

**THE UTTAR PRADESH FUNDAMENTAL RULE 56 (AMENDMENT
AND VALIDATION) ACT, 1975**

(U.P. Act no. 24 of 1975)

Arrangement of sections

Sections:-

1. Short title.
2. Amendment of Fundamental Rule 56.
3. Rescission of articles 465 and 465-a of Civil Service Regulations.
4. Applicability to orders issued before the commencement of Act.
5. UP. Or-nance. no 14 of 1975 Repeal and savings.

No. 3068(2)/XVII-V-I-89-75

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 Tatha Vaidhikaran) Adhiniyam, 1975 (Uttar Pradesh Adhiniyam Sankhya 24 of 1975), as passed by the Uttar Pradesh Legislature assented to by the Governor on August 13, 1975:

THE UTTAR PRADESH FUNDAMENTAL RULE 56 (AMENDMENT AND VALIDATION) ACT,
1975

(U.P. Act no. 24 of 1975)

(As passed by the Uttar Pradesh Legislature)

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ACT

Further to amend Fundamental Rule 56 and to make consequential amendments in the Civil Service Regulations and to provide for matters connected therewith

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

1. This Act may be called the Uttar Pradesh Fundamental Rule 56 (Amendment and Validation) Act, 1975 Short title.

2. In rule 56 of the Uttar Pradesh Fundamental Rules, published in the Financial Handbook, Volume II, Parts II to IV, as amended from time to time, hereinafter referred to as the said rule 56,- Amendment of
Fundamental
Rule 56.

(i) the existing provisos to clause (a) and their Explanations shall be omitted

(ii) after clause (b), the following clauses shall be inserted, namely:-

"(c) Notwithstanding anything contained in clause (a) or clause (b), the appointing authority may, at any time, by notice to any Government servant (whether permanent or temporary), without assigning any reason require him to retire after he attains the age of fifty years or such government servant may by notice to the appointing authority voluntarily retire at any time after attaining the age of fifty years or after he has completed qualifying service for twenty years

(d) The period of such notice shall be three months:

Provided that-

(i) any such Government servant may by order of the appointing authority, without such notice or by a shorter notice, be retired forth. with at any time after attaining the age of fifty years, and on such retirement the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances, if any, for the period of the notice or, as the case may be, for the period by which such notice falls short of three months, at the same rates at which he was drawing immediately before his retirement:

(ii) it shall be open to the appointing authority to allow a Government servant to retire without any notice or by a shorter notice without requiring the Government servant to pay any penalty in lieu of notice:

Provided further that such notice given by the Government servant against whom a

disciplinary proceeding is pending or contemplated, shall be effective only if it is accepted by the appointing authority provided that in the case of a contemplated disciplinary proceeding the Government servant shall be informed before the expiry of his notice that it has not been accepted:

Provided also that the notice once given by a Government servant under clause (c) seeking voluntary retirement shall not be withdrawn by him except with the permission of the appointing authority.

(e) A retiring pension shall be payable and other retirement benefits if any, shall be available in accordance with and subject to the provisions of the relevant rules to every Government servant who retires or is required or allowed to retire under this rule.

Explanation-(1)The decision of the appointing authority under clause (c) 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, but nothing herein contained shall be construed to require any recital, in the order, of such decision having been taken in the public interest.

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

(3) The expression appointing authority means the authority which for the time being has the power to make substantive appointments to the post or service from which the Government servant is required or wants to retire; and the expression 'qualifying service' shall have the same meaning as in the relevant rules relating to retiring person.

(4) Every order of the appointing authority requiring a Government servant to retire forthwith under the first proviso to clause (d) of this rule shall have effect from the afternoon of the date of its issue, provided that, if after the date of its issue, the Government servant concerned, bona fide and in ignorance of that order, performs the duties of his office his acts shall be deemed to be valid notwithstanding the fact of his having earlier retired."

3. Articles 465 and 465-A of the Civil Service Regulations, as adopted for application in Uttar Pradesh are hereby rescinded, except as respects things done or omitted to be done thereunder before the commencement of this Act.

4. (1) Where any order has been passed or purported to be passed on or after November 1, 1973 under the first proviso to clause (i) of the said rule 56 or under Note I to Article 465 or under note I to Article 465-A of the Civil Service Regulations requiring a Government servant to retire either without notice or on a notice for a period shorter than three months, such Government servant, if not already paid his pay for the whole or part of the said period of three months, as the case may be, shall be entitled to claim a sum equivalent to the amount of his pay plus allowances, if any, for the whole period of three months or as the case may be, for the period by which the notice fell short of three months, at the rate at which he was drawing immediately before the date of such order.

(2) For the removal of doubts, it is hereby declared that nothing in the said rule 56 or in the said Regulations or in any orders or instructions in that behalf shall be deemed to have ever required the actual payment of the Government servant's pay for the whole or part of the period of notice before or simultaneously with the retirement required by the order, and the failure to make such payment shall not have or be deemed ever to have had any effect of the validity of the order, any judgment, decree or order of any court to the contrary notwithstanding. and it shall be open to the State Government to apply to any court for review of any such judgment, decree or order within three months from the commencement of this Act.

(3) The Appointment (3) Department Government order no. 5/2/1973 dated November 2, 1973 shall be deemed to have been rescinded with effect from the same date, and no order of compulsory retirement shall be deemed to be or ever to have been invalid on the ground

Rescission of articles 465 and 465-a of Civil Service Regulations. Applicability to orders issued before the commencement of Act.

of any inconsistency with the afore-said Government order.

(5) (1) The Uttar Pradesh Fundamental Rule 56 (Amendment and Validation) Ordinance, 1975 is hereby repealed.

UP. Or-nance.
no 14 of 1975
Repeal and
savings

(2) Notwithstanding such repeal any thing done or any action taken under the said Ordinance shall be deemed to have done or taken under this Act, as if this Act had come into force on June 7, 1975.

आज्ञा से,
कैलाश नाथ गोयल,
सचिव।