

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

UTTAR PRADESH

India

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### **Rule**

### **THE-U-P-STATE-ELECTRICITY-BOARD-EMPLOYEES-RETIREMENT-R of 1975**

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The U.P. State Electricity Board (Employees' Retirement) Regulations, 1975Published vide U.P. Gazette (Extraordinary), dated 17th December, 1978, Notification No. 8081-G/SEB-2-169-A/70, dated October 18, 1975In 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 makes the above Regulations.

### **1. Short title and commencement.**

(1)These regulations may be called the U.P. Electricity Board (Employees' Retirement) Regulations, 1975.(2)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 50 years, or such Board's employee may by notice to the appointing authority voluntarily retire at any time after attaining the age of 50 years or after he has completed twenty years of qualifying service] [Substituted by Notification No. 2273 GE (SEB) (3)/169-A-70, dated 11-8-1978, published in U.P. Gazette, dated 1-9-1979.]. 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 - (i) [In Regulation 2 for numbers (a) and (b) of the proviso to clause (d) the numbers (i) and (ii) have been substituted respectively by Notification No. 1718-GE (IV)-SEB-169-A-70, dated June 26, 1979.] 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; (ii) [In Regulation 2 for numbers (a) and (b) of the proviso to clause (d) the numbers (i) and (ii) have been substituted respectively by Notification No. 1718-GE (IV) SEB-169-A-70, dated June 26, 1979.] 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; (e) [In Regulation 2, the existing sub-clause (e) after sub-clause (d) has been renumbered as (e) by Notification No. 1718-GE (IV) SEB-169-A-70, dated June 26, 1979, published in U.P. Gazette, dated 11-8-1978.] 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 or allowed to retire under this rule : 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 - [(1)] [In Regulation 2, the first explanation after the clause renumbered as (e) shall be numbered as (1) *ibid.*] 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 retired or wants to retire, in 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, bona fide 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'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 Regulations, 1966 governing retirement of its employees are hereby rescinded except as respect things done or omitted to be done thereunder.