

U. P. State Electricity Board (Employees' Retirement) Regulations, 1975

(Notified vide notification No. 8081-G/SEB-II-169A/1970 dated October 18, 1975. Also notified by the State Government under section 13-B of the Industrial Employment (Standing Orders) Act, 1946 vide Power Department's Notification No. 8206-P-2/78-XXIII-XXIII-160(2) E/78 dated December 17, 1978 published in the Extraordinary Gazette of the same date).

In exercise of the powers conferred by sub-section (c) of Section 79 of the Electricity (Supply) Act 1948, the U. P. State Electricity board hereby make the following regulations :

1. Short title and commencement

- (i) These regulations may be called the U. P. State Electricity Board (Employees' Retirement) Regulations, 1975.
- (ii) They shall come into force at once.

2. Date of compulsory retirement

- (a) Notwithstanding any rule or order or practice hitherto followed and except as provided otherwise in other clauses of this Regulation, the date of compulsory retirement of a Board's employee other than a Board's employee in inferior service, is the date on which he attains age of 58 years. He may be retained in service after the age of compulsory retirement with the previous sanction of the Board in writing, but he must not be retained after the age of 60 years except in very special circumstances.
- (b) The date of compulsory retirement of a Board's employee in inferior service whose counterparts in State Government are entitled to serve up to the age of 60 years, is the date on which he attains age of 60 years. He must not be retained in service after that date except in very special circumstances and with the previous sanction of the Board in writing.

- (c) Notwithstanding anything contained in clause (a) or clause (b) the appointing authority or any authority to which the appointing authority is subordinate may, at any time by notice to any Board's employee (whether permanent or temporary), without assigning any reason require him to retire after he attains the age of fifty years, or such Board's employee may by notice to the appointing authority voluntarily retire at any time after attaining the age of forty-five years or after he has completed twenty years of qualifying service.

Explanation-

Such action may be taken on the basis of his inefficiency or any other charge against him or on administrative grounds or due to his services being no longer required, or for any other reason whatsoever, but no such charge, if any, shall be mentioned in the order issued to him.

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

Provided that-

- (a) any such Board's employee may, by order of the appointing authority or any authority to which the appointing authority is subordinate, without such notice or by a shorter notice, be retired forthwith at any time after attaining the age of fifty years, and on such retirement the Board's employee 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:

It shall be open to the appointing authority or any authority to which the appointing authority is subordinate to allow a Board's employee to retire without any notice or by a shorter notice without requiring the Board's employee to pay any penalty in lieu of notice :

Provided further that such notice given by the Board's employee against whom disciplinary proceeding are pending or contemplated, shall be effective only if it is accepted by the appointing authority or any authority to which the appointing authority is subordinate, provided that in the case of contemplated disciplinary proceeding's the Board's employee shall be informed before the expiry of his notice that it has not been accepted :

Provided also that the notice once given by a Board's employee under clause (c) seeking voluntary retirement shall not be withdrawn by him except with the permission of the appointing authority or any authority to which the appointing authority is subordinate :

- (c) retirement benefits, if any, shall be available in accordance with and subject to the provisions of the relevant rules to Board's employee who retires or is required to allowed to retire under this Regulation :

Provided further that where an employee of the Board, who voluntarily retires or is allowed to voluntarily retire under this Regulation the appointing authority may allow him for the purpose 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.

Explanation—

The decision of the appointing authority or any authority to which the appointing authority is subordinate under clause (c) to require the Board's employee to retire as specified therein shall be taken if it appears to the said authority to be in the interest of the Board, but nothing herein contained shall be construed to require any recital, in the order, of such decision having been taken in the interest of the Board.

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

- (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 Board's employee is require or wants to retire, and the expression 'qualifying service' shall have the same meaning as in the relevant regulations or orders for the time being in force relating to retiring person.
 - (4) Every order of the appointing authority or any authority to which the appointing authority is subordinate requiring a Board's employee to retire forthwith under the first proviso to clause (d) of this regulation shall have effect from the afternoon of the date of its issue, provided that if after the date of its issue, the Board's employee concerned, bonafide and in ignorance of the order performs, the duties of his office his acts shall be deemed to be valid notwithstanding the fact of his having earlier so retired.
 - (5) Nothing in these regulations or in any order, or instructions in that behalf shall be deemed to require the actual payment of the Board's employees 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 any effect on validity of the order.
3. The U. P. State Electricity Board Regulation 1966 governing retirement of its employees are hereby rescinded except as respect things done or omitted to be done thereunder.

Notified vide notification No. 8081-G/SEB-11-169-A/1970, dated Oct. 18, 1975; Also notified by the State Govt. under Section 13-B of the Industrial Employment (Standing Orders) Act, 1946, vide Power Department's notification No. 8206-P-2/78-XXIII-160-(2)B/78, dated Dec. 17, 1978 and first amendment issued vide notification No. 135-Reg/SEB/13-Reg/87, dated ~~March~~ ^{November} 28, 1988.

NOTIFICATION
MISCELLANEOUS

In exercise of the Powers conferred under clause (c) of Section 79 of the Electricity (Supply) Act, 1948, the U.P. State Electricity Board, hereby make the following regulations to amend the UPSEB (Employee's Retirement) Regulations, 1975.

THE UPSEB (EMPLOYEES RETIREMENT) (SECOND AMENDMENT) REGULATIONS, 1993

Short 1.
Title:

These Regulations may be called the UPSEB (Employees Retirement) (Second Amendment) Regulations, 1993.

Amendment 2.
of Regula-
tion

In the UPSEB (Employees Retirement) Regulation 1975, for the existing regulation-2 as set out in Col. I, the regulations as set out in Col. II shall be substituted:-

COLUMN-I

2. Notwithstanding any rule or order or practice hitherto followed and except as provided otherwise in other clauses of these regulations the date of compulsory retirement or a Board's employees is the date on which he attains the age of 58 years. He may be retained in service after the age of

COLUMN-II

- 2(a) Notwithstanding any rule or order or practice hitherto followed and except as provided otherwise in other clauses of these regulations the date of compulsory retirement of a Board's employee is the date on which he attains the age of 58 years. He may be retained in service after the age of compulsory retirement with the previous sanction of the Board in writing but

compulsory retirement with the previous sanction of the Board in writing but he must not be retained after the date on which he attains the age of 60 years except in very special circumstances.

must not be retained after the date on which he attains the age of 60 years except in very special circumstances.

Provided that the date of compulsory retirement of Board's employees already working immediately before the date of commencement of these Regulations, viz 28.11.88 whom the Board had either declared under any order or regulation as belonging to the inferior service, or whose counterparts in the State Govt. were entitled to serve upto the age of 60 years, shall be the date on which they attain the age of 60 years. They must not be retained in service after that date except in very special circumstances and with the previous sanction of the Board in writing.

Provided that the date of compulsory retirement of Board's employees already working immediately before the date of commencement of these Regulations, viz 28.11.88 whom the Board had either declared under any order or regulations as belonging to the inferior service, or whose counterparts in the State Govt. were entitled to serve upto the age of 60 years. shall be the date on which they attain the age of 60 years. They must not be retained in service after that date except in very special circumstances and with the previous sanction of the Board in writing.

EXPLANATION: The incumbents deemed as inferior staff for purposes of retirement under these regulations may continue to be deemed as such notwithstanding the fact that with the passage of time they get higher scale without change in designation.

EXPLANATION: The incumbents deemed as inferior staff for purposes of retirement under these regulations, may continue to be deemed as such notwithstanding the fact that with the passage of time they get higher scale without change in designation.

(c) Notwithstanding anything contained in clause (a) or clause (b) the appointing authority or any authority to which the appointing authority is subordinate may, at any time by notice to any Board's employee (whether permanent or temporary), without assigning any reason require him to retire after he attains the age of fifty years or such Board's employee may be notice to the appointing authority voluntarily retire at any time after attaining the age of forty five years or after he has completed twenty years of qualifying service.

EXPLANATION: Such action may be taken on the basis of his inefficiency or any other charge against him or on administrative grounds or due to his services being no longer required, or for any other reason whatsoever, but no such charge, if any, shall be mentioned in the order issued to him.

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

Provided that:-

(a) any such Board's employee may, by order of the appointing authority or any authority to which the appointing authority is subordinate, without such notice or by a

✓ (b) Notwithstanding anything contained in Clause (a), the appointing authority or any authority to which the appointing authority is subordinate, may, at any time, by notice to Board's employee (whether permanent or temporary), without assigning any reason, require him to retire, in public interest, provided that such employee has completed 20 years of qualifying service and has attained the age of 50 years.

✓ Any employee of the Board, also, may, by giving three months notice to the appointing authority, seek voluntary retirement at any time, after attaining the age of 45 years, provided that he has completed minimum qualifying service of 20 years.

(c) The period of such notice shall be three months.

Provided that:-

(i) any such Board's employee may, by order of the appointing authority or any authority to which the appointing authority is subordinate, without such

Shorter notice, be retired forthwith at any time after attaining the age of fifty years, and on such retirement the Board's employee 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.

(b) It shall be open to the appointing authority or any authority to which the appointing authority is subordinate to allow a Board's employee to retire without any notice or by a shorter notice without requiring the Board's employee to pay any penalty in lieu of notice:

Provided further that such notice given by the Board's employee against whom disciplinary proceedings are pending or contemplated, shall be effective only if it is accepted by the appointing authority or any authority to which the appointing authority is subordinate, provided that in the case of contemplated disciplinary proceedings the Board's employee shall be informed before the expiry of his notice that it has not been accepted;

notice or by a shorter notice be retired forthwith and on such retirement the Board's employee 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 or any authority to which the appointing authority is subordinate to allow a Board's employee to retire without any notice or by a shorter notice without requiring the Board's employee to pay any penalty in lieu of notice;

Provided further that such notice given by the Board's employee against whom disciplinary proceedings are pending or contemplated, shall be effective only if it is accepted by the appointing authority or any authority to which the appointing authority is subordinate, provided that in the case of contemplated disciplinary proceedings the Board's employee shall be informed before the expiry of his notice that it has not been accepted;

Provided also that the notice once given by a Board's employee under clause(c) seeking voluntary retirement shall not be withdrawn by him except with the permission of the appointing authority or any authority to which the appointing authority is subordinate;

(c) retirement benefits, if any shall be available in accordance with and subject to the provisions of the relevant rules to Board's employee who retires or is retired or allowed to retire under this regulation;

Provided further that where an employee of the Board, who voluntarily retires or is allowed to voluntarily retire under this regulation the appointing authority may allow him for the purpose 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.

EXPLANATION: The decision of the appointing authority or any authority to which the appointing authority is subordinate under clause (c) to require the Board's employee to retire as specified therein, shall be taken if it appears to the said authority to be in the interest of the Board, but nothing herein contained shall be construed to require any recital in the order, of such decision having taken in the interest of the Board.

Provided also that the notice once given by a Board's employee under clause(b) seeking voluntary retirement shall not be withdrawn by him except with the permission of the appointing authority or any authority to which the appointing authority is subordinate;

(d) Retirement benefits, if any shall be available in accordance with and subject to the provisions of the relevant rules to Board's employee who retires or is retired or allowed to retire under these regulations;

✓ Provided further that where an employee of the Board who voluntarily retires or is allowed to voluntarily retire under this regulation the appointing authority may allow him for the purpose of pension and gratuity if any, the benefit of additional service of five years or of such period as he could have served if he had continued till the ordinary dates of his superannuation whichever is less.

EXPLANATION: The decision of the appointing authority or any authority to which the appointing authority is subordinate under clause(b) to require the Board's employee to retire as specified herein, 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 interest of the Board.

(3) The expression "appointing authority" means the authority which for the time being has power to make substantive appointments to the post or service from which the Board's employee is required or wants to retire, and the expression 'qualifying service' shall have the same meaning as in relevant regulations or orders for the time being in force relating to retiring person.

2-A In order to be satisfied whether it will be in the public interest to require a Board's servant to retire under clause(b) the appointing authority or any authority to whom the appointing authority is subordinate may take into consideration any material relating to the efficiency & suitability of the Board's servant including Service Records, Annual Confidential Reports, any report of the Vigilance Establishment or any other Inquiry Report and other relevant material.

2-B 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 Board's employee is retired or wants to retire and the expression 'qualifying Service' shall have the same meaning as in the relevant regulations or orders for the time being in force relating to retiring person.

(4) Every order of the appointing authority or any authority to which the appointing authority is subordinate requiring a Board's employee to retire forthwith under the first proviso to clause(d) of this regulation shall have effect from the afternoon of the date of its issue, provided that if after the date of issue the Board's employee concerned bonafide and in ignorance of the order performs, the duties of his office his acts shall be deemed to be valid notwithstanding the fact of his having earlier so retired.

(5) Nothing in these regulations or in any order, or instructions in that behalf shall be deemed to require that actual payment of the Board employees pay for the whole or part of the period of notice before or simultaneously with the retirement required by the order, and failure to make such payment shall not have any effect on validity of the order.

2-C. Every order of the appointing authority or any authority to which the appointing authority is subordinate requiring a Board's employee to retire forthwith under the first proviso to clause(c) of this regulation shall have effect from the afternoon of the date of its issue, provided that if after the date of its issue the Board's employee concerned bonafide and in ignorance of the order performs, the duties of his office, his acts shall be deemed to be valid notwithstanding the fact of his having earlier so retired.

2-D Nothing in these regulations or in any order, or instructions in that behalf shall be deemed to require the actual payment to the Board's employees 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 any effect on validity of the order.

By order of the Board.

MARKANDEY SINGH
SECRETARY

[Signature]

No. 334(1) Reg-23/SEB-93-13-Reg/87-of date:

Copy forwarded to the Superintendent, Printing and Stationary, U.P. Allahabad with the request that the above