

# **THE UTTAR PRADESH FUNDAMENTAL RULE 56 (AMENDMENT)**

**ACT, 1976**

(U.P. Act No. 33 of 1976)

## *Arrangement of sections*

### Sections:-

1. Short title
2. Amendment of F.R 56
3. Transitory provision.

No. 4873/XVII-V-1-161-76  
dated Lucknow, November 18, 1976

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 Fundamental rule 56 (Sanshodhan ) Adhiniyam, 1976 (Uttar Pradesh Adhiniyam Sankhya 33 of 1976), as passed by the Uttar Pradesh Legislature and assented to by the Governor on November 16, 1976:

THE UTTAR PRADESH FUNDAMENTAL RULE 56 (AMENDMENT)

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ACT, 1976  
(U.P. Act No. 33 of 1976)  
(As passed by Uttar Pradesh Legislature)

An  
ACT

further to amend the fundamental Rule 56

IT IS HEREBY enacted in the. Twenty- seventh year of the Republic of India as follows:-

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|--|----------------------------|
| 1. This Act may be called the Uttar Pradesh Fundamental Rule 56 (Amendment) Act, 1976  | <b>Short title</b>         |
| 2. In rule 56 of the Uttar Pradesh Fundamental Rules, published in the Financial Hand Book, Volume II, Parts II to IV, as amended from time to time (hereinafter to be referred to as the said rule 56),-  | <b>Amendment of F.R 56</b> |
| (i) in clause (c) for the words "fifty years" occurring the second time, the words "forty-five years" shall be substituted;  |                            |
| (ii) in clause (e) the following proviso shall be inserted namely:-<br>"Provided that where a Government servant who voluntarily retires or is allowed voluntarily to retire under this rule the appointing authority may allow him, for the purposes of pension and gratuity, if any, the benefit of additional service of five years or of such period as he would have served if he had continued till the ordinary date of his superannuation, whichever be less;" |                            |
| (iii) for explanation (2) the following explanations shall be substituted and be deemed to always have been substituted, namely:-<br>"(2) In order to be satisfied whether it will be in the public interest to require a Government servant to retire under clause (c) the appointing authority may take into consideration any material relating to the Government servant and nothing herein contained shall be construed to exclude from consideration-            |                            |
| (a) any entries relating to any period before such Government servant was allowed to cross any efficiency bar or before he was promoted to any post in an officiating or substantive capacity or on an ad hoc basis; or  |                            |
| (b) any entry against which a representation is pending, provided that the representation is also taken into consideration along with the entry; or  |                            |
| (c) any report of the vigilance Establishment constituted under the Uttar Pradesh Vigilance Establishment Act, 1965.   |                            |
| (2A) Every such decision shall be deemed to have been taken in the public interest"  |                            |

3- Where any order of compulsory retirement under clause (c) of the said rule 56 has been adjudicated before the commencement of this Act by any court or tribunal to be invalid on the ground of the appointing authority having taken into consideration any material referred to in explanation (2) to the said rule 56 as substituted by this Act, it shall be open to the appointing authority to apply to such court or tribunal within two months from the commencement of this Act for review of such judgment or order and the court or tribunal may on such application review its judgment or order in accordance with explanations (2) and (2-A) of the said rule 56 as substituted by this Act. Transitory provision.

आज्ञा से,  
कैलाश नाथ गोयल,  
सचिव