# THE UTTAR PRADESH QUALIFYING SERVICE FOR PENSION AND VALIDATION ACT, 2021

**[ U. P. ACT No. 1 of 2021 ]**

**[ As passed by the U.P. Legislature, assented to by the Governor on March 4, 2021 and was published in U.P. Gazette Extraordinary on March 5, 2021. ]**

**AN**

**ACT**

***to provide for qualifying service for pension and to validate certain actions taken in this behalf and for matters connected therewith or incidental thereto.***

**IT IS HEREBY enacted in the Seventy-second Year of the Republic of India as follows :–**

**Short title, extent and commencement**

**1.**(1) This Act may be called the Uttar Pradesh Qualifying Service for Pension and Validation Act, 2021.

(2) It shall extend to the whole of the State of Uttar Pradesh.

(3) It shall be deemed to have come into force on April 1, 1961.

**Qualifying Service for Pension**

**2.**Notwithstanding anything contained in any rule, regulation or Government order for the purposes of entitlement of pension to an officer, "Qualifying Service" means the services rendered by an officer appointed on a temporary or permanent post in accordance with the provisions of the service rules prescribed by the Government for the post.

**Validation**

**3.**Notwithstanding any Judgement, decree or order of any Court, anything done or purporting to have been done and any action taken or purporting to have been taken under or in relation to sub-rule (8) of rule 3 of the Uttar Pradesh Retirement Benefit Rules, 1961 before the commencement of this Act, shall be deemed to be and always to have been done or taken under the provisions of this Act and to be and always to have been valid as if the provisions of this Act were in force at all material times with effect from April 1, 1961.

**Overriding effect**

**4.**Save as otherwise provided, the provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law for the time being in force other than this Act.

**U.P. Ordinance of 2020**

**5.**(1) The Uttar Pradesh Qualifying Service for Pension and Validation Ordinance, 2020 is hereby repealed.

**Repeal no. 19 and saving**

[The Uttar Pradesh Qualifying Service For Pension and Validation Act, 2021]

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

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## STATEMENT OF OBJECTS AND REASONS

Pension and gratuity admissible to a retired Government servant are determined in relation to the length of qualifying service of the Government servant. Although the term "Qualifying Service" is described in the Uttar Pradesh Civil Service Regulation and the Uttar Pradesh Retirement Benefit Rules, 1961, however the definition of the said term is open to subjective interpretation which leads to administrative difficulties.

It has, therefore, been decided to make a law defining the term "Qualifying Service" and to validate such definition with effect from April 1, 1961 which is the date of commencement of the Uttar Pradesh Retirement Benefit Rules, 1961.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Qualifying Service for Pension and Validation Ordinance, 2020 (U.P. Ordinance no. 19 of 2020) was promulgated by the Governor on October 21, 2020.

This Bill is introduced to replace the aforesaid Ordinance.

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