

THE UTTAR PRADESH STATE ROAD TRANSPORT
CORPORATION EMPLOYEES (OTHER THAN OFFICERS)
(APPPOINTING AUTHORITIES) ACT, 1987¹

[U. P. ACT No. 15 of 1987]

[As passed by the Uttar Pradesh Legislature, received the assent of the Governor on July 29, 1987, under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated July 29, 1987.]

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ACT

to provide for appointment of the appointing authorities of the employees (other than officers) of the Uttar Pradesh State Road Transport Corporation and to validate certain acts.

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

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh State Road Transport Corporation Employees (Other than Officers) (Appointing Authorities) Act, 1987.

(2) It shall be deemed to have come into force on June 19, 1981.

Appointing authorities

2. The appointing authorities of the employees (other than officers) of the Uttar Pradesh State Road Transport Corporation shall be the Board of Directors of the said Corporation or an officer authorised by the said Board to make appointment and will be deemed always to include any officer authorised by the said Corporation under clause (c) of sub-section (1) of section 12 of the Road Transport Corporation Act, 1950, as it stood prior to its amendment by the Road Transport Corporation (Amendment) Act, 1982.

Validation of certain acts

3. Notwithstanding any judgment, decree or order of any Court, Tribunal or other authority or any provisions of the Uttar Pradesh State Road Transport Corporation Employees (Other than Officers) Service Regulations, 1981, no orders made, actions or proceedings taken or jurisdiction exercised on or after June 19, 1981 by the officers authorised as appointing authorities by the Uttar Pradesh State Road Transport Corporation under clause (c) of sub-section(1) of section 12 of the Road Transport Corporation Act, 1950 shall be deemed to be illegal or void or ever to have become illegal or void merely on the ground that such authorised officers were not the appointing authorities.

Repeal and saving

4. (1) The Uttar Pradesh State Road Transport Corporation Employees (Other than Officers) (Appointing Authorities) Ordinance, 1987, is hereby repealed.

**U.P.
Ordinance
no. 9 of 1987**

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

1. For Statement of Objects and Reasons please see at the end of this Act.

STATEMENT OF OBJECTS AND REASONS

Under the resolutions passed by the Uttar Pradesh State Road Transport Corporation under clause (c) of sub-section (1) of section 12 of the Road Transport Corporation Act, 1950 certain officers of the Corporation were authorised to act as appointing authorities of the employees, other than officers of the Corporation. In exercise of the powers under sub-section (2) of section 45 of the said Act and in supersession of all existing regulations and orders on the subject, the Corporation made the Uttar Pradesh State Road Transport Corporation Employees (Other than officers) Service Regulations, 1981 which came into force on June 19, 1981. The said Regulations, inter alia, provided that the appointing authority shall be the Board of Directors or any officer authorised by it, though it was only by the Road Transport Corporation (Amendment) Act, 1982, which came into force with effect from November 13, 1982, that the general superintendence, direction and management of the affairs and business of the Corporation had been vested in a Board of Directors. In spite of the commencement of the said Regulations and the amendments made in the said Act of 1950 by the aforesaid amending Act of 1982 the Officers authorised by the Corporation, prior to June 19, 1981, to act as appointing authorities of the employees, other than Officers, of the Corporation, passed certain orders acting as appointing authorities, most of which were challenged in the Allahabad High Court through writ petitions. The High Court quashed those orders on the ground that such authorised officers were not the appointing authorities when they passed the impugned orders.

For the purpose of running the said Corporation it is essential to employ service personnel to run the Road Transport service which is State Government service. Such service is now being carried on through the agency of the said Corporation which is under total control of the State Government. The State Legislature is competent for creating and laying down conditions of service of the service personnel. of such service. It was, therefore, decided to provide for appointment of the appointing authorities of the employees, other than officers, of the Uttar Pradesh State Road Transport Corporation with effect from June 19, 1981 and to validate the actions aforesaid.

Since the State Legislature was not in session and immediate legislative action in the matter was necessary, the Uttar Pradesh State Road Transport Corporation Employees (Other than Officers) (Appointing Authorities) Ordinance, 1987 (U. P. Ordinance no. 9 of 1987) was promulgated by the Governor on May 17, 1987.

This Bill is introduced to replace the aforesaid Ordinance.
