

Government of Orissa,
General Administration Department.

No.2R/1-27/94. 2102 /Gen.,Dt. 30.1.95

To

All Departments of Government.
All Heads of Departments.
All Collectors.

Sub:-

Procedure to be followed in case of regularisation of overstaya period in service of retired Govt. Servants who are staying in Govt. service beyond the date of normal retirement and recovery of emoluments received by the employees concerned thereof.

Sir,

I am directed to say that in the past detailed instructions were issued in Book Circular No.40 and in the erstwhile P & S Department letter No.14572-(25) dt.5.8.68, Resolution No.3642 dt.19/20.2.68 and G.A.Department letter No.28560-(175) dt.13.11.91 stipulating the procedure to be followed in case of regularisation of overstaya period in service of retired Government servants by way of re-employment. Despite such instructions several cases are being referred to G.A.Department for regularisation of overstaya period in service in case of a good number of Government employees by way of re-employment without following the guidelines meticulously. Overstaya in service occurs either due to manipulation of the date of birth of an employee in his Service Book/Service Roll or on account of Court order staying operation of retirement notice issued by Government or due to non issuance of retirement notice by the appointing authority at the appropriate time. Thus continuance in services of a Government servant beyond the date of superannuation not only creates financial burden on the State exchequer but also puts the Government into an embarrassing position as well. Manipulation of date of birth in the Service Record is not possible without connivance of the custodian of Records. Officers and staff dealing with the establishment matters are supposed to keep watch on timely retirement of employees concerned. Therefore, due to their

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negligence or with their knowledge at times some employees manage to continue in Government Service beyond their date of superannuation. In order to avoid re-employment in service and to hold officers and staff responsible for such re-employment, the following guidelines are prescribed.

- (i) No alteration of the date of birth once recorded in the Service Book/Service Roll of an employee, shall be made excepting in case of clerical error without prior approval of the State Government. An application for effecting a change in the date of birth shall be summarily rejected if -
 - (a) filed after five years of entry into Govt. service, or
 - (b) the change would lower the applicants age to an extent that he/she would have been in-eligible to appear in any of the academic or recruitment examination for appointment to any service or post under the Government.
- (ii) No Government servant will be allowed to dispute his date of birth on completion of the period of probation and after completion of one year of service in case of Class-IV employees.
- (iii) The Government Servant shall be deemed to retire from service on his normal date of superannuation and no notice to a Govt. servant to retire from service on attaining the age of superannuation is required according to Rule-40(5) of the O.C.S.(Pension) Rules, 1992.
- (iv) If a Government Servant continues in service beyond the date of his normal superannuation or compulsory retirement by manipulation of Service Book or Govt. Records, the officers and staff for whose negligence in duty the employee concerned found opportunity to overstay

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in service should be taken to task..In case of overstaya by manipulation of records as well as suppression of facts, charges against Officers/Staff concerned should be established through a departmental proceedings so that recovery of the salary received by the Govt. servant overstayed in service, can be effected from the employees responsible for such overstaya along-with such other punishments as are considered appropriate by the Disciplinary Authority.

2. Proposals for regularisation of overstaya period in service by a Government Employee should be submitted to the Chief Minister as clarified in para-4 of the G.A.Department Circular No.28560 dt.13.11.91, keeping the aforesaid guide lines in view.

Concurrence of G.A.Department and Finance Department should invariably be taken before the proposal is submitted to Chief Minister.

3. The above instructions are issued ~~after~~ consultation with the Finance Department and Law Department.

Yours faithfully,

P. G. O. 27/1/95
Special Secretary to Government.

Memo No. *2103* /Gen.,Dt. *30.1.95*
Copy forwarded to all Branches of G.A.Department/
Rent Officer, Bhubaneswar for information and necessary action.

M. K. Sen
Under Secretary to Government.

MJ.