

**Uttar Pradesh Absorption Of Retrenched Employees Of
Government Or Public Corporations In Government Service
(Rescission Of Rules) Act, 2009**

26 of 2009

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**Uttar Pradesh Absorption Of Retrenched Employees Of
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An Act to provide for rescission ab initio of the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service Rules, 1991 and for matters connected therewith or incidental thereto It is hereby enacted in the Sixtieth Year of the Republic of India as follows:-- 1. Received the assent of the Governor on August 26, 2009 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 27th August, 2009, pp. 3-5

1. Short Title :-

This Act may be called the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service (Rescission of Rules) Act, 2009.

2. Definitions :-

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

(a) "Absorption Rules" means the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service Rules, 1991 published in Government Notification No. 3/4/90Karmik-2-91, dated May 9, 1991.

(b) "Public Corporation" means a body corporate established or

constituted by or under any Uttar Pradesh Act except a university or local authority constituted for the purpose of local self Government and includes a Government company within the meaning of Section 617 of the Companies Act, 1956 in which the State Government has preponderating interest.

(c) "Rescission Rules" means the Uttar Pradesh Absorption of Retrenched Employees of Government or Public Corporations in Government Service (Recession) Rules, 2003 published in Government Notification No. 874/Ka-3-2003-3/18-98, dated April 8, 2003.

(d) "retrenched employee" means a person who was appointed to a post under the Government or a public corporation on or before October 1, 1986 in accordance with the procedure laid down for recruitment to the post and was continuously working in any post under the Government or such corporation up to the date of his retrenchment due to reduction in, or winding up of, any establishment of the Government or the public corporation, as the case may be, and in respect of whom a certificate of being a retrenched employee has been issued by his appointing authority.

3. Rescission And Savings :-

(1) The Absorption Rules which was rescinded with effect from April 8, 2003 by the Rescission Rules shall be rescinded and be deemed to have been rescinded on May 9, 1991 and consequent upon such rescission,--

(a) the retrenched employees except those who were absorbed during the period from May 9, 1991 to April 8, 2003 shall have no claim with regard to their absorption under the said absorption rules or under any Government orders issued in regard thereto and their right regarding absorption accrued under the Absorption Rules shall be deemed terminated;

(b) the orders of the Government issued from time to time prescribing the norms of absorption for retrenched employees of a particular Government Department or Public Corporation in Government Service and granting of consequential benefits including pay protection shall stand revoked ab initio.

(2) Notwithstanding such rescission,--

(a) the benefit of absorption provided to the retrenched employees absorbed before April 8, 2003 under the provisions of the Absorption Rules, shall not be withdrawn;

(b) the benefit of pay protection granted to the retrenched

employees absorbed prior to April 8, 2003 shall also be maintained;
(c) a retrenched employee covered by the Absorption Rules, but who has not been absorbed till April 8, 2003 shall be entitled to get relaxation in upper age limit for direct recruitment to such Group C and Group D posts which are outside the purview of the Uttar Pradesh Public Service Commission to the extent he has rendered his continuous services in substantive capacity in the concerned Government Department or the Public Corporation in completed years.

4. Section 4 :-

The Recission Rules, shall be rescinded and be deemed to have been rescinded on April 8, 2003.