

**THE UTTAR PRADESH FUNDAMENTAL RULE 56 (AMENDMENT
AND
VALIDATION)ACT,1970**

(U.P. Act No. 5 of 1970)

Arrangement of sections

Sections:-

1. Short title.
2. Amendment of Fundamental Rule 56.
3. Validation.
4. Repeal of Uttar Pradesh Ordinance No. VI of 1969

THE UTTAR PRADESH FUNDAMENTAL RULE 56 (AMENDMENT AND
VALIDATION)ACT,1970
(U.P. Act No. 5 of 1970)

(Authoritative English Text of the Uttar Pradesh Fundamental Rule 56 (Sanshodhan tatha
Vaidhikaran) Adhiniyam, 1970)

AN

ACT

to amend Fundamental Rule 56 and to validate certain actions taken thereunder or in relation thereto

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

1. This Act may be called the Uttar Pradesh Fundamental Rule 56 short title
(Amendment and Validation) Act, 1970.

2- In clause (a) of Rule 56 of the Uttar Pradesh Fundamental Rules, published in the Financial Handbook Volume II, Parts II to IV, hereinafter referred to as the said Rule 56(a) for the existing provisos the following provisos and Explanation shall be substituted, and be deemed to have been substituted with effect from January 1, 1964 namely :-

Amendment of
Fundamental Rule
56.

" Provided that---

(i) the appointing authority may, at any time, without assigning any reason, require the Government servant to retire on three months' notice or pay in lieu of the whole or part thereof, after he attains the age of 55 years, or such lesser age as together with the period of notice in lieu of which the pay is substituted would aggregate to 55 years, so however, that in the case of pay being given in lieu of the whole or part of such notice the said period shall stand added to the government servant's qualifying service for the purposes of calculating the pension and the death-cum-retirement gratuity due to him and for no other purpose; or

(ii) the government servant may, after attaining the age of 55 years voluntarily retire after giving three months notice to the appointing authority:

Provided further that---

(i) the notice of voluntary retirement given under the first proviso by a government servant against whom a disciplinary proceeding is pending or contemplated shall be effective only if it is accepted by the appointing authority, subject to the condition that in case of a contemplated disciplinary proceeding, the government servant is so informed before the expiry of the notice;

(ii) the notice once given by a government servant under the first proviso shall not be withdrawn by him except with the permission of the appointing

authority.

Explanation--(1) The decision of the appointing authority under the first proviso to require the government servant to retire as specified therein shall be taken if it appears to the said authority to be in the public interest, and the State Government may, from time to time, issue executive instructions indicating guiding principles in that behalf, but nothing herein contained shall be construed to require any recital, in the order, of such decision having been taken in the public interest or to require the publication of such instructions.

(2) Every such decision shall, unless the contrary is proved, be presumed to have been taken in the public interest.

(3) 'Appointing authority' means the authority which has the power to make substantive appointments to the post or service from which the government servant is required or wants to retire.

3. Notwithstanding any judgment, decree or order of any court, anything done or purporting to have been done and any action taken or purporting to have been taken under or in relation to the said Rule 56(a) before the commencement of this Act including any decision or order made, executive instructions issued, or notice or pay in lieu of notice given or paid or ordered to be paid, retirement required or effected, or pension sanctioned or paid, shall be deemed to be and always to have been done or taken under or in relation to the said Rule 56 (a) as amended by this Act and to be and always to have been as valid as if the provisions of this Act were in force at all material times.

4. The Uttar Pradesh Fundamental Rule 56 (Amendment and Validation Ordinance, 1969 is hereby repealed.

Validation

Repeal of Uttar
Pradesh
Ordinance No. VI
of 1969

*(For statement of objects and Reasons, please see Uttar Pradesh Gazette Extraordinary, dated March 3, 1970)

(Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 10, 1970 and by the Uttar Pradesh Legislative Council on March 13, 1970)

(Received the Assent of the Governor on March 31, 1970 under article 200, of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated April 1, 1970)