

POLICE CIRCULAR ORDER No. 58

Extension of service beyond the age of superannuation and re-employment of officers who have superannuated.

I reproduce below a symposium of all instructions issued so far on the subject of all the extension of service beyond the age of superannuation and re-employment of officers who have superannuated, for the information and guidance of all officers :—

(1) Government are averse to the grant of extension of service to superannuated officers save in most exceptional cases. They consider that where due to the shortage of trained and experienced personnel it is deemed essential in the public interest to retain the services of an officer after superannuation the proper procedure would be to retire the officer concerned and offer him re-employment for a limited period. Proposals for the grant of extension of service should, therefore be made only in cases where the expedience of re-employment after retirement is, for some exceptional and unavoidable reasons (to be sated) not found practicable.

(2) Although Government have taken a strict view of the conditions laid down for retention in service of superannuated officers they have decided to interpret the rules regarding superannuation more liberally in respect of displaced persons, who continue to be physically fit, after reaching the age of superannuation and whose services are considered useful to Government, and in respect of scientific and technical personnel whom it would be desirable to retain in the interest of public service, if their special experience so warrants, even after the normal age of retirement.

(3) In order that a uniform policy may be followed in the matter, all Departments of government are required to refer to Home Department all proposals for the re-employment of retired officers atleast three months prior to the date of retirement. Proposals submitted at the eleventh hour would not ordinarily be entertained. The above policy is also to be adopted in cases of grant of extension of service. Each proposal for grant of extension has therefore, to be referred to Home Department for prior approval. The exercise of powers to grant extension of service delegated under Appendix 1 of the Orissa Service Code shall also be subject to prior reference to and the concurrence of the Home Department.

(4) In those cases in which according to rule 3(b) III of the Orissa Public Service Commission (Limitation's of Functions) Regulations, consultation with the Public Service Commission is necessary at the time of first appointment, the public Service Commission should be consulted before re-employment is made, except where the re-employment is urgent and is not for a period of more than six months. Such consultation with the Public Service Commission is not, however, necessary in case of mere extension of service. It is left to the discretion of the authority (Department of Government) competent to make the substantive appointment to require the person to be given extension of service and to produce a medical certificate of fitness or to dispense with it. These instructions do not supersede any instructions requiring prior consultation with the Finance Department in the matter of re-employment of retired officers or of extension of service of superannuated officers, under the rules or the instructions issued from time to time.

(5) The pay of the officer on re-employment should be fixed in such a manner that the pay fixed together with the pension whether drawn in full or held wholly or partly in abeyance, will not exceed the substantive pay which the officer was drawing at the time of retirement subject to the proviso that if an officer was drawing pay on the selection grade, his pay should be fixed in such a manner that the pay so fixed together with his pension, whether drawn in full or held wholly or partly in abeyance will not exceed the highest point of the ordinary time-scale of pay applicable to officers.

(6) For the purpose of travelling allowance, the pension whether drawn in full or held wholly or partly in abeyance, of the retired officer will be included in his pay and he will be treated as belonging to that grade which the amount of his pension whether drawn in full or held wholly partly in abeyance, together with his pay on re-employment will entitle him to.

NOTE—The pension referred to above refers to the pension as originally sanctioned and not to that which remains after commutation, if any.

(7) A re-employed officer may earn leave at the rate of one-twenty-secondth of the period spent on duty, provided that he shall cease to earn leave while he has to his credit such leave amounting to thirty days but such a Government servant serving in a vacation department will not earn any leave and while on earned leave he will be allowed leave salary as a non-permanent Government servant in superior service. A re-employed officer may however, be granted extraordinary leave without pay when no other leave is admissible, subject to the limit of two months at any one time, as laid down in rule 21(ii) of the Orissa Leave Rules, 1939.

(8) successive consultation with the public Service Commission is necessary on each occasion of re-employment of a retired officer subject to the provision of rule 3(b) (iii) of the Orissa P. S. C. limitation of Functions) Regulations. Government, may in their discretion require the officer selected for re-employment or whose term of re-employment is proposed to be extended to produce a medical certificate of fitness from a Civil Surgeon or, in his absence, from the medical officer in charge of a Civil Station.

Age of
retirement of
ministerial
Government
servants who
were in
permanent
Government
service on
the 31st
March 1936

(9) It has come to the notice of Government that the instructions issued from time to time are not carefully followed by certain subordinate authorities as a result of which ministerial officers, who are found physically fit and mentally efficient just on reaching the age of 55, are being continued in service till the attainment of 60 years, on the assumption that they have an absolute right of retention in service up to that age, overlooking the two conditions which have to be fulfilled, viz., continued efficiency and physical fitness, to entitle them to remain in service till the age of 60. The practice is irregular and contravenes the instructions contained in paragraph 3 of Government of India. Minister of Home Affairs Office Memo. No. 26/6/48-Est., dated the 9th December 1948, circulated with this department letter No. 2036(80)-F., dated the 22nd February 1949, prescribed an annual review in regard to the fulfilment of those two conditions. In this connection it should be noted that it is not only physical fitness or even mental fitness which is a condition precedent to the Government servant being retained in service till the age of 60 years, but which is also required is that he should continue to remain efficient for the entire period and this has to be decided by the head of the office on the basis of the quality of work which he ministerial officer continues to render after completing the age of 55 years.

It need hardly be impressed in this connection that this annual review should be made objectively on the basis of the materials available and the officer making the review should not yield to influence, persuasion or entreaty of the persons to be affected by the decision. At the same time it should be clearly borne in mind that it is not the intention of Government to withdraw or restrict in any way the privilege given to those ministerial officers under rule 71 (b) of the Orissa Service Code, who successfully stand the tests of continued physical fitness and mental efficiency on the basis of the annual review.

The annual review referred to above should be conducted in January of each year to cover all the cases of those Government servants who would attain the age of 55 or above during that calendar year. Those Government servant who satisfy the conditions referred to above may be retained up to the next review and those who do not satisfy those conditions retired from the date of their next birth day. It is particularly necessary that the final decision to retire those Governments, who have to be retired, should be communicated immediately after the review is made to enable them to apply in time for any leave preparatory to retirement which could reasonably be granted to them. The adoption of this procedure will not give rise to any grievance that their retirement was sudden or unexpected.

(Previous Police Circular Order No. 7 of 1952)