

GOVERNMENT OF MADHYA PRADESH
FINANCE DEPARTMENT
MINISTRY
VALLABH BHAWAN-462004, M.P.
NOTIFICATION

Bhopal, dated 28.2.2002

No.F-25/25/2001/PWC/IV, In exercise of the powers conferred by the proviso to Article, 309 of the Constitution of India, the Governor of Madhya Pradesh hereby makes the following further amendments in the Madhya Pradesh Civil Services (Pension) Rules, 1976, namely :-

AMENDEMENTS

In the said rules :-

- (1). For Rule 42, the following rule shall be substituted, namely :-
“42. Retirement on completion of 15/20 years qualifying service-

(1). (a)-Government servant may retire at any time after completing 15 years qualifying service, by giving a notice in form 28 to the appointing authority at least three months before the date on which he wishes to retire or on payment by him of pay and allowances for the period of three months or for the period by which the notice actually given by him falls short of three months;

Provided that this sub-rule shall not apply to the Government servants mentioned in brackets against each of the following Departments, until they have not completed 20 years qualifying service :-

- a. Public Health & Family Welfare Department (Medical, Paramedical & Technical staff);
- b. Medical Education Department (Teaching Staff, Paramedical & Technical Staff)
- c. Technical Education & Man Power Planning Department (Teaching staff);
- d. Higher Education Department (Teaching staff);
- e. School Education Department (Teaching staff);
- f. Tribal Welfare Department (Teaching staff);
- g. Home (Police) Department (Non-ministerial staff);

Provided further that such Government servant shall not be allowed to retire from service without prior permission in writing of the appointing authority under the following circumstances :-

- i. Where the Government servant is under suspension,
- ii. Where it is under consideration of the appointing authority to institute disciplinary action against the Government servant;

Provided also that if the appointing authority has not taken the decision under clause (ii) of the second proviso, within six months from the date of notice given by the government servant with regard to such disciplinary action it shall be deemed that the appointing authority has allowed to such government servant to retire from service on the date after expiry, of the period of six months.

(b).The appointing authority may in the public interest require a Government servant to retire from service at any time after he has completed 20 years qualifying service or he attains the age of 50 years whichever is earlier with the approval of the State Government by giving him three months notice in Form 29.

Provided that such Government servant may be retired forthwith and on such retirement the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rate at which he was drawing immediately before his retirement or, for the period by which such notice falls short of three months, as the case may be.

NOTE-1 Before a Government servant serves notice of retirement under clause(a) above, he should satisfy himself by means of a reference to the appointing authority that he has in fact, completed 15 or 20 years qualifying service as the case may be for pension. Similarly, the appointing authority, while giving notice of retirement to a Government servant under clause (b), above, should also satisfy itself, that the government servant has, in fact completed 20 years qualifying service or he attains the age of 50 years.

NOTE-2 The period of notice of three months or the notice period which is short of three months, as the case may be, shall be reckoned from the date on which it is signed and put in communication under registered post. Where the notice is served personally, the period shall be reckoned from the date of receipt thereof.

NOTE-3 The Government servant, on submission of an application shall be granted such leave during the period of notice to which he is entitled according to rules:

Provided that no leave shall be granted beyond the expiry of the period of notice.

NOTE-4 The payment of pension for the period for which pay and allowances have been paid to a Government Servant in lieu of notice, shall be regulated by the provision of sub rule (2) of rule 33 of these rules.

(2). A Government servant who has elected to retire under clause (a) of sub-rule (1) and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority on consideration of the circumstances of the case to withdraw the notice given by him:

Provided that the request for withdrawal shall be prior to the intended date of his retirement.

(3). Where the notice of retirement has been served by appointing authority on the Government servant, it may be withdrawn, if so desired for adequate reasons, provided that the Government servant concerned is agreeable.

(2). In 'Form 28', for the figure and word "20 years" where ever they appears, the figures, and word "15/20 years" shall be substituted.

(3). After Rule 42, the following Rule shall be inserted namely:-

"42-A Addition to qualifying service on voluntary retirement.

(1). The qualifying service as on the date of intended retirement of the Government servant retiring under clause (a) of sub-rule (1) of Rule 42 with or without permission, shall be increased by a period not exceeding five years, subject to the condition that the total qualifying service rendered by the Government servant does not in any case exceed thirty three years and it does not take him beyond the date of superannuation.

(2). The increase not exceeding five years in his qualifying service under sub rule (1) shall entitle him to notional fixation of pay for purposes of calculation of pension and gratuity.

(3). This rule shall not apply to a Government servant who retires from Government service for being absorbed permanently in Central Government, in an Autonomous Body or Public Sector Undertaking to which he is on deputation at the time of seeking voluntary retirement.

- (4). The weightage of five years under sub rule(1) shall not be admissible in cases of those Government servants who are prematurely retired by the Government in the public interest under Rule 42(1)(b) or FR 56 (2)
- (4)**. This amendment shall come into force from the date of its publication in the Madhya Pradesh Gazette.

By order and in the Name of Governor of Madhya Pradesh,

(Ashok Das)

Secretary

Government of M. P. Finance Department