

Madhya Pradesh Sarvajanik Upakramon Ke Karmachariyon Ka Lok Seva Me Samviliyan Pratishedh Adhiniyam, 2000

36 of 2000

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Madhya Pradesh Sarvajanik Upakramon Ke Karmachariyon Ka Lok Seva Me Samviliyan Pratishedh Adhiniyam, 2000

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An Act, to prohibit absorption of Employees of Public Sector Undertakings into Public Service and for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Fifty-first year of the Republic of India as follows :-- 1 Received the assent of the Governor on 4th December, 2000; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)" dated the 12th December, 2000.

1. Short Title And Commencement :-

- (1) This Act may be called the Madhya Pradesh Sarvajanik Upakramon Ke Karmachariyon Ka Lok Seva Me Samviliyan Pratishedh Adhiniyam, 2000.
- (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,--

1[(a)] "Public Sector Undertaking" means and includes any establishment of:--

- (i) a Corporation or Undertaking wholly owned or controlled by the State Government;
- (ii) a body established under any law made by the Parliament or Legislature of the State, whether incorporated or not, including a

University; and;

(iii) any other body established by the State Government or by a Society registered under any law relating to the registration of societies for the time being in force, and receiving funds from the State Government either wholly or partly for its maintenance or any educational institution whether registered or not but receiving aid from the State Government.

2[(b) "Absorption" means appointment of a person employed in a Public Sector Undertaking into Public Service or on any post, except through the process of appointment by direct recruitment;

(c) "Direct Recruitment" means recruitment as provided for in the relevant Service Rules.]

1 Re-numbered by M.P. Act No. 20 of 2003.

2 Inserted by M.P. Act No. 20 of 2003.

3. Prohibition Of Absorption Into Public Service :-

1[(i)] Notwithstanding anything contained in any contract or agreement or any judgment, decree or order of any Court, Tribunal or any other Authority or any order or proceedings of the State Government, or any officer of the State Government, no employee of a Public Sector Undertaking shall be or be deemed to be entitled to absorption into public service from the date of commencement of this Act and accordingly :--

(a) no suit, or other proceeding shall be instituted, maintained or continued in any Court, Tribunal or any other Authority against the State Government or any person or other Authority whatsoever for such appointment or absorption into public service; and

(b) no Court or Tribunal shall enforce any decree or other order directing such appointment or absorption.

2[(ii) An employee who was earlier in the service of a Public Sector Undertaking and who has availed of Voluntary Retirement Scheme referred to in Section 4, shall be debarred from absorption, in any manner whatsoever, into Public Service, notwithstanding, that he is eligible for appointment to such post in every respect or otherwise : Provided that the Government shall have an option, in exceptional cases to consider any employee of a Public Sector Undertaking having outstanding merit and qualifications for absorption in Public Service, if such employee has not availed of Voluntary Retirement Scheme.]

Explanation :-- For the purpose of this Section, the expression Public Service means, services whether on regular salary, wages,

retainer or remuneration or on contract of any kind for any duration in any establishment of,-

(i) the State Government;

(ii) a Local Authority;

(iii) a Corporation or undertaking wholly owned or controlled by the State Government;

(iv) a body established under any law made by the Legislature of the State whether incorporated or not, including a University.

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1 Re-numbered by M.P. Act No. 20 of 2003.

2 Inserted by M.P. Act No. 20 of 2003.

3 Omitted by M.P. Act No. 20 of 2003.

4. Scheme Of Voluntary Retirement :-

Nothing in this Act shall disentitle any such employee to the benefits of any scheme of voluntary retirement under the relevant orders issued by the State Government from time to time.