and in any other case he has attained the age of sixty-one years.

(6) The State Government may transfer any case from one Tribunal to another, and if in any case the two members of a Tribunal are unable to agree, the State Government shall transfer that case to another Tribunal.

(7) The State Government may, by general or special order, from time to time, define the jurisdiction of each Tribunal either with reference to territories or with reference to classes of cases, but any such order shall be without prejudice to the power of the State Government under sub-section (6) .

Reference of claims to Tribunal.

4. If any person who is or has been a public servant claims that in any matter relating to employment as such public servant his employer or any officer or authority subordinate to the employer has dealt with him in a manner which is not in conformity with any contract, or—

(a) in the case of a Government servant, with the provisions of Article 16 or Article 311 of the Constitution or with any rules or law having force under Article 309 or Article 313 of the Constitution ;

(b) in the case of a servant of a local authority or a statutory corporation, with Article 16 of the Constitution or with any rules or regulations having force under any Act of Legislature constituting such authority or corporation ;

he shall refer such claim to the Tribunal, and the decision of the Tribunal thereon shall, subject to the provisions of Articles 226 and 227 of the Constitution, be final :

Provided that no reference shall ordinarily be entertained by the Tribunal until the claimant has exhausted his departmental remedies under the rules applicable to him.

Explanation—For the purposes of this proviso, it shall not be necessary to require the claimant (in the case of a Government servant) to avail also of the remedy of memorial to the Governor before referring his claim to the Tribunal.

5. (1) (a) The Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, or the rules of evidence contained in the Indian Evidence Act, 1872, but shall be guided by the principles of natural justice, and subject to the provisions of this section and of any rules made under section 7, the Tribunal shall have power to regulate its own procedure (including the fixing of places and times of its sittings and deciding whether to sit in public or in private).

Powers and
procedure
of
the Tribunal.

(b) The provisions of the Limitation Act, 1963, shall apply to all references under section 4, as if a reference were a suit or application filed in the Civil Court :

Provided that where any court subordinate to the High Court has before the appointed date passed a decree in respect of any matter mentioned in section 4, or passed an order dismissing a suit or appeal for non-prosecution and that decree or order has not become final, any public servant or his employer aggrieved by the decision of such court may make a reference to the Tribunal within 60 days from the appointed date, and the Tribunal may affirm, modify or set aside such decree (but may not remand the case to any such court), and such decision of the Tribunal shall be final.

(2) The Tribunal shall decide every reference expeditiously and ordinarily, every case shall be decided by it on the basis of perusal of documents and representations, and of oral arguments, if any.

(3) The Tribunal may admit in evidence, in lieu of any original document, a copy thereof attested by a gazetted officer or by a notary.

(4) The Tribunal shall not ordinarily call for or allow to be adduced oral evidence, and may, if necessary, require any party to file an affidavit.

(5) The Tribunal shall, for the purpose of holding any inquiry under this Act, have, subject to the provisions of sub-section (1), the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters :—

(a) summoning and enforcing the attendance of any person and examining him on oath ;

(b) requiring the discovery and production of documents ;

(c) receiving evidence on affidavits ;

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872, requisitioning any public record or copy thereof from any office ;

(e) issuing commission for the examination of witnesses or documents ;

(f) recording a lawful agreement, compromise or satisfaction and making an order in accordance therewith ;

(g) reviewing its decision ;

(h) dismissing a reference for default or deciding it *ex parte* ;

(i) setting aside an order of dismissal for default or an order passed by it *ex parte* ;

(j) passing interlocutory orders pending final decision of any reference on such terms, if any, as it thinks fit to impose ;

(k) any other matter which may be prescribed.

(6) A declaration made by the Tribunal shall be binding on the claimant and his employer as well as on any other public servant who has, in respect of any claim affecting his interest adversely, been given an opportunity of making a representation against it, and shall have the same effect as a declaration made by a Court of law.

(7) Where the Tribunal makes any other order in favour of the claimant and against his employer or any other public servant, and such order remains uncomplished for a period of three months, the Tribunal may, on his application, issue a certificate for recovery of the amount awarded or, as the

Act V of
1908.
Act I of
1872.

Act I of
1956.
Act XXXV
of 1963.

Act V of
1908.

Act I of
1872.

case may be, for other relief granted by it, and any person in whose favour such certificate is issued may apply to the principal civil court of original jurisdiction in Uttar Pradesh, within the local limits of whose jurisdiction he has, for the time being, been serving or last served such employer, for execution of the order of the Tribunal, and such court shall thereupon execute the certificate or cause the same to be executed in the same manner and by the same procedure as if it were a decree for like relief made by itself in a suit.

(8) (a) The employer may appoint a public servant or a legal practitioner, to be known as the Presenting Officer, to present its case before the Tribunal.

(b) The public servant may take the assistance of any other public servant to present his case before the Tribunal on his behalf, but may not engage a legal practitioner for the purpose unless either (i) the Presenting Officer appointed by the employer is a legal practitioner, or (ii) the Tribunal, having regard to the circumstances of the case, so permits.

(9) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

(10) A reference or a reply to a reference or an application may be signed either by the appointing authority or by the Presiding Officer or, where the appointing authority is the Governor, by an officer not below the rank of Deputy Secretary authorised by the State Government in this behalf, and in the case of a local authority, corporation or company by the Chief Executive Officer or Secretary thereof, as the case may be.

Bar of suits.

6. (1) No suit shall lie against the State Government or any local authority or any statutory corporation or company for any relief in respect of any matter relating to employment at the instance of any person who is or has been a public servant, including a person specified in clauses (a) to (e) of sub-section (4) of section 1.

(2) All suits for the like relief, and all appeals, revisions, applications for review and other incidental or ancillary proceedings (including all proceedings under order XXXIX of the First Schedule to the Code of Civil Procedure, 1908), arising out of such suits, and all applications for permission to sue or appeal as pauper for the like relief, pending before any court subordinate to the High Court and all revisions (arising out of interlocutory orders) pending before the High Court on the date immediately preceding the appointed date shall abate, and their records shall be transferred to such Tribunal as the State Government may specify, and thereupon the Tribunal shall decide the cases in the same manner as if they were claims referred to it under section 4:

Provided that the Tribunal shall, subject to the provisions of section 5, recommence the proceedings from the stage at which the case abated as aforesaid and deal with any pleadings presented or any oral or documentary evidence produced in the court as if the same were presented or produced before the Tribunal.

(3) All appeals pending before the High Court on the date immediately preceding the appointed date arising out of such suits shall continue to be heard and disposed of by that court as heretofore as if this Act had not come into force:

Provided that if the High Court considers it necessary to remand or refer back the case under rule 23 or rule 25 of order 41 of the First Schedule to the Code of Civil Procedure, 1908, the order of remand or reference shall be directed to such Tribunal as the State Government may specify instead of to the subordinate court concerned and the Tribunal shall thereupon decide the case or issue, subject to the directions of the High Court, in the same manner as if it were a claim referred to it under section 4.

Power to make rules.

7. (1) The State Government may by notification make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the powers and procedure of the Tribunals;
- (b) the distribution of business between different Tribunals;
- (c) the fees to be paid in respect of proceedings before a Tribunal, and the manner of payment thereof;

(d) any other matter for which insufficient provision exists in this Act and the State Government considers provision in that behalf necessary or expedient.

U. P. Ordinance no. 8 of 1976. 8. (1) The Uttar Pradesh Public Service (Tribunal) Ordinance, 1976 is hereby repealed.

Repeal, sa
and trans
provision.

(2) Notwithstanding such repeal or the repeal of the Uttar Pradesh Public Services (Tribunals) Ordinance, 1975 by the Ordinance mentioned in sub-section (1) anything done or any action taken under the said Ordinances shall be deemed to have been done or taken under this Act as if this Act was in force at all material times.

(3) In relation to orders mentioned in the proviso to clause (b) of sub-section (1) of section 5 of this Act and applications referred to in sub-section (2) of section 6 of this Act which were not mentioned in the corresponding provisions of the said Ordinance of 1975, the references to the appointed date shall be construed as references to February 16, 1976.

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**THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNALS)
(AMENDMENT) Act, 1976**

[U. P. Act no. 1 of 1977]

[Authoritative English Text of the Uttar Pradesh Lok Sewa (Adhikaran)
(Sanshodhan) Adhiniyam, 1976]

**AN
ACT**

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

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

1. This Act may be called the Uttar Pradesh Public Services (Tribunals) (Amendment) Act, 1976.

Short title.

2. In section 1 of the Uttar Pradesh Public Services (Tribunals) Act, 1976 (hereinafter referred to as the principal Act), in sub-section (4), *for* clause (b), the following clause shall be *substituted*, namely:—

Amendment of
section 1 of
U. P. Act 17 of
1976.

“(b) an officer or servant of the High Court or of a court subordinate to the High Court;”.

3. In section 2 of the principal Act,—

Amendment of
section 2.

(i) *after* clause (a), the following clause shall be *inserted*, namely:—

“(aa) ‘Presenting Officer’ includes an Assistant Presenting Officer appointed by the State Government;”;

(ii) *for* clause (b), the following clause shall be *substituted*, namely:—

“(b) ‘public servant’ means every person in the service or pay of—

(i) the State Government ; or

(ii) a local authority not being a Cantonment Board ; or

(iii) any other corporation owned or controlled by the State Government (including any company as defined in section 3 of the Companies Act, 1956, in which not less than fifty per cent of the paid up share capital is held by the State Government, but excluding any other company).”

4. In section 5 of the principal Act—

Amendment of
section 5.

(i) in sub-section (1), in clause (a), the following proviso shall be *inserted*, namely:—

“Provided that where, in respect of the subject matter of a reference, a competent court has already passed a decree or order or issued a writ or direction, and such decree, order, writ or direction has become final, the principle of *res judicata* shall apply” ;

(ii) *after* sub-section (5), the following sub-sections shall be *inserted*, namely:—

“(5-A) No interim order (whether by way of injunction or stay or in any other manner) shall be passed by the Tribunal on or in any proceedings relating to any reference unless—

(a) copies of such reference and application for interim order, along with all documents in support of the plea for such interim order are furnished to the party against whom such petition is filed, and

[For Statement of Objects and Reasons, please see Uttar Pradesh Gazette (Extraordinary), dated November 5, 1976].

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on November 4, 1976 and by the Uttar Pradesh Legislative Council on November 8, 1976).

(Received the Assent of the President on January 10, 1977 under Article 201, of the Constitution of India and was published in Part I (a) of the Legislative supplement of the Uttar Pradesh Gazette Extraordinary, dated January 15 1977).

PRICE 10 PAISE

(b) at least fourteen days' time is given to such party to file a reply and opportunity is given to it to be heard in the matter:

Provided that the Tribunal may dispense with the requirements of (a) and (b) and may, for reasons to be recorded, make an interim order, as an exceptional measure, if it is satisfied that it is necessary so to do for preventing any loss to the petitioner which cannot be adequately compensated in money, but any such interim order shall, if it is not vacated earlier, cease to have effect on the expiry of the period of 14 days from the date on which it is made unless the said requirements have been complied with before the expiry of the said period and the Tribunal has continued the operation of that order.

(5-B) 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 order made or purporting to be made by an employer for the suspension, dismissal, removal, reduction in rank, termination, compulsory retirement or reversion of a public servant, and every interim order (whether by way of injunction or stay or in any other manner), in respect of such matters, which was made by a Tribunal before the date of commencement of this sub-section and which is in force on that day, shall stand vacated."

Savings
transitory
visions.
and
pro-

5. (1) Where, on the date of the commencement of this Act, a reference by or against a servant of a court subordinate to the High Court is pending under the principal Act before a Tribunal, it shall continue to be heard and decided by the Tribunal in accordance with the provisions of this Act.

(2) Where before the commencement of this Act, any party to any proceeding before a Tribunal has filed an affidavit sworn before an officer appointed under clause (b) or clause (c) of section 139 of the Code of Civil Procedure, 1908, such affidavit shall be deemed to have been validly sworn and may be acted upon by the Tribunal as such.

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Dated Lucknow, February 23, 1982

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 Uttar Pradesh Lok Sewa (Adhikaran) (Sanshodhan) Adhiniyam, 1982 (Uttar Pradesh Adhiniyam Sankhya 2 of 1982) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 18, 1982.

**THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNALS)
(AMENDMENT) ACT, 1982**

(U. P. ACT NO. 2 OF 1982)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

IT IS HEREBY enacted in the Thirty-second Year of the Republic of India as follows :—

Short title and
commencement.

1. (1) This Act may be called the Uttar Pradesh Public Services (Tribunals) (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on July 16, 1981.

Amendment of
section 4 of U.P.
Act no. 17 of
1976.

2. In section 4 of the Uttar Pradesh Public Services (Tribunals) Act, 1976, hereinafter referred to as the principal Act,—

(i) in the existing proviso, *between* the words “Provided” and “that”, the word “further” shall be *inserted*; and

(ii) *before* the proviso, as amended hereinbefore, the following proviso shall be *inserted*, namely :

"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."

3. Any reference in respect of a claim arising out of the transfer of a public servant pending before the Tribunal on the date of the commencement of this Act shall stand abated and all stay orders or other interim orders, passed by the Tribunal in such reference shall stand vacated as if the provisions of section 4 of the principal Act, as amended by this Act, have always been in force.

Disposal of pending proceedings.

4. (1) The Uttar Pradesh Public Services (Tribunals) (Second Amendment) Ordinance, 1981 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, but subject to the provisions of this Act, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1) or the Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1981 shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times.

U. P.
Ordinance
no. 14 of
1981.

U. P.
Ordinance
no. 9 of
1981.

By order,
G. B. SINGH,
Sachiv.

Dated Lucknow, April 27, 1985

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 Uttar Pradesh Lok Sewa (Adhikaran) (Sanshodhan) Adhiniyam, 1985 (Uttar Pradesh Adhiniyam Sankhya 13 of 1985) as passed by the Uttar Pradesh Legislature and assented to by the President on April 26, 1985.

THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNALS)

(AMENDMENT) ACT, 1985

(U. P. Act no. 13 of 1985)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

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

IT IS HEREBY enacted in the Thirty-sixth Year of Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Public Services (Tribunals) (Amendment) Act, 1985.

Short title and commencement.

(2) It shall be deemed to have come into force on January 28, 1985.

2. In section 1 of the Uttar Pradesh Public Services (Tribunals) Act, 1976, hereinafter referred to as the principal Act, in sub-section (4), after clause (e), the following clause shall be inserted, namely :—

Amendment of section 1 of U.P. Act 17 of 1976.

“(f) a member of the staff of the Lok Ayukta.”

3. After section 4 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 4-A.

“4-A. (1) A reference of claim wherein the validity of any order of dismissal or removal from service or reduction in rank is involved, shall be heard and finally decided by both members of the Tribunal :
Hearing of
Reference in
Tribunal.

Provided that any order other than an order finally disposing of the case, may be passed, evidence may be received and proceeding (except hearing of oral argument for final disposal of the case) may be conducted, by either of the members.

(2) A reference of claim other than that referred to in sub-section (1) may be heard and finally decided by a single member of the Tribunal.

(3) Anything done by a single member of the Tribunal under sub-section (1) or sub-section (2) shall be deemed to have been done by the Tribunal.

Amendment of
section 5.

4. In section 5 of the principal Act—

(a) in sub-section (1), for clause (b), the following clause shall be substituted, namely :—

“(b) The provisions of the Limitation Act, 1963 shall *mutatis mutandis* apply to reference under section 4 as if a reference were a suit filed in civil court so, however, that :—

Act
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(i) notwithstanding the period of limitation prescribed in the Schedule to the said Act, the period of limitation for such reference shall be one year ;

(ii) in computing the period of limitation the period beginning with the date on which the public servant makes a representation or prefers an appeal, revision or any other petition (not being a memorial to the Governor), in accordance with the rules or orders regulating his conditions of service, and ending with the date on which such public servant has knowledge of the final order passed on such representation, appeal, revision or petition, as the case may be, shall be excluded :

Provided that any reference for which the period of limitation prescribed by the Limitation Act, 1963 is more than one year, a reference under section 4 may be made within the period prescribed by that Act, or within one year next after the commencement of the Uttar Pradesh Public Services (Tribunals) (Amendment) Act, 1985 whichever period expires earlier :

Provided further that nothing in this clause as substituted by the Uttar Pradesh Public Services (Tribunals) (Amendment) Act, 1985, shall affect any reference made before and pending at the commencement of the said Act.”

(b) in sub-section (2), for the words “oral arguments” the words “oral or written arguments” shall be substituted ;

(c) for sub-section (7), the following sub-section shall be substituted namely—

“(7) Where the Tribunal makes an order other than a declaration referred to in sub-section (6), in favour of any party and such order remains uncomplied with for a period of three months from the date of such order, the Tribunal may, on the application of the party in whose favour the order stands, issue a certificate for recovery of the amount awarded or, as the case may be, for any other relief granted by the Tribunal. Any party, in whose favour such certificate is issued, may apply to the principal Civil Court of original jurisdiction in Uttar Pradesh within the local limits of whose jurisdiction the employee is for the time being serving, or, as the case may be, last served such employer, for execution of the order of the Tribunal, and such Court shall thereupon execute the certificate or cause the same to be executed in the same manner and by the same procedure as if it were a decree for like relief passed by itself in a suit.”

Amendment of
section 6.

5. In sub-section (1) of section 6, for the words “clauses (a) to (e)” the words “clauses (a) to (f)” shall be substituted.

Repeal and
savings.

6. (1) The Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1985 is hereby repealed.

U.P.
name
of 1

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

By order,
B. L. LOOMBA,
Sachiv.

Dated Lucknow, March 24, 1987

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 Uttar Pradesh Lok Sewa (Adhikaran) (Sanshodhan) Adhiniyam, 1987, (Uttar Pradesh Adhiniyam Sankhya 6 of 1987), as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 22, 1987 :

THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNALS) (AMENDMENT) ACT, 1987

(U. P. ACT No. 6 of 1987)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

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

IT IS HEREBY enacted in the Thirty-eighth Year of the Republic of India, as follows :—

Short title and
comment.

1. (1) This Act may be called the Uttar Pradesh Public Services (Tribunals) (Amendment) Act, 1987.

(2) It shall be deemed to have come into force on January 28, 1987.

Amendment of
section 3 of
U. P. Act no. 17
of 1976.

2. In section 3 of the Uttar Pradesh Public Services (Tribunals) Act, 1976, for sub-section (5), the following sub-sections shall be substituted, namely :—

“(5) Except as provided in sub-section (5-A), the provisions of Rule 56 of the Uttar Pradesh Fundamental Rules, published in the Financial Handbook, Volume II (Parts II to IV), shall continue to apply to every member of the Tribunal, as they apply to any other Government servant of the same grade, rank or cadre :

Provided that a Judicial Member, referred to in the proviso to sub-section (4) shall continue to hold office till he attains the age of sixty-two years.

(5-A) Notwithstanding anything contained in any other law for the time being in force, a person who has retired from Government service on attaining the age of superannuation may be re-employed by the State Government as Judicial Member or Administrative Member, if he is otherwise eligible for appointment as such member under sub-section (3), and such person shall hold office for a period of two years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever be earlier.

3. (1) The Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1987, is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by his Act, as if the provisions of this Act were in force at all material times.

By order

S. N. SAHAY,
Secretary

Dated : Lucknow, March 16, 1992

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 Uttar Pradesh Lok Seva (Adhikaran) (Sanshodhan) Adhiniyam, 1992 (Uttar Pradesh Adhiniyam Sankhya 7 of 1992) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 13, 1992.

**THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNALS)
(AMENDMENT) ACT, 1992**

(U. P. Act No. 7 OF 1992)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

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

IT IS HEREBY enacted in the Forty-third Year of the Republic of India as follows :—

Short title and
Commencement

1. (1) This Act may be called the Uttar Pradesh Public Services (Tribunals) (Amendment) Act, 1992.

(2) It shall come into force on such date as the State Government may, by notification, appoint in that behalf.

2. In the long title of the Uttar Pradesh Public Services (Tribunals) Act, 1976, hereinafter referred to as the principal Act, for the words "Constitution of Tribunals" the words "Constitution of a Tribunal" shall be substituted.

Amendment of long title of U.P. Act no. 17 of 1976

3. In section 1 of the principal Act, in sub-section (1), for the brackets and word "(Tribunals)" the word "Tribunal" shall be substituted.

Amendment of section 1

4. In section 2 of the principal Act,—

Amendment of section 2

(a) after clause (a), the following clauses shall be inserted, namely:—

(a-1) 'Bench' means a Bench of the Tribunal;

(a-2) 'Chairman' means the Chairman of the Tribunal;

(a-3) 'District Judge' means the District Judge within the meaning of the Bengal, Agra and Assam Civil Courts Act, 1887;

(a-4) 'Member' means a Judicial or Administrative member of the Tribunal and includes its Chairman and Vice-Chairman;

(b) for clause (c), the following clauses shall be substituted namely:—

"(c) 'Tribunal' means the Tribunal constituted under section 3;

(d) 'Vice-Chairman' means the Vice-Chairman of the Tribunal."

5. For section 3 of the principal Act, the following sections shall be substituted, namely:—

Substitution of section 3

"3 (1) As soon as may be after the commencement of the Uttar Pradesh Public Services (Tribunals) (Amendment) Constitution Act, 1992, the State Government shall, by notification, establish a Tribunal to be called the State Public Services Tribunal.

(2) The Tribunal shall consist of a Chairman, a Vice-Chairman and such number of other Judicial and Administrative members not less than five in each category, as may be determined by the State Government.

(3) A person shall not be qualified for appointment as Chairman, unless he —

(a) has been a Judge of a High Court, or

(b) has, for atleast two years held the post of Vice-Chairman, or

(c) has been a member of the Indian Administrative Service who has held the post of a Secretary to the Government of India or any other post under the Central or the State Government equivalent thereto; and has adequate experience in dispensation of justice.

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

(a) has held the post of District Judge or any other post equivalent thereto for atleast five years; or

(b) has, for atleast two years held the post of a Judicial or an Administrative member; or

(c) has been, a member of the Indian Administrative Service who has held the post of Additional Secretary to Government of India or any other post under the Central or the State Government equivalent thereto and has adequate experience in dispensation of justice.

(5) A person shall not be qualified for appointment as a Judicial Member, unless he has held the post of District Judge, or any other post equivalent thereto.

(6) 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.

(7) The Chairman, Vice-Chairman and every other member shall be appointed by the State Government :

Provided that no person shall assume the office of Chairman Vice-Chairman or other member, as the case may be, unless he has resigned or retired from, as the case may be, the Judgeship of the high Court, or the Indian Administrative Service or the Uttar Pradesh Higher Judicial Service or any other service in which he was serving except the service as Vice Chairman or Member.

(8) The Chairman, Vice-Chairman or other member shall hold office as such for a term of five years from the date on which he enters upon his office but shall be eligible for re-appointment for another term of five years :

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

(a) in the case of Chairman or Vice-Chairman, the age of sixty-five years, and

(b) in the case of any other member the age of sixty-two years.

(9) The Chairman, Vice-Chairman or any other member may by notice in writing under his hand addressed to the Governor resign his office :

Provided that the Chairman, Vice-Chairman or other member shall, unless he is permitted by the Governor to relinquish his office sooner, continue to hold office until the expiration of three months from the date of receipt of notice or until a person duly appointed as his successor enters upon office or until the expiration of his term of office, whichever is the earliest.

(10) The Chairman, Vice-Chairman or any other member shall not be removed from his office except by an order made by the Governor on the ground of proved misbehaviour or incapacity after such inquiry made in the prescribed manner, in which such Chairman, Vice-Chairman or other member as the case may be, has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(11) On ceasing to hold office, the Chairman, Vice-Chairman or other member shall be ineligible for further employment under the State Government, or any local or other authority under the control of the State Government, or any corporation or society owned or controlled by the State Government :

Provided that, subject to other provisions of this Act, a Vice-Chairman shall be eligible for appointment as Chairman and any other member shall be eligible for appointment as Vice-Chairman or Chairman.

(12) On ceasing to hold office the Chairman, Vice-Chairman or other member shall not appear, act or plead before the Tribunal on behalf of any person.

(13) The salaries and allowances payable to the Chairman, Vice-Chairman and other members and the other conditions of their service shall be such as may be determined by the State Government from time to time.

(14) Where the Chairman is unable to discharge his functions owing to absence, illness or any other cause, or where any vacancy occurs in the office of the Chairman by reason of his death, resignation or otherwise, the Vice Chairman and where the Vice Chairman is likewise unable to discharge his function or the office of the Vice Chairman also is vacant, such other member as the State Government may by special or general order specify, shall discharge the functions of the Chairman until the Chairman resumes his duties or as the case may be a chairman appointed in accordance with the provisions of this Act assumes charge of his office.

3—A. (1) The State Government shall determine the nature and categories of the officers and other employees required to assist the Tribunal in the discharge of its functions and provide the Tribunal with such officers and other employees as it may think fit.

*Staff of the
Tribunal*

(2) The officers and other employees of the Tribunal shall discharge their functions under the general superintendence of the Chairman.

(3) The salaries and allowances and conditions of service of the officers and other employees of the tribunal shall be such as may be prescribed."

6. In section 4 of the principal Act after the second proviso the following proviso shall be inserted, namely :—

Amendment of section 4

"Provided also that where no final order is made by the competent authority, that is to say the State Government or other authority or officer or other person competent to pass such order with regard to the appeal preferred or representation made by the Claimant within one year from the date on which such appeal was preferred or representation was made, the Claimant may by a written notice require such competent authority to pass the order and if the order is not passed within one month of the service of notice the Claimant shall be deemed to have exhausted his departmental remedies."

7. For section 4-A of the principal Act, the following section shall be substituted, namely :—

Substitution of section 4-A

"4-A. (1) The Chairman may from time to time constitute Benches consisting of a single member or two members, for the disposal of such references of claims and other matters as may be specified by him.

(2) It shall be lawful for the Chairman to nominate himself as a member of any such Bench.

(3) A Bench consisting of two members shall include a Judicial Member and an Administrative Member.

Explanation : For the purposes 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 a Chairman or Vice-Chairman who has been the member of the Indian Administrative Service shall be deemed to be an Administrative Member.

(4) The jurisdiction, powers and authority of the Tribunal may be exercised by any such Bench and anything done by any such Bench in exercise of such jurisdiction, powers or authority shall be deemed to have been done by the Tribunal.

(5) (a) A reference of claim wherein the validity of any order of dismissal or removal from service (not being an order for termination of temporary service) or reduction in rank is involved, shall be heard and finally decided by a Bench consisting of two members :

Provided that any order, other than an order finally disposing of the case on merits, may be passed, evidence may be received and proceeding (except hearing of oral arguments for final disposal of the case) may be conducted by a single member.

(b) A reference of claim other than that referred to in clause (a) may be heard and finally decided by a Bench consisting of a single member.

(c) The Chairman may, if he thinks fit to do so, transfer a case from one Bench to another Bench.

(6) Where the members of a Bench consisting of two members are unable to agree, the matter shall be referred to another member nominated by the Chairman and the decision of such other member shall be final and operative.

(7) The Tribunal, its Benches and members shall, for transacting business under this Act sit at Lucknow or at such other places as the State Government may direct."

Amendment of section 5

8. In section 5 of the principal Act, for sub-section (7), the following sub-section shall be substituted, namely :—

“(7) The order of the Tribunal finally disposing of a reference shall be executed in the same manner in which any final order of the State Government or other authority or officer or other person competent to pass such order under the relevant service rules as to redressal of grievances in any appeal preferred or representation made by the claimant in connection with any matter relating to his employment to which the reference relates would have been executed.”

Insertion of new section 5-A

9. After section 5 of the principal Act the following section shall be inserted, namely :—

“5-A. Without prejudice to the jurisdiction, powers and authority of the High Court under the Contempt of Courts Act, 1971 in respect of contempt of courts subordinate to it, the Tribunal shall have and exercise, jurisdiction, powers and authority in respect of contempt of itself as the High Court has, and may exercise, in respect of contempt of itself, and for this purpose the provisions of the Contempt of Courts Act, 1971 shall, *mutatis mutandis*, apply subject to the following modifications, namely :—

(a) references therein to High Court, its Chief Justice and other Judges shall be construed as reference to the Tribunal its Chairman and other members respectively ;

(b) reference to Advocate-General in section 15 of the said Act shall be construed as reference to such law officer as the State Government may by notification, specify in that behalf ;

(c) in section 19 of the said Act,—

(i) for sub-section (1) the following sub-section shall be substituted, namely :—

“(1) An appeal shall lie as of right from any order or decision of the Tribunal in the exercise of its jurisdiction to punish for contempt to the High Court.”;

(ii) for sub-section (4) the following sub-section shall be substituted, namely :—

“(4) An appeal under sub-section (1) shall be filed within sixty days from the date of the order appealed against.”

Amendment of section 6

10. In section 6 of the principal Act, in sub-sections (2) and (3) for the words “to such Tribunal as the State Government may specify” wherever they occur, the words “to the Tribunal” shall be substituted.

Amendment of section 7

11. In section 7 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matter, namely :—

(a) the powers and procedure of the Tribunal ;

(b) the constitution of and distribution of business among the Benches ;

(c) the fees to be paid in respect of proceedings before the Tribunal and the manner of payment thereof ;

(d) the salaries and allowances payable to, and other terms and conditions of service of the Chairman, Vice Chairman, members, officers and other employees of the Tribunal ;

(e) the financial and administrative powers of the Chairman ;

(f) any other matter for which insufficient provision exists in this Act and the State Government considers provision in that behalf necessary or expedient.

(3) The power to make rules under clause (d) of sub-section (2) shall include the power to make such rules or any of them retrospectively from a date not earlier than the date of commencement of the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 1992, but no such retrospective effect shall be given to any such rule so as to

prejudicially affect the interest of any person to whom such rules may be applicable."

12. (1) Any references of claims, applications or other incidental or ancillary proceedings pending before any Tribunal constituted under section 3 of the principal Act, as it stood immediately before the commencement of this Act (herein after referred to as the old Tribunal) shall, upon constitution of the Tribunal under section 3 of the principal Act as amended by this Act, stand transferred to such newly constituted Tribunal which shall thereupon hear and decide the cases in the same manner as if they were referred to it under section 4 of the principal Act or were matters arising out of such claims, as the case may be.

Transitory Provi-
sions

Explanation : It shall be lawful for such newly constituted Tribunal to commence the proceeding from the stage at which the case was so transferred and to deal with any pleading presented or evidence produced before such transfer as if the same were presented or produced before itself.

(2) Any references of claims, application or documents addressed to any of the old Tribunals received by the newly constituted Tribunal shall be entertained and disposed of by the newly constituted Tribunal as if it were addressed to it.

(3) All applications for certificate under sub-section (7) of section 5 of the principal Act as it stood immediately before the commencement of this Act, pending on the date of such commencement shall stand abated.

(4) Any certificate under sub-section (7) of section 5 of the principal Act as it stood immediately before the commencement of this Act, issued by any of the old Tribunal shall continue to be valid and enforceable notwithstanding that such old Tribunal is no more in existence.

(5) Subject to the provision of sub-section (4) all orders of the old Tribunals shall be executed in accordance with the provisions of the principal Act as amended by this Act as if such orders were passed by the newly constituted Tribunal.

U. P.
Ordinance
No. 42 of
1991

13. (1) The Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1991 is hereby repealed.

Repeal and
savings

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act as if the provisions of this Act were in force at all material times.

By order,
MARAYAN DAS,
Sachiv.

THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNAL)
(AMENDMENT) ACT, 2000

(U. P. ACT No. 5 OF 2000)

[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 Fiftieth Year of the republic of India as follows :—

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on September 9, 1999.

Amendment of
section 1 of U.P.
Act no. 17 of
1976

2. In section 1 of the Uttar Pradesh Public Services (Tribunal) Act, 1976, hereinafter referred to as the principal Act, in sub-section (4) after clause (f) the following clause shall be inserted, namely :—

“(g) the Chairman, Vice-Chairman, Members, officers or other employees of the Tribunal”.

Amendment of
section 2

3. In section 2 of the principal Act, —

(a) after clause (a-2), the following clause shall be inserted, namely :—

“(a-2A) “Chief Justice” means the Chief Justice of the High Court,”

(b) after clause (b) the following clause shall be inserted, namely :—

“(bb) “service matter” means a matter relating to the conditions of service of a public servant,”

(c) for the clause (d) the following clause shall be substituted, namely :—

“(d) “Vice-Chairman” means the Vice-Chairman (Judicial) or Vice Chairman (Administrative) of the Tribunal.”

Amendment of
section 3

4. In section 3 of the principal Act, —

(a) in sub-section (2) for the words “a Vice-Chairman” the words “a Vice-Chairman (Judicial), a Vice-Chairman (Administrative)” shall be substituted.

(b) for sub-section (4) the following sub-sections 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 or any other post equivalent thereto for at least five years; or

(b) has, for at least two years, held the post of a Judicial member.

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

(a) has, for at least two years, held the post of an Administrative member; or

(b) has, for at least two years, held the post of Additional Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India and has, in the opinion of the State Government, adequate experience in dispensation of Justice.”

(c) in sub-section (6) for the words “has adequate experience”, the words “has, in the opinion of the State Government, adequate experience” shall be substituted;

(d) In sub-section (7) for the words "State Government" the words "State Government after consultation with the Chief Justice for which proposal will be initiated by the State Government" shall be substituted;

(e) in sub-section (10) for the words "such inquiry made", the words "an inquiry made by the Chief Justice or such Judge of the High Court as may be nominated by the Chief Justice" shall be substituted.

5. For section 4 of the principal Act the following section shall be substituted, namely:—

Amendment of section 4

"4 (1) Subject to the other provisions 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 made by the State Government or a local authority or any other Corporation or company referred to in clause (b) of section 2 or by 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.

(2) Every reference under sub-section (1) shall be in such form and be accompanied by such documents or other evidence and by such fee in respect of the filing of such reference and by such other fees for the service or execution of processes, as may be prescribed.

(3) On receipt of a reference under sub-section (1), the Tribunal shall, if satisfied after such inquiry as it may deem necessary that the reference is fit for adjudication or trial by it, admit such reference and where the Tribunal is not so satisfied, it shall summarily reject the reference after recording its reasons.

(4) Where a reference has been admitted by the Tribunal under sub-section (3), every proceeding under the relevant service rules or regulation or any contract as to redressal of grievances in relation to the subject matter of such reference pending immediately before such admission shall abate, and save as otherwise directed by the Tribunal, no appeal or representation in relation to such matter shall thereafter be entertained under such rules, regulations or contract.

(5) The Tribunal shall not ordinarily admit a reference unless it is satisfied that the public servant has availed of all the remedies available to him under the relevant service rules, regulations or Contract as to redressal of grievances.

(6) For the purposes of sub-section (5) a public servant shall be deemed to have availed of all the remedies available to him if a final order has been made by the State Government, an authority or officer thereof or other person competent to pass such order under such rules or regulations or contract rejecting any appeal preferred or representation made by such public servant in connection with the grievance:

Provided that where no final order is made by the State Government, authority, officer or other person competent to pass such order with regard to the appeal preferred or representation made by such public servant within six months from the date on which such appeal was preferred or representation was made, the public servant may, by a written notice by registered post, require such competent authority to pass the order and if the order is not passed within one month of the service of such notice, the public servant shall be deemed to have availed of all the remedies available to him.

(7) For the purposes of sub-sections (5) and (6) any remedy available to the public servant by way of submission of a memorial to the Governor or to any other functionary shall not be deemed to

be one of the remedies, which are available unless the public servant had elected to submit such memorial."

**Amendment of
section 4 A**

6. In section 4-A of the principal Act, in sub-section (5),—

(a) for clause (a) the following clause shall be *substituted*, namely :—

"(a) A reference of claim against an order pertaining to a matter specified in the Schedule shall be heard and finally decided by a Bench consisting of two members :

Provided that evidence may be received and proceeding therefor may be conducted by a single member.

(b) in clause (c) for the words "may, if he thinks fit to do so" the words "may on his own initiative or on the application of a party to a reference of claim" shall be *substituted*.

**Amendment of
section 5**

7. In section 5 of the principal Act,—

(a) 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 commencement of the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2000 and which is in force on the date of such commencement shall stand vacated."

(b) in sub-section (9) for the word and figure "Section 193" the word and figures "sections 193, 219" shall be *substituted*.

**Amendment of
section 5-A**

8. In section 5-A of the principal Act, in clause (b) for the words "such law officer" the words "the public prosecutor appointed by the State Government under sub-section (1) of section 24 of the Code of Criminal Procedure, 1973 or such other law officer" shall be *substituted*.

**Amendment of
section 6**

9. In section 6 of the principal Act, in sub-section (1) for the words "clauses (a) to (f)" the words "clauses (a) to (g)" shall be *substituted*.

**Insertion of new
sections 6-A, 6-B
and 6-C**

10. After section 6 of the principal Act, the following section shall be *inserted*, namely :—

"6-A The Chairman, Vice-Chairman, Members, Officers and other Members and employees of the Tribunal shall be deemed Staff of the to be public servants within the meaning of Tribunal to be section 21 of the Indian Penal Code. public servants

6-B(1) No suit, prosecution or other legal proceedings shall lie Protection of against the Chairman, Vice-Chairman, action taken in members or any other person for anything good faith which is in good faith done or intended to be done, in pursuance of the provisions of this Act or the rules made thereunder.

6-C The Chairman, Vice-Chairman and members shall be Members to be deemed to be the Judges for the purposes of Judges the Judges (Protection) Act, 1985 and the Judicial Officers Protection Act, 1850".

**Amendment of
section 7**

11. In section 7 of the principal Act, in sub-section (2) for clause (c) the following clause shall be *substituted*, namely :—

"(c) the form in which a reference of claim may be made the document and other evidence by which such reference shall be accompanied and the fees payable in respect of the filing of such reference or for the execution or service of processes."

12. After section 8 of the principal Act, the following Schedule shall be *inserted*, namely:—

Insertion of new
Schedule

SCHEDULE

[See section 4-A (5) (a)]

Matters to be heard and finally decided by a Bench consisting of two members.

1. All references of claims against an order pertaining to,—

(a) promotion, seniority, date of birth or date of superannuation of a public servant;

(b) regularisation in a service referred to in clause (b) of section 2;

(c) dismissal, removal, reversion or reduction in rank, permanent stoppage of increment, break in service, compulsory retirement, suspension, termination or resignation of a public servant;

(d) withholding or withdrawing pension, wholly or partly recovery from pension and counting of period for pension, of a retired public servant,

2. All contempt matters.

3. Admission of references of claims against orders pertaining to the aforesaid matters.

13. (1) The Uttar Pradesh Public Services (Tribunals) (Amendment) Ordinance, 1999 is hereby repealed.

U. P.
Ordinance
no. 17 of
1999

Repeal
savings and

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

Dated Lucknow, December 17, 2003

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 Uttar Pradesh Lok Seva (Adhikaran) (Sanshodhan) Adhiniyam, 2003 (Uttar Pradesh Adhiniyam Sankhya 12 of 2003) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 16, 2003 :—

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

furth^r 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:—

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

Short title

2. 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 :—

Amendment of
section 2 of U.P.
Act no. 17 of
1976

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

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

Amendment of
section 4

“(1) Subject to the other provisions 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 of 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 a 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."

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 had 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.

By order,
R.B. RAO,
Pramukh Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, बृहस्पतिवार, 26 सितम्बर, 2013

आश्विन 4, 1935 शक सम्वत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-1

संख्या 1037/79-वि-1-13-1(क)-13-2013

लखनऊ, 26 सितम्बर, 2013

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) विधेयक, 2013 पर दिनांक 24 सितम्बर, 2013 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 15 सन् 2013 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अधिनियम, 2013

(उत्तर प्रदेश अधिनियम संख्या 15 सन् 2013)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के चौसठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1- (1) यह अधिनियम उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अधिनियम, 2013 कहा जायेगा।

साक्ष्य नाम आर
प्रारम्भ

(2) यह 19 जुलाई, 2013 का प्रवृत्त हुआ समझा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या 17
सन् 1976 की धारा
3 का संशोधन

2-उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 जिसे आगे मूल अधिनियम कहा गया है, की धारा 3 में,—

(क) उपधारा (8) में, परन्तुक में, खण्ड (क) के स्थान पर निम्नलिखित खण्ड रख दिया जाएगा, अर्थात् :—

“(क) अध्यक्ष के मामले में सत्तर वर्ष की आयु प्राप्त कर ली हो; और”

(ख) उपधारा (8-क) के पश्चात निम्नलिखित उपधारा बढ़ा दी जाएगी, अर्थात् :—

“(8-ख) उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अधिनियम, 2013 द्वारा यथा संशोधित उपधारा (8) के उपबंध उक्त अधिनियम के प्रारम्भ पर अध्यक्ष का पद धारण करने वाले पर भी लागू होंगे।”

निरसन एवं अपवाद

3-(1) उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अध्यादेश, 2013 एतद्द्वारा निरसित किया जाता है।

उत्तर प्रदेश
अध्यादेश संख्या
9 सन् 2013

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथा संशोधित मूल अधिनियम के उपबंधों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथा संशोधित मूल अधिनियम के तत्समान उपबंधों के अधीन कृत कार्य या कार्यवाही समझी जाएगी मानो इस अधिनियम के उपबंध सभी सारवान समय पर प्रवृत्त थे।

उद्देश्य और कारण

उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 (उत्तर प्रदेश अधिनियम संख्या 17 सन् 1976) का अधिनियमन उत्तर प्रदेश राज्य के समस्त लोक सेवकों के रोजगार से सम्बन्धित मामलों के संबंध में विवादों के न्याय-निर्णयन के लिए अधिकरण के गठन हेतु प्रावधान करने के लिए किया गया है। उक्त अधिनियम की धारा 3 में अधिकरण के गठन के लिए प्रावधान किया गया है। इस धारा में, अन्य बातों के साथ-साथ, यह प्रावधान किया गया था कि अध्यक्ष का पद धारण करने हेतु अधिकतम आयु 67 वर्ष होगी। सामान्य रूप से अधिकरणों में अध्यक्ष का पद धारण करने की आयु सीमा 70 वर्ष है तथा अध्यक्ष पद पर प्रायः मा0 उच्च न्यायालय के सेवानिवृत्त न्यायमूर्ति नियुक्त किए जाते हैं जिन्हें न्यायिक कार्य करने का व्यापक एवं विस्तृत अनुभव होता है उक्त आधार पर अधिकरण के अध्यक्ष का पद धारण करने हेतु अधिकतम आयु 70 वर्ष होनी चाहिए। सम्यक् विचारोपरान्त यह विनिश्चय किया गया कि उक्त अधिनियम को संशोधित करके उक्त अधिकरण के अध्यक्ष का पद धारण हेतु अधिकतम आयु 67 वर्ष से बढ़ाकर 70 वर्ष कर दी जाय।

चूंकि राज्य विधान मंडल सत्र में नहीं था और उपर्युक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 19 जुलाई, 2013 को उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अध्यादेश, 2013 (उत्तर प्रदेश अध्यादेश संख्या 9 सन् 2013) प्रख्यापित किया गया।

यह विधेयक पूर्वोक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
एस०के० पाण्डेय,
प्रमुख सचिव।

No. 1037(2)/LXXIX-V-1-13-1(Ka)-13-2013

Dated Lucknow, September 26, 2013

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Lok Seva (Adhikaran) (Sanshodhan) Adhiniyam, 2013 (Uttar Pradesh Adhiniyam Sankhya 15 of 2013) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 24, 2013.

THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNAL) (AMENDMENT)
ACT, 2013

(U.P. Act no. 15 of 2013)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furth^r to amend the Uttar Pradesh Public Services (Tribunal) Act, 1976.

IT IS HEREBY enacted in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2013. Short title and commencement

(2) It shall be deemed to have come into force on July 19, 2013.

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) in sub-section (8), in the proviso for clause (a) the following clause shall be substituted, namely :—

“(a) in the case of Chairman, the age of seventy years; and”

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

“(8-b) The provisions of sub-section (8) as amended by the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2013 shall apply also to the Chairman holding office on the commencement of the said Act.

U.P. Ordinance no. 9 of 2013 3. (1) The Uttar Pradesh Public Services (Tribunal) (Amendment) Ordinance, 2013 is hereby repealed. Repeal and saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

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. Section 3 of the said Act provides for the constitution of the tribunal. This section *inter alia* provided that the maximum age for holding the office of

the Chairman shall be sixty seven years. Generally the maximum age for holding the office of the Chairman of the Tribunal is seventy years and usually the retired judge of the Hon'ble High Court having wide and extensive experience of judicial work is appointed to the office of the Chairman. On the said basis the maximum age for holding the office the Chairman of the said tribunal should be seventy years. After due consideration is was decided to amend the said Act to increase the maximum age for holding the office of the Chairman of the said tribunal from sixty seven years to seventy years.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Public Services (Tribunal) (Amendment) Ordinance, 2013 (U.P. Ordinance no. 9 of 2013) was promulgated by the Governor on July 19, 2013.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
S.K. PANDEY,
Pramukh Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 13 मार्च, 2015

फाल्गुन 22, 1936 शक सम्वत्

उत्तर प्रदेश सरकार

विधायी अनुभाग-1

संख्या 306/79-वि-1-15-1(क)4-2015

लखनऊ, 13 मार्च, 2015

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) विधेयक, 2015 पर दिनांक 12 मार्च, 2015 को अनुमति प्रदान की और वह (उत्तर प्रदेश अधिनियम संख्या 1 सन् 2015) के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है :-

उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अधिनियम, 2015

(उत्तर प्रदेश अधिनियम संख्या 1 सन् 2015)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के छियासठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-यह अधिनियम उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अधिनियम, 2015 कहा

संक्षिप्त नाम

जायेगा।

उत्तर प्रदेश
अधिनियम
संख्या 17
सन् 1976 की
धारा 3 का संशोधन

2-उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 की धारा 3 में
उपधारा (4-क) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात्:-

"(4-क) कोई व्यक्ति उपाध्यक्ष (प्रशासकीय) के रूप में नियुक्ति के लिये अर्ह नहीं होगा जब तक कि,-

(क) उसने प्रशासकीय सदस्य का पद धारण न किया हो; या

(ख) उसने राज्य सरकार के अधीन सचिव का पद या भारत सरकार के संयुक्त सचिव के पद के समकक्ष पद धारण न किया हो और उसे राज्य सरकार की राय में न्याय करने का पर्याप्त अनुभव न हो।"

उद्देश्य और कारण

उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 (उत्तर प्रदेश अधिनियम संख्या 17 सन् 1976) का अधिनियमन उत्तर प्रदेश राज्य के समस्त लोक सेवकों के सेवायोजन से सम्बद्ध विषयों के सम्बन्ध में विवादों के न्याय-निर्णयन के निमित्त अधिकरण के गठन हेतु व्यवस्था करने के लिये किया गया है। उक्त अधिनियम की धारा 3 की उपधारा (4-क) में प्राविधान है कि कोई व्यक्ति उपाध्यक्ष (प्रशासकीय) के रूप में नियुक्ति के लिये अर्ह नहीं होगा जब तक कि उसने कम से कम दो वर्ष तक प्रशासकीय सदस्य का पद धारण न किया हो या उसने कम से कम दो वर्ष तक भारत सरकार के अपर सचिव का पद या केन्द्रीय या किसी राज्य सरकार के अधीन ऐसा कोई पद धारण न किया हो जिसका वेतनमान भारत सरकार के अपर सचिव के वेतनमान से कम न हो और राज्य सरकार की राय में न्याय व्यवस्था का पर्याप्त अनुभव न हो। उपाध्यक्ष (प्रशासकीय) के पद पर नियुक्ति के लिए पर्याप्त संख्या में प्रतिभावान और अधिक अनुभवी, कुशल और पात्र अधिकारियों के यथोचित पूल की उपलब्धता सुनिश्चित करने के उद्देश्य से उक्त अधिनियम में निम्नलिखित संशोधन किये जाने का विनिश्चय किया गया है,-

(क) उक्त उपधारा में शब्द "कम से कम दो वर्ष तक" जहां कहीं भी आये हों, निकाल दिया जाए।

(ख) उपाध्यक्ष (प्रशासकीय) के पद पर नियुक्ति के लिए कोई व्यक्ति जिसने भारत सरकार के अपर सचिव का पद या केन्द्रीय या किसी राज्य सरकार के अधीन कोई अन्य पद धारण किया हो, जिसका वेतनमान भारत सरकार के अपर सचिव के वेतनमान से कम न हो, अर्ह होगा, के स्थान पर कोई व्यक्ति जिसने राज्य सरकार में सचिव का पद या भारत सरकार के संयुक्त सचिव के समकक्ष पद धारण किया हो, की व्यवस्था की जाए।

तदनुसार उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) विधेयक, 2015 पुरःस्थापित किया जाता है।

आज्ञा से,
अनिरुद्ध सिंह,
प्रमुख सचिव।

No. 306(2)/LXXIX-V-1-15-1(Ka) 4-2015

Dated Lucknow, March 13, 2015

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 Uttar Pradesh Lok Seva (Adhikaran) (Sansodhan) Adhiniyam, 2015 (Uttar Pradesh Adhiniyam Sankhya 1 of 2015) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 12, 2015:-

THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNAL) (AMENDMENT) ACT, 2015

(U.P. Act no. 1 of 2015)

[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 Sixty-sixth Year of the Republic of India as follows :-

Short title

1. This Act may be called the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2015.

2. In section 3 of the Uttar Pradesh Public Services (Tribunal) Act, 1976, for sub-section (4-A) the following sub-section shall be substituted, namely :-

Amendment of
section 3 of U.P.
Act no. 17 of 1976

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

(a) has held the post of an Administrative Member; or

(b) has held the post of Secretary in the State Government or a post equivalent to the post of Joint Secretary to the Government of India and has, in the opinion of the State Government adequate experience in dispensation of justice.”

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 of Uttar Pradesh. Sub-section (4-A) of section 3 of the said Act provides that a person shall not be qualified for appointment as Vice-Chairman (Administrative) unless he has for at least two years held the post of an Administrative member or has for at least two years held the post of Additional Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India and has in the opinion of the State Government adequate experience in dispensation of Justice. With a view to ensuring availability of adequate pool of talented and more experienced, skilled and sufficient number of eligible officers for appointment to the post of Vice-Chairman (Administrative) it has been decided to amend the said Act,-

(a) to omit the words “for at least two years” wherever occurring in the said sub-section;

(b) to provide that a person who has held the post of secretary in the State Government or a post equivalent to the post of the Joint Secretary to the Government of India shall be eligible for appointment to the post of Vice-Chairman (Administrative) instead of a person who has held the post of Additional Secretary to the Government of India or any other post under the Central or a State Government carrying a scale of pay which is not less than that of an Additional Secretary to the Government of India.

The Uttar Pradesh Public Services (Tribunal) (Amendment) Bill, 2015 is introduced accordingly.

By order,
ANIRUDDHA SINGH,
Pramukh Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग-1, खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 14 अगस्त, 2017

श्रावण 23, 1939 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 1546/79-वि०-1-17-1(क)4-2017

लखनऊ, 14 अगस्त, 2017

अधिसूचना
विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) विधेयक, 2017, पर दिनांक 14 अगस्त, 2017 को अनुमति प्रदान की और वह (उत्तर प्रदेश अधिनियम संख्या 4 सन् 2017) के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है:-

उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अधिनियम, 2017

[उत्तर प्रदेश अधिनियम संख्या 4 सन् 2017]

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 का अग्रतर संशोधन करने के लिये

अधिनियम

भारत गणराज्य के अडसठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:-

1-यह अधिनियम उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अधिनियम, 2017 संक्षिप्त नाम कहा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या
17 सन् 1976 की
धारा 3 का
संशोधन

2-उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 की धारा 3 में,

(क) उपधारा (8) में, विद्यमान परन्तुक के स्थान पर निम्नलिखित परन्तुक रख दिया जायेगा, अर्थात् :-

“परन्तु कोई अध्यक्ष, उपाध्यक्ष या सदस्य इस रूप में निम्नलिखित आयु प्राप्त करने के पश्चात् पद धारण नहीं करेगा :-

(क) अध्यक्ष के मामले में पैंसठ वर्ष की आयु और

(ख) उपाध्यक्ष या किसी सदस्य के मामले में बासठ वर्ष की आयु।”

(ख) उपधारा (8-ख) के पश्चात् निम्नलिखित उपधारा बढ़ा दी जायेगी, अर्थात् :-

“(8-ग) उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) अधिनियम, 2017 द्वारा यथा संशोधित उपधारा (8) के उपबंध, उक्त अधिनियम के प्रारम्भ होने पर पदधारण करने वाले अध्यक्ष, उपाध्यक्ष या किसी सदस्य पर भी लागू होंगे।”

उद्देश्य और कारण

उत्तर प्रदेश लोक सेवा (अधिकरण) अधिनियम, 1976 (उत्तर प्रदेश अधिनियम संख्या 17 सन् 1976), उत्तर प्रदेश राज्य के समस्त लोक सेवकों के सेवायोजन से सम्बंधित विषयों के संदर्भ में विवादों का न्याय निर्णयन करने के निमित्त अधिकरण के गठन की व्यवस्था करने के लिए, अधिनियमित किया गया है। उक्त अधिनियम की धारा 3 की उपधारा (8) के परन्तुक में यह प्राविधान है कि अध्यक्ष, सत्तर वर्ष की आयु प्राप्त करने के पश्चात् पद धारण नहीं करेगा और कोई सदस्य पैंसठ वर्ष की आयु प्राप्त करने के पश्चात् पद धारण नहीं करेगा। अन्य प्रतिभाशाली अधिकारियों को अवसर प्रदान करने के उद्देश्य से, जिससे कि अधिकरण की कार्य-प्रणाली में दक्षता सुनिश्चित की जा सके, यह विनिश्चय किया गया है कि अधिकतम आयु में कटौती करके अध्यक्ष का पद धारण करने हेतु सत्तर वर्ष से पैंसठ वर्ष करने और उपाध्यक्ष तथा सदस्यों का पद धारण करने हेतु पैंसठ वर्ष से बासठ वर्ष करने के लिए उक्त अधिनियम में संशोधन किया जाय।

तदनुसार, उत्तर प्रदेश लोक सेवा (अधिकरण) (संशोधन) विधेयक, 2017 पुरःस्थापित किया जाता है।

आज्ञा से,

वीरेन्द्र कुमार श्रीवास्तव,
प्रमुख सचिव।

No. 1546(2)/LXXIX-V-1-17-1(ka)4-2017

Dated Lucknow, August 14, 2017

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 Uttar Pradesh Lok Seva (Adhikaran) (Sanskodhan) Adhiniyam, 2017 (Uttar Pradesh Adhiniyam Sankhya 4 of 2017) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 14, 2017:-

THE UTTAR PRADESH PUBLIC SERVICES (TRIBUNAL) (AMENDMENT) ACT, 2017

[U.P. Act No. 4 of 2017]

(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 Sixty eighth Year of the Republic of India as follows:-

Short title

1. This Act may be called the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2017.

2. In section 3 of the Uttar Pradesh Public Services (Tribunal) Act, 1976,—

(a) in sub-section (8), for the existing proviso the following proviso shall be *substituted*, namely :—

Amendment of
section-3 of U.P.
Act no. 17 of
1976

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

(a) in the case of Chairman, the age of sixty five years, and

(b) in the case of Vice-Chairman or a member, the age of sixty-two years.”

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

“(8-c) The provisions of sub-section (8) as amended by the Uttar Pradesh Public Services (Tribunal) (Amendment) Act, 2017 shall apply also to the Chairman, Vice-Chairman, or a member holding office on the commencement of the said Act.”

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 a tribunal to adjudicate disputes in respect of matters relating to employment of all public servants of the State of Uttar Pradesh. Proviso to sub-section (8) of section 3 of the said Act provides that the chairman shall not hold office after attaining the age of seventy years and a member shall not hold office after attaining the age of sixty five years. With a view to giving an opportunity to other talented officers so as to ensure efficiency in the working of the tribunal, it has been decided to amend the said Act to reduce the maximum age for holding office of the Chairman from seventy years to sixty-five years and vice-chairman and member from sixty-five years to sixty-two years.

The Uttar Pradesh Public Services (Tribunal) (Amendment) Bill, 2017 is introduced accordingly.

By order,
VIRENDRA KUMAR SRIVASTVA,
Pramukh Sachiv.