

No. 30495-2R/1/39/87-G. A.

**INSTRUCTION ON PREMATURE RETIREMENT
GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

The 24th November 1987

From

Shri R. K. Rath
Additional Chief Secretary to Government.

To

All Secretaries to Government.

Subject – Premature Retirement of Government Servants in pursuance of Clause (a) of Rule 71 of the Orissa Service Code.

Sir,

I am directed to say that Government consider it necessary to consolidate and update instructions pertaining to (i) review of cases of employees under the rulemaking control of the State Government for premature retirement in pursuance of Clause (a) of Rule 71 of the Orissa Service Code, and (ii) the procedure to be followed where it is decided to retire an employee prematurely. Government have accordingly decided that the following instructions, which supersede all previous instructions on the subject, shall henceforth be followed by authorities empowered to conduct reviews or issue orders retiring an employee prematurely either on his attaining 55 years of age or, as provided in the First Proviso to Clause (a) of Rule 71 of the Orissa Service Code, on his completing 30 years of qualifying service or attaining 50 years of age.

2. Cases of Gazetted Officers who have attained the age of 50 years or 55 years, as the case may be, on the 30th June and the 31st of December of a year shall be reviewed by Review Committees constituted in pursuance of these instructions. These Committees shall ordinarily meet in July and January of the year on the dates to be fixed by their Chairmen, but if the meetings cannot be held either because of non-availability of records or any other administrative difficulty, the Chairmen may fix meetings on other dates which shall in no event be later than the 31st of August or the 28th of February, as the case maybe. If the case of any employee cannot be considered because his records are not available, the Committee shall proceed to consider other cases, the case of the employee, whose work could not be reviewed, shall be considered in the next meeting. Reviews should not be postponed merely because the report for the immediately preceding year is not available; if the reports for the period ending with the second preceding year are not such as to justify premature retirement, the Committee may take a view on the basis of available reports. In other words, deferment of the review till the latest report is available will be justified where the earlier reports do not clearly establish either the suitability or unsuitability of an employee for continued employment and the Committee would like to consider the latest report on his work and conduct before arriving at a firm conclusion. This will ensure, that reviews take place expeditiously and employees are spared of the uncertainty inevitable on unspecified deferment of reviews.

3. Cases of non-Gazetted officers should be reviewed only once during a year. Those who have attained the age of 50 or 55 years on the 30th of June will be subject to the review which should ordinarily be completed before the 31st of August of the year. If there are difficulties in completing the review by this date, every effort should be made to ensure that the review is completed before the 31st of December.

4. The composition of Review Committees for different categories of employees shall be as set forth in Annexure-I and Annexure-I-A of this letter.

5. Once an employee's case has been reviewed and he has been found by the competent authority to be deserving of continued employment after attaining 50 years of age, there shall be no further review of his case till he attains 55 years of age. Similarly, the case of an employee who was not prematurely retired in pursuance of the review conducted on his attaining 55 years of age shall not be reviewed thereafter. If, however, review was deferred in any case. It may be reviewed in the meeting held after records were available.

6. Premature retirement in pursuance of clause (a) of Rule 71 of the Orissa Service Code can be ordered in public interest only and not as a penalty to the employee concerned, Compulsory retirement is one of the major penalties listed under Rule 13 of the Orissa Civil Services (Classification, Control & Appeal) Rules and before it is imposed on any employee, the procedure outlined in the said Rules for imposition of major penalties must be complied with. Premature retirement under Clause (a) of Rule 71 of the Orissa Service Code is not and must not be used as a substitute that can be resorted to more conveniently. In other words, where it appears that any employee is guilty of misconduct or negligence in duty and that he would probably have been compulsorily retired had disciplinary proceedings been initiated against him, the proper course would be to initiate such proceeding instead of trying to circumvent the prescribed procedure and thereby extinguishing the employee's right of defending himself against allegations of misconduct or negligence. Pre mature retirement can only be ordered where it is obvious that retention of the employee in service will not be in public interest.

7. It will not be in public interest to retain an employee in service if –

- (a) he is clearly lacking in integrity, or
- (b) although his integrity is not in doubt, his physical or mental condition is such as to make him inefficient for further service, or
- (c) even though his work in a lower grade was satisfactory, he clearly lacks in standard of efficiency required to discharge the duties of the post he presently holds.

8. The objective of the review is to weed out persons of doubtful integrity or patent inefficiency from public service. In order however that no such decision is taken arbitrarily or without very careful appraisal of facts, the review committee shall, wherever it recommends pre mature retirement of an employee, record the reasons of its findings in adequate detail.

9. The Committee shall consider each case in the light of entries in the employee's character roll and such other authentic reports as may be available. While the reports earned by an employee throughout his career may be considered for purposes of formulating a general opinion on his integrity and efficiency, No. recommendation for pre mature retirement should be based on stray entries or on entries except the more recent. Generally speaking, entries of more than ten years ago should not weigh very much with the Committee since a period of ten years is long enough for an employee either to have almost wholly lost his earlier competence or to have almost wholly got over his earlier inadequacies. Even among entries of the last ten years those of the last five years should be assigned the highest importance and if these reports are not on the whole adverse, viz. do not indicate that the employee's case falls under either of the three criteria referred to in Paragraph 7 above, he should, unless there are overwhelming reasons to the contrary, be recommended for continuance in service either till the next review or till the date of normal superannuation, as the case may be.

10. If, notwithstanding certain adverse entries in the employee's confidential character roll, he was promoted to a higher post, adverse entries prior to his promotion should be ignored, It would be absurd and wholly inequitable to retire an employee pre-maturely on the strength of such entries when these entries were not found important enough to debar him from promotion.

11. No adverse entries should be used to recommend an employee's pre-mature retirement unless it has been communicated to him and unless :

- (a) either the time limit for representation against the remark has expired without his submitting a representation, or

- (b) after considering his representation the original remark has been allowed to stand or has been modified in such a manner that even those entries that are allowed to stand constitute an adverse assessment of the officer's work.

12. It seems to be the practice in some organizations to consult the General Administration (Vigilance) Department with a view to ascertaining if any enquiry into the integrity of employees whose cases are due for review is under way. For purposes of the review, facts already available on the date of the review should alone be taken into account. If the General Administration (Vigilance) Department has already submitted a report about any employee, that report can no doubt be taken into account, but to consider enquires that have not been completed will amount to prejudging the issue. If the enquiry ultimately leads to a reasonable inference of lack of integrity, the employee concerned can be proceeded against either departmentally or under the criminal law, but it would not be correct to conclude that an employee is lacking in integrity merely because some allegations against him are under enquiry. In other words, allegations which have not been enquired into or in respect of which enquiry is not complete should, generally speaking, be ignored. Even in regard to allegations which have been enquired into by the Vigilance Organisation, a conclusion of lack of integrity may not be drawn straightway, the facts of the case should be carefully considered and it should be examined if the ends of justice will not be better served by a departmental proceeding. The rule, normally should be that, before any such conclusion is drawn, the explanation of the employee concerned should have been considered. It is only in exceptional cases, viz. cases where the employee's lack of integrity is obvious, that the review may be conducted without considering his explanation and on the basis of an exhaustive report of enquiry by the Vigilance Organisation or any senior officer. This exception to the normal rule should be invoked only where the Committee is satisfied that the allegations are serious and beyond doubt and that public interest requires the employee's immediate exit from service.

13. There may be instances where on promotion from Class IV to a post in Class III, an employee completes 50 years of age or 30 years of qualifying service and is subject to review. Since character rolls are not maintained for Class IV employees, it will not be possible to refer to his character roll for the period of his service in Class IV. The Committee should, in such cases, presume that his work in the Class IV post, he held was satisfactory as otherwise he would not have been promoted to the higher post. If however there is clear evidence that the employee lacked in integrity while working in the lower post, the Committee may recommend his premature retirement. Subject to this exception his continuance in Class III post should be decided on the strength of reports earned by him subsequent to the promotion.

14. If on the date of review the time limit referred to in (a) of paragraph 11 has not expired or the employee's representation has not been disposed of his case should be deferred till the next review unless the earlier entries in the confidential character roll of the officer clearly justify a recommendation for premature retirement.

15. Where it is decided to retire an employee prematurely, he has either to be given a notice in writing at least three months before the date on which he is required to retire or paid three months' pay and allowances in lieu of such notice Annexures II and III (IIA and III A for Non-Gazetted employees) contain, respectively, the form of the notice and the form of the order retiring the employee on payment of three months' pay and allowances.

16. An employee may also, under the First Proviso to clause (a) of rule 71 of the Orissa Service Code, seek premature retirement after completing 30 years of qualifying service or attaining 50 years of age by giving a notice in writing to the appropriate authority at least three months before the date on which he wishes to retire. The appropriate authority may also, subject to the orders of Government in any case, entertain a notice received within less than three months preceding the date of the intended retirement. As clearly indicated in this proviso, permission to retire prematurely may be refused to an employee who is under suspension or against whom enquires are in progress where, in any such case, it is proposed to permit the employee to retire prematurely, the appropriate authority shall record the reasons for granting the permission. Naturally, no permission should be granted in any such case unless it is patent that the allegations

are not serious and that, even if proved, are not likely to result in imposition of a penalty of far greater consequence than the employee's premature exit from office.

17. The expression "appropriate authority" means the appointing authority.

18. Since no stigma is attached to an employee retired prematurely, his service should be certified as satisfactory for purposes of pension, while preparing pension documents of any such employee, the following instructions may be kept in view :-

- (a) Where an employee is served with a notice, he will be deemed to have retired on the date following the date on which the period of 3 months from the date of the service of the notice expires, if, for example, the period of 3 months following the service of the notice expires on the 5th of any month, the employee would be deemed to have retired with effect from the 6th of that month.
- (b) Where, in lieu of notice 3 months' pay and allowance (no allowance other than Dearness Allowance is payable) are paid, the date specified in the order shall be deemed to be the date on which the employee has retired.
- (c) Since 3 months' pay and allowances are paid in lieu of the notice, the employee will be entitled to pension from the date specified in the order in addition to the pay and allowance paid to him.
- (d) The pay and allowances payable in lieu of the notice will be calculated at rates at which he drew pay and allowances immediately before retirement.
- (e) Earned leave not exceeding 240 days at the credit of the employee on the date of premature retirement shall be encashed.
- (f) The employee will be entitled to draw Travelling Allowance for journey from the last station of duty to his home town in accordance with rule 120 of the Orissa Travelling Allowances Rules.
- (g) The entitlement of the employee to retain the official accommodation supplied to him will be governed by item 2 (b) of the Table under rule 107-A (i) of the Orissa Service Code.

Yours faithfully,

R. K. RATH

Additional Chief Secretary

ANNEXURE I

| SI No. (1) | Category of Officers (2) | Composition of the Review Committee (3) |
|---------------|---|---|
| 1. | All Officers of Class – I (Senior) and above ranks belonging to the Orissa Administrative Service. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge, Member, Board of Revenue, Additional Chief Secretary and Special Secretary (General Administration) Department shall be Members. |
| 2. | ² All Officers belonging to the Orissa Administrative Service in the rank of O. A. S., Class-II and O. A. S.- I (Jr. Br.). | Member, Board of Revenue (Chairman); Senior most Divisional Commissioner (Member); Secretary to Government, Revenue Department (Member Convenor). |
| 3. | Gazetted Officers of the Revenue (Excise) and Revenue (Registration Departments). | Member, Board of Revenue (Chairman); Inspector General of Registration- <i>cum</i> -Excise Commissioner; and Secretary, Revenue Department (Members). |
| 4. | Gazetted Officers of the Home (Police, Fire Service and Jails) Department. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Home Department; and the Director-General of Police/Inspector-General of Prisons/Inspector-General in charge of Fire Service shall be Members. |
| 5. | All Officers belonging to the Orissa Finance Service. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Finance Department; and Commissioner, Commercial Taxes shall be Members. |
| 6. | Gazetted Officers of the Agriculture and Co-operation Department/Forest, Fisheries and Animal Resources Department / Panchayati Raj and Rural Development Department. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary of the Department concerned; and Heads of the Department concerned shall be Members. |

1. Amended vide G. A. Department Circular letter No. 22517/Gen., Dt. 18-10-1994, No. 836/Gen., Dt. 13-1-1997 & No. 19337/Gen., Dt. 24-7-1998.
2. Substituted vide G. A. Department Circular letter No. 19337/Gen., Dt. 24-7-1998.

| Sl No. | Category of Officers | Composition of the Review Committee |
|---------------|--|--|
| (1) | (2) | (3) |
| 7. | Gazetted Officers of the Water Resources and Energy Department/Works Department/Steel & Mines Department/Public Health Engineering Organisation. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary of the Department concerned; and Chief Engineer concerned and Directors of Mining and Geology shall be Members. |
| 8. | Gazetted Officers of the Education Department/ Sports, Tourism and Culture Department / Information and Public Relations Department / Housing and Urban Development Department / Health and Family Welfare Department/ Labour and Employment Department / Commerce and Transport Department / Food, Civil Supplies and Consumer Welfare Department / Law Department. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary of the Department concerned; and Heads of the Department concerned shall be Members. |
| 9. | Gazetted Officers of the Planning & Co-ordination Department. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Special or Additional Secretary, General Administration Department; and Director of Economics & Statistics shall be Members. |
| 10. | Gazetted Officers of the Scheduled Tribes & Scheduled Castes Development Department. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Sch. Tribes & Sch. Castes Development Department,; Director, S.T.& S.C. shall be Members. |
| 11. | Gazetted Officers of the Industries Department. | ¹ Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Industries Department; and Heads of the Department concerned shall be Members. |

12. Orissa Secretariat Service.

¹Chief Secretary/Additional Chief Secretary/ Development Commissioner / Agriculture Production Commissioner as the case may be, shall be the Chairman of the Review Committee for their respective Departments of which they are in supervising charge. Secretary, Home Department, and Secretary of another Department nominated by the Chief Secretary for any meeting of the Committee shall be Members.

1. Amended vide G. A. Department Circular letters No. 22517/Gen., dated the 18th October 1994, No 836/Gen., dated the 13th January 1997 and No, 19337/Gen., dated 24th July 1998.

| Sl No. (1) | Category of Officers (2) | Composition of the Review Committee (3) |
|-------------------|---|---|
| 13. | Specially Gazetted Employees (a) In the Secretariat. (b) In the office of any Heads of the Department (c) In any district or subordinate office. | (a) Secretary, Home Department, Secretary Finance Department, and Secretary, Revenue & Excise Department. The Senior most officer among them shall be the Chairman. (b) Head of the Department concerned (Chairman); an officer not below the rank of Deputy Secretary nominated by the Secretary of the department, and an officer nominated by the Head of the Department (Members). (c) As in (b) above. |

NOTE –

1. Except for the Review Committee at Sl. No. 1, Chief Secretary may nominate the Additional Chief Secretary to preside over any meeting of a Review Committee in which cases of officers of Class I (Junior) or lower rank are considered.
2. Where a Head of the Department belongs to any of the services referred to in the foregoing statement, the review of his case would be conducted by a Committee consisting of the Chief Secretary (Chairman); Additional Chief Secretary; Additional Development Commissioner or in so far as the Agriculture & Co-operation and the Forest, Fisheries & Animal Husbandry Departments are concerned, the Agriculture Production Commissioner, and the Secretary of the Department concerned (Members).
3. Where an officer belonging to any of the aforesaid services is working as a Secretary to Government, the review of his case would be conducted by a Committee of which the Chief Secretary shall be the Chairman and Members shall be as nominated by the Chief Minister.
4. The Secretary of the Administrative Department shall ensure production of all relevant documents to the Committee. He may ask any of his subordinate officers to prepare a statement showing the names and other relevant particulars of officers subject to review, produce necessary records for the Committee's perusal and prepare a draft of the Committee's proceedings. This officer shall however not participate in the Committee's deliberations.

5. For service/posts not referred to in the foregoing statement, the Review Committee shall be as decided by the Chief Secretary –
- (a) provision of item 5 has been reiterated vide General Administration Department Memo. No. 4622-2R-1/1/89-Gen., dated the 8th February 1989.
- (b) In case of Review Committee for Orissa Settlement and Consolidated Service Officers, the members may be nominated by the Heads of Department vide General Administration Department letter No. 10761, dated the 7th April 1989.
6. That case of certain Government Servants have not yet been reviewed on account of some administrative difficulties. In order to overcome this situation, Government, after careful consideration, have been pleased to decide that all such pending cases shall be reviewed in the next review positively, vide Office Memorandum No. 171-2R-1/1/89-Gen., dated the 2nd January 1990.
7. In respect of issue of notices to Gazetted employees whose appointing authority is other than the Secretary of the Department, such notices will be issued by the appointing authority instead of the Secretary to the Government. Hence, "By order of the Governor" and "Secretary to Government" as mentioned in Annexures II and III will be modified as "Designation of Appointing Authority" and "By order of the Governor" maybe deleted in such cases.
- The Para. 4 of the foot-note of Annexure I is applicable where the Secretary of the Department is the appointing authority or he is a member, but where the appointing authority is other than the Secretary of Department, the convening of the review meeting and processing of necessary papers are to be made at the level of appointing authority vide letter No. 10761-2R-1/1/89 (Pt.), dated the 7th April 1989.
8. 1 If the Review of the work of an Officer could not be taken up at the age of fifty years the same can be done at any time till he attains the age of fifty-five years and similarly if the review of the work of an officer could not be held at the age of fifty-five years the same can be done at any time between fifty-five to fifty-eight years of age. This does not however, imply that the reviews should be delayed arbitrarily that would defeat the sanguine public purpose on which the provisions in clause (a) of rule 71 of the Orissa Service Code and the General circular of this department are based.

ANNEXURE I-A

| SI No. | Category of Officers | Composition of the Review Committee |
|--------|---|--|
| (1) | (2) | (3) |
| 1. | Class III employees in any Department in the Secretariat. | Secretary of the Department (Chairman); an officer not below the rank of Deputy Secretary nominated by the secretary; and an officer of the Home Department nominated by the Secretary of that Department. |
| 2. | Class IV employees in any Department in the Secretariat. | An officer not below the rank of Deputy Secretary nominated by the Secretary of the Department (Chairman) and another officer nominated by him (Member). |

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|----|--|---|
| 3. | Class III employees in the office of any Head of the Department (other than a Head of Department under the works, Water Resources & Energy Deptts.) or posted outside the Head-quarters office (including those posted in any subordinate office). | Head of the Department concerned (Chairman); an officer not below the rank of Deputy Secretary nominated by the Secretary of the Department; and an officer nominated by the Head of the Department (Members). |
| 4. | Class III employees in the office of any Head of the Department under the Works or Water Resources & Energy Department or posted outside the headquarters office (including those posted in any subordinate office). | The Chief Engineer concerned (Chairman); an officer not below the rank of Deputy Secretary nominated by the Secretary of the Department; and an officer not below the rank of Superintending Engineer nominated by the Chief Engineer (Members). |
| 5. | Class IV employees in the office of any Head of Department or posted outside the headquarters office (including those posted in any subordinate office). | Two officers one of whom shall be the Chairman, nominated by the Head of the Department. |
| 6. | Class III employees in any district or subordinate office in respect of whom the Head of the district office is the Appointing Authority. | Head of the District Office (Chairman); and two other officers nominated by the Head of Department (Members) (For employees working in the office of the Collector or in any office subordinate to the Collector, the nomination shall be made by the Revenue Divisional Commissioner). |

1. Inserted on the advice of the Law Department vide G. A. Department circular letter No. 16435-Gen. Dated the 27th May 1999.

| Sl No. | Category of Officers | Composition of the Review Committee |
|---------------|--|--|
| (1) | (2) | (3) |
| 7. | Class IV employees in any district or subordinate office. | Two officers, one of whom shall be the Chairman, nominated by the Head of the District Office. |
| 8. | Class III employees in Colleges including Medical Colleges. | Principal of the College (Chairman); two teachers nominated by the Head of the Department (Members). |
| 9. | Class III employees in hospitals attached to Medical Colleges. | Superintendent (Chairman); two nominees of the Head of the Department (Members). |
| 10. | Class IV employees in Colleges and hospitals attached to Medical Colleges. | Two officers, one of whom shall be the Chairman, nominated by the Principal/Superintendent. |

NOTE –

1. For employees other than those referred to in the foregoing statement, the composition of the Review Committee shall be as decided by the Administrative Department.
 - (a) Provision of item 1 has been reiterated vide General Administration Department Memo. No.4622-2R/1/1/89-Gen., dated the 8th February 1989.
2. Since no confidential character roll is maintained for Class IV employees, the Review Committee can only consider special reports, if any, suggestive of an employees unsuitability for continued employment. Employees in respect of whom there are no such reports should be deemed to have been found suitable for continued employment, where there is a report of adverse character, the Committee should carefully consider it and decide if it clearly justifies pre-mature retirement.
3. In respect of issue of notices of Gazetted employees whose appointing authority is other than the Secretary of the Department, such notices will be issued by the appointing authority instead of the Secretary to the Government. Hence, "By order of the Governor" and "Secretary to Government" as mentioned in Annexures II and III will be modified as "Designation of the Appointing Authority" and "By order of the governor" may be deleted in such cases.

The Para. 4 of the foot note of Annexure I is applicable where the Secretary of the Department is the appointing authority or he is a member, but where the appointing authority is other than the Secretary of the Department, the convening of the review meeting and processing of the necessary papers are to be made at the level of appointing authority Vide letter No. 10761-2R-1/1/89 (Pt.), dated the 7th April 1989.
4. The cases of certain Government servants have not yet been reviewed on account of some administrative difficulties. In order to overcome this situation, Government after careful consideration, have been pleased to decide that all such pending cases shall be reviewed in the next review positively Vide Office Memorandum No. 171-2R-1/1/89-Gen., dated the 2nd January 1990.

ANNEXURE II

(Form of Notice to a Gazetted Employee)

ORDER

No..... Bhubaneswar, the

In exercise of the powers Conferred under clause (a) of rule 71 of the Orissa Service Code, the Governor of Orissa is pleased to order the retirement, from service under the Government, of Shri/Shrimati on the expiry of three months from the date of service of this order on him/her.

By order of the Governor
Secretary to Government

N. B. i – See instructions under Para 3 of the Foot note at page 285.

ANNEXURE II - A

(Form of Notice to a Non-Gazetted Employee)

ORDER

No..... Bhubaneswar, the

In pursuance of Clause (a) of Rule 71 of the Orissa Service Code, Shri/Shrimati is retired from service under the Government on the expiry of three months from the date of service of this order on him/her.

By order of the Government

(Designation of the Appointing Authority)

ANNEXURE III

(Form of order of retiring a Gazetted Employee on payment of 3 months' Pay and Allowances)

ORDER

No..... Bhubaneswar, the

In exercise of the powers conferred under clause (a) of Rule 71 of the Orissa Service Code, the Governor of Orissa is pleased to retire from service under the Government, Shri/Shrimati who has completed 30 years of qualifying service/ already attained the age of 50 years with effect from allowing him/her 3 months pay and allowances in lieu of 3 months' notice, as provided in the First Proviso to the said rule.

By order of the Governor

Secretary to Government

N. B. :- See instructions under Para 3 of the Foot note at page 285.

ANNEXURE III – A

(Form of order of retiring a Non-Gazetted Employee on payment of 3 months' Pay and Allowances)

ORDER

No..... Bhubaneswar, the

In pursuance of Clause (a) of Rule 71 of the Orissa Service Code, Shri/Shrimati who has completed 30 years of qualifying service/ already attained the age of 50 years is retired from service under the Government with effect from and is hereby paid 3 months' pay and allowances in lieu of 3 months' notice, as provided in the First Proviso to the said rule.

By order of the Government

(Designation of the Appointing Authority)

Extracts of Rule 71 (a) of the Orissa Service Code

71 (a). Except as otherwise provided in the other clauses of this rule the date of compulsory retirement of a Government servant except a ministerial servant who was in government service on the 31st March 1939 and Class IV Government servant, is the date on which he or she attains the age of 58 years subject to the condition that a review shall be conducted in respect of the Government servant in the 55th year of age in order to determine whether he/she should be allowed to remain in service up to the date of completion of the age of 58 years or retired on completing the age of 55 years in public interest :

(Substituted by Notification No. 28475-Codes 63/74, dated the 26th July 1974 and the date of effect of the notification is from 11th June 1974)

Provided that a Government servant may retire from service any time after completing thirty years qualifying service or on attaining the age of fifty years by giving a notice in writing to the appropriate authority at least three months before the date on which he wishes to retire or by giving the said notice to the said authority before such shorter period as Government may allow in any case. It shall be open to the appropriate authority to withhold permission to a Government servant who seeks to retire under this rule, if he is under suspension or if enquiries against him are in progress. The appropriate authority may also require any officer to retire in public interest any time after he has completed thirty years qualifying service or attained the age of fifty years, by giving a notice in writing to the Government servant at least three months before the date on which he is required to retire or by giving three months pay and allowances in lieu of such notice :

(Inserted by Notification No. 52542-Codes – 131/73/F., dated the 21st December 1973).