

M.No. 1668 (88) Gen.,
2R-1/3/64.

To:

All Departments of Government.
Heads of Departments.
District Magistrates.

Bhubaneswar, the 5th February, 1964.

The undersigned is directed to invite reference to Political and Services Department resolution No.7406 Gen., dated 21.5.1963 in which the normal age of retirement of the State Government employees has been raised from 55 to 58 years with effect from 1.12.62. According to the said resolution Government employees who were on leave preparatory to retirement on or after 1.12.62 will also be entitled to the benefit of increase in the age of compulsory retirement provided they were due to retire normally from service on or after 1.12.62.

2. A question has been raised as to what will be the nature of leave of the employees who were on leave preparatory to retirement on or after 1.12.62 and are entitled to the benefit of the increased age.

It has been decided that in the case of such employees their period of leave will be treated as leave admissible to them other than leave preparatory to retirement. Detailed instructions regarding leave will issue separately.

3. Para 3 of the resolution referred to above provides that Government may require an officer to retire from service on the date on which he completes 30 years qualifying service or attains the age of 55 years by giving him a notice in writing at least three months before the date on which he is required to retire.

Government have since considered what criteria and procedure should be laid down to ensure uniformity of operation of this rule and also equitable treatment in all cases. They have decided that the following criteria and procedure should be observed :-

(i) Six months before an officer attains the age of 55, his service record should be carefully examined by the appointing authority or the Government as the case may be and a provisional judgement formed whether he should be retired on attaining the age of 55 years.

(ii) Where the appointing authority other than the State Government comes to the conclusion as a result of this examination that an officer should be retired prematurely under para 3 of the resolution referred to above, he may make a proposal accordingly to the Government in the Administrative Department with full indication of the considerations and reasons for his proposal. A decision whether a Government servant should continue beyond the age of 55 years or not should be completed in each case in about three months' time so that in the event of retirement being finally decided upon a notice could be given to the officer concerned at least three months before the date on which he is to attain the age of 55 years and his retirement thus given effect to as soon as he does so. The above procedure should also be followed in the case of employees sent on deputation. In their cases the appointing authority or the administrative Department as the case may be, may finalise the question in time in consultation with the authority under whom he is employed on deputation.

(iii). In all cases it would be desirable that a notice is served on the officer only after a decision is taken about his premature retirement.

(iv) In a case in which the Government have reasonable cause to believe that an officer is lacking in integrity, it would be appropriate to consider him for premature retirement irrespective of assessment of his ability, or efficiency in work.

(v) In a case in which an officer's integrity is not in doubt but his physical or mental condition is such as to make him inefficient for further service, it would be appropriate to consider him for premature retirement. However, in such cases, it may be desirable once it has been decided with the approval of the Government to retire an officer prematurely, the appointing authority/Administrative Department should first advise the officer to opt to retire under para 3(b) of the above resolution. Formal action under para 3(a) will be taken only in the event of the officer failing to avail himself of this advice.

(vi) An officer with a satisfactory record of service should not be retired. Officers are often described as 'average'. By definition the majority of officers in any service cadre would be average. Since under the amended rules the normal age of retirement for an officer is now 58 years, Government feel that it is only when an officer falls below the average standard that he should be proposed for retirement before attaining the age of 58. The test whether an officer should be allowed to continue upto the age of 58 years should not for obvious reasons, be as rigorous as the one applied in considering whether extension of service should be allowed beyond the age of superannuation; otherwise the power to grant extension would have been sufficient and there should have been no need to raise the age of retirement itself. In considering whether an officer falls below the average standard, the question may sometimes arise whether he should be judged with reference to requirements of his substantive grade or those of the grade in which he has been officiating. It is not unusual, for instance, for an officer who had made a good Assistant Engineer to prove inadequate as an Executive Engineer or one who had been a good Sub-Inspector of Police to fail to measure up to the responsibilities of an Inspector of Police. Ordinarily, fitness of an officer to continue in service upto the age of 58 years may be judged in relation to his substantive grade; and if he is good enough for that grade but not for the higher grade in which he has been officiating, he may be reverted to his substantive grade but retained in service. But there may be difficulty in adopting such a course in certain cases, for instance when an officer has been officiating in a higher grade for a long time and it appears unlikely that he would put his heart into his work after reversion. This, however, is a question on which no hard and fast rule can be laid down, and each case will have to be carefully considered on its own merits.

(vii) Once it is decided to retain an officer beyond the age of 55 years, he should be allowed to continue upto the age of 58 years without any fresh review unless this be justified by any exceptional reasons, such as his subsequent work or conduct or the state of his physical health, which may make earlier retirement clearly desirable. The Government feel that in order that an officer who is cleared for continuance at the stage of attaining the age of 55 years can settle down to another three years of work with a sense of security and those working under him accept his control and discipline without any reservation, an annual review between the years of 55 and 58 would not be desirable. Further, having arrived at an assessment in favour of further continuance in service at the age of 54½ years or so, there would ordinarily be no occasion for changing the assessment

assessment during the next three years, so that an annual review would serve little practical purpose. Finally, in any case sub rule (a) under para 3 of the above resolution of Political and Services Department would enable appropriate consideration at any time, in very exceptional circumstances.

4. It has, however, been decided by Government that service records of Government employees who have been continuing in service after 1.12.1962 beyond the age of 55 years without specific review as contemplated in para 3(i) above should be reviewed forthwith by the appropriate authority to adjudge their suitability for further retention.

5. The existing procedure for annual review of Ministerial officers governed under rule 71 (b) of the O.S.C. Vol.I for their retention in service after the age of 55 till 60th year should continue.

JOINT SECRETARY TO GOVERNMENT.

Memo No. 1669(88) Gen., Dated 5/2/64

Copy forwarded to all District and Session Judges/ Secretary to Governor/Private Secretary to Chief Minister/ Registrar, Orissa High Court/Secretary to Orissa Public Service Commission/ Secretary, Orissa Legislative Assembly/Superintendent, Government Press/Accountant-General, Orissa for information and guidance.

2. Superintendent Government Press is requested to supply 300 printed copies of Memo No. 1668(88) Gen., dated 5.2.64 at an early date. Assistant Secretary to Government.

Para 2 to
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