

The U.P. Temporary Government Servants (Termination of Service) Rules, 1975

UTTAR PRADESH

India

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Rule

THE-U-P-TEMPORARY-GOVERNMENT-SERVANTS-TERMINATION-OF of 1975

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1. Short title, commencement and application.

(1)These rules may be called the Uttar Pradesh Temporary Government Servants (Termination of Service) Rules, 1975.(2)This Rule and Rules 2, 3 and 4 shall be deemed to have come into force on 30th January, 1953 and Rule 5 shall come into force at once.(3)They shall apply to all persons holding a civil post in connection with the affairs of Uttar Pradesh and who are under the rule-making control of Governor, but who do not hold a lien on permanent post under the Government of Uttar Pradesh.

2. Definition.

- In these rules "temporary service" means officiating or substantive service on a temporary post, or officiating service on a permanent post under the Uttar Pradesh Government.

3. Termination of service.

(1)Notwithstanding anything to the contrary in any existing rules or orders on the subject, the services of a Government servant in temporary service shall be liable to terminate at any time by

notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant.(2)The period of notice shall be one month :Provided that the service of any such Government servant may be terminated forthwith, and on such termination 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, period for which such notice falls short of one month at the same rates at which he was drawing them immediately before the termination of his services :Provided further that it shall be open to the appointing authority to relieve a Government servant without any notice or accept notice for a shorter period, without requiring the Government servant to pay any penalty in lieu of notice:Provided also 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 in the case of a contemplated disciplinary proceeding, the Government servant is informed of the non-acceptance of his notice before the expiry of that notice.

4. Savings.

- Notwithstanding anything in these rules, the tenure or continuance of engagement or employment of the following categories of persons shall be governed by the terms of their engagement of employment, and nothing in these rules shall be construed to require the giving to them, or by them or one month's notice or pay or penalty in lieu thereof before the termination of their engagement of employment:(a)persons engaged on contract;(b)persons not in whole-time employment of Government;(c)persons paid out of contingencies;(d)persons employed in a work-charged establishment;(e)persons re-employed after superannuation;(f)persons employed for a specified period whose services stand determined on the expiry of that period;(g)persons employed for a specified period on condition that the period may be curtailed at any time;(h)persons appointed in short-terms arrangements or vacancies whose services stand determined on the expiry of the arrangement or vacancy.

5. Rescission and saving.

(1)The rule promulgated with Appointment (B) Department Notification No. 230/II-B-1953, dated January 30, 1953 shall stand rescinded with effect from the same date.(2)Notwithstanding such rescission, anything done or any action taken or purporting to be done or taken under the said rule shall be deemed to have been done or taken under these rules.