

**THE UTTAR PRADESH ABSORPTION OF RETRENCHED EMPLOYEES OF GOVERNMENT OR  
PUBLIC CORPORATIONS IN GOVERNMENT SERVICE.  
(RESCISSION OF RULES) ACT 2009)  
UP.ACT NO.26 OF 2009**

**SECTIONS :-**

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No.1233(2)/LXXIX-V-1-09-1(ka)25-2009

*Dated Lucknow, August 27, 2009*

In pursuance of the provisions of clause (3) of Article 348 of the Constitution the Governor is pleased to order the publication of following english translation of the Uttar Pradesh Sarkariya Sarvajanik Nigamon Ke Chhtanisihuda Karmchariyon Ka Sarkari Seva Men Aamelan (Niyamavali Ka Vikhandan) Adhiniyam, 2009 (Uttar Pradesh Adhiniyam Sankhya 26 of 2009) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 26, 2009:-

**THE UTTAR PRADESH ABSORPTION OF RETRENCHED EMPLOYEES OF  
GOVERNMENT OR PUBLIC CORPORATIONS IN GOVERNMENT SERVICE  
(RESCISSION OF RULES) ACT, 2009**

U.P. Act No. 26 of 2009  
*(As passed by the Uttar Pradesh legislature)*

**AN  
ACT**

*to provide for rescission ab-initio of the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service Rules, 1991 and for matters connected therewith or incidental thereto.*

IT IS HEREBY enacted in the Sixtieth year of the Republic of India as follows: -

**Short title** 1. This Act may be called the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service (Rescission of Rules) Act, 2009.

**Definitions** 2. In this Act, unless the context otherwise requires, -

(a) "Absorption Rules" means the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service Rules, 1991 published in Government notification no. 3/4/90Karmik-2-91, dated May 9, 1991.

(b) "Public Corporation" means a body corporate established or constituted by or under any Uttar Pradesh Act except a University or local authority constituted for the purpose of local self Government and includes a Government company within the meaning of section 617 of the Companies Act, 1956 in which the State Government has pre pondering interest.

(c) "Rescission Rules" means the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service (Rescission) Rules, 2003 published in Government notification no. 874/ka-3-2003-3/18-98, dated April 8, 2003.

(d) "retrenched employee" means a person who has appointed to a post under the Government or a public corporation on or before October 1, 1986 in accordance with the procedure laid down for recruitment in the post and was continuously working in any post under the Government or such Corporation upto the date of his retrenchment due to reduction in, or winding up of, any establishment of the Government or the

**Rescission  
and saving**

public corporation, as the case may be, and in respect of whom a certificate of being a retrenched employee has been issued by his appointing authority.

3. (1) The Absorption Rules which was rescinded with effect from April 8, 2003 by the Rescission Rules shall be rescinded and be deemed to have been rescinded on May 9, 1991 and consequent upon such rescission,—

(a) the retrenched employees except those who were absorbed during the period from May 9, 1991 to April 8, 2003 shall have no claim with regard to their absorption rules or under any Government orders issued in regard thereto and their right regarding absorption accrued under the absorption Rules shall be deemed terminated.

(b) the orders of the Government issued from time to time prescribing the norms of absorption for retrenched employees of a particular Government Department or Public Corporation in Government Service and granting of consequential benefits including pay protection shall stand revoked *ab-initio*.

(2) Notwithstanding such rescission,—

(a) the benefit of absorption provided to the retrenched employees absorbed before April 8, 2003 under the provisions of the Absorption Rules, shall not be withdrawn;

(b) the benefit of pay protection granted to the retrenched employees absorbed prior to April 8, 2003 shall also be maintained.

(c) a retrenched employee covered by the Absorption Rules, but who has not been absorbed till April 8, 2003 shall be entitled to get relaxation in upper age limit for direct recruitment to such Group 'C' and Group 'D' posts which are outside the purview of the Uttar Pradesh Public Service Commission to the extent he has rendered his continuous services in substantive capacity in the concerned Government Department or the Public Corporation in completed years.

4. The Rescission Rules, be rescinded and be deemed to have been rescinded on April 8, 2003.

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**STATEMENT OF OBJECTS AND REASONS**

For the absorption of retrenched employees of Government or public corporations the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service Rules, 1991 was framed. Many employees of the Government or Public Corporations who had not been declared as retrenched employees filed writ petitions for their absorption under the said rules in Group 'A' and Group 'B' posts. According to the Government policy such retrenched employees were not eligible to be absorbed in posts falling within the preview of the Uttar Pradesh Public Service Commission. During the course of time the problem of absorption of such employees under the aforesaid rules on posts falling within the preview of the Uttar Pradesh Public Service Commission grew acute. The Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service Rules 1991 were, therefore, rescinded *vide* the Uttar Pradesh Absorption of Retrenched Employee of Government or Public Sector Corporations in Government Service (Rescission) Rules, 2003.

The State Government did not get relief in the writ petitions in the court even after publication of the aforesaid rules of 2003. Since it has become necessary to

replace the provisions of the aforesaid rules of 2003 by an Act of the State Legislature, it has been decided to enact a law to provide for the rescission *ab-initio* of the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service Rules, 1991.

The Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service (Rescission of Rules) Bill, 2009 is introduced accordingly.