

## **ANDHRA PRADESH PUBLIC EMPLOYMENT (REGULATION OF AGE OF SUPERANNUATION) ACT, 1984**

**23 of 1984**

[ ]

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## **ANDHRA PRADESH PUBLIC EMPLOYMENT (REGULATION OF AGE OF SUPERANNUATION) ACT, 1984**

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[ ]

An Act to regulate the age of superannuation of persons appointed to public services and posts in connection with the affairs of the State of Andhra Pradesh. Be it enacted by the Legislature of the State of Andhra Pradesh in the Thirty fifth year of the Republic of India as follows:

### **1. Short title, application and commencement :-**

(1) This Act may be called the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984.

(2) It shall apply to

(i) persons appointed to public services and posts in connection with the affairs of the State;

(ii) officers and other employees working in any local authority whose salaries and allowances are paid out of the Consolidated Fund of the State;

(iii) persons appointed to the Secretariat staff of the Houses of the State Legislature; and

(iv) every other officer or employee whose conditions of service are regulated by rules framed under the proviso to Article 309 of the Constitution of India immediately before the commencement of this Act, other than the village officers and law officers; whether appointed before or after the commencement of this Act.

(3) Clause (i) of Section 7 shall be deemed to have come into force on the 29th April, 1969 and the remaining provisions shall be deemed to have come into force on the 10th April, 1983.

(4) sub-section (1A) of Section 3 shall be deemed to have come into force on the 26th December, 1992.

## **2. Definitions :-**

In this Act, unless the context otherwise requires,

(1) "Fundamental Rules" means the Fundamental Rules applicable to the Government employees as amended, from time to time, by the Government;

(2) "Government" means the Government of Andhra Pradesh;

(3) "Government Employee" includes all categories of officers and employees referred to in sub section (2) of Section 1;

(4) "Hyderabad Civil Services Rules" means the Hyderabad Civil Services Rules applicable to the Government employees of the erstwhile Government of Hyderabad appointed prior to the 1st November, 1956 and allotted to the Andhra Pradesh State as amended from time to time, by the Government;

(5) "Last Grade Service" means the service constituted by the Andhra Pradesh Last Grade Service Rules, 1961 and includes the posts and services specified in subsidiary definition (iii) under Rule 9 of the Fundamental Rules; and also includes the services which are treated as inferior under Hyderabad Civil Services Rules;

(6) "Local authority" means in relation to local area comprised within the jurisdiction of a Municipal Corporation, the concerned Municipal Corporation and in relation to any other local area, the concerned Municipal Council, Zilla Parishad, Panchayat Samithi or Gram Panchayat;

(7) "State" means the State of Andhra Pradesh.

### **3. Age of superannuation :-**

(1) Every Government employee, not being a workman and not belonging to Last Grade Service shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty eight years.

(1A) Notwithstanding anything contained in sub-section (1), every member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that any such member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service may be compulsorily retired from service on the afternoon of the last day of the month in which he attains the age of fifty eight years if he is not found fit and eligible to be continued in service by the High Court of Andhra Pradesh on an assessment and evaluation of the record of such member for his continued utility well within time before he attains the age of fifty eight years by following the procedure for compulsory retirement under the rules applicable to him;

Provided further that any such member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial service at his option to be exercised in writing before he attains the age of fifty seven years may retire from service on the afternoon of the last day of the month in which he attains the age of fifty eight years.

Explanation :- The assessment and evaluation by the High Court of Andhra Pradesh for the purposes of this sub-section is in addition to and independent of the assessment for compulsory retirement that may have to be undertaken at any other time under the relevant rules applicable to such members of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service.

(2) Every Government employee not being a workman but belonging to the Last Grade Service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

(3) Every workman whether in superior or last grade service, or in any service notified as inferior shall ordinarily be retained in service upto the age of sixty years:

Provided that any workman may be required to retire at any time after attaining the age of fifty five years after being given one month s notice or one month s pay in lieu thereof, on the ground of impaired health or of being negligent or inefficient in the discharge of duties:

Provided further that a workman may also retire at any time after attaining the age of fifty five years, by giving one months notice in writing.

Explanation I:- In this section word "workman" means a highly skilled, or semi skilled or unskilled artisan in industrial and work charged establishments of Government.

Explanation II:- For the removal of doubts, it is hereby declared that

(a) a Government employee whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty eight or sixty years, as the case may be;

(b) a Government employee who attained the age of superannuation but who was allowed to continue to hold the post beyond that date, by virtue of a stay order of a Court, shall be deemed to have ceased to hold the post and relieved of his charge from the date of the judgment dismissing his petition, irrespective of whether the charge of the post was handed over or not as prescribed in any rule or order of the Government for the time being in force.

(4) Notwithstanding anything contained in this section, an employee in the workcharged establishment of the Government, who becomes a regular Government employee by whatever means or orders issued by Government from time to time shall not be treated as workman for purposes of this Act and shall be regarded as holder of a Civil post within the meaning of Article 311 of the Constitution of India and accordingly, he shall retire from service,--

(a) on attaining the age of fifty eight years in case, on becoming as a regular Government employee, he belongs to superior service;

and

(b) on attaining the age of sixty years in case, on becoming as a regular Government employee, he belongs to last grade service or in any service notified as inferior for the purpose of this sub-section.

#### **4. Act to override other laws :-**

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law, for the time being in force.

#### **5. Validation :-**

No amendment to the Fundamental Rules relating to the age of superannuation made under the proviso to Article 303 read with Article 313 of the Constitution of India before the commencement of this Act shall be deemed to be invalid or ever to have been invalid merely by reason of the fact that the proviso to Rule 2 of the said rules laid down that the said rules shall not be modified or replaced to the disadvantage of any person already in service and accordingly the amendments made to the said rules by the notifications issued in G.O.Ms.No. 36, Finance and Planning (Finance Wing F.R.I.) Department, dated the 8th February, 1983 and all orders and notifications issued and made in pursuance of those amendments shall be and shall be deemed always to have been made validly and shall have effect notwithstanding to the contrary in the proviso to the said Rule 2, as if this Act were in force on the 8th February, 1983.

#### **5A. Savings :-**

(a) Notwithstanding anything contained in this Act,

(i) all the rules and regulations made under the proviso to Article 309 and continued under Article 313 of the Constitution of India governing the recruitment and conditions of service of the Government Employees and were in force on the commencement of the Andhra Pradesh Public Employment (Regulation of Conditions of Service) Ordinance, 1983 including such other rules continued under Section 15 of the said Ordinance; and

(ii) all rules made under Section 3 of the said Ordinance governing recruitment and conditions of service of the Government employees, shall continue to be in force until they are amended or modified or rules are made in respect thereof under the proviso to

Article 309 of the Constitution of India read with Article 313 thereof;

(b) anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance and the rules made thereunder shall be deemed to have been validly done or taken.

**6. Removal of doubts :-**

For the removal of doubts, it is hereby declared that, unless otherwise specifically provided, every amendment relating to the age of superannuation made before or after the commencement of this Act to the Fundamental Rules and the Hyderabad Civil Services Rules shall be and shall be deemed always to have applied to all Government employees whether appointed before or after the amendment.

**7. Amendment of Fundamental Rules :-**

In the Fundamental Rules,

(i) to Rule 2, the following proviso shall be added, namely: Provided that these rules shall not be modified or replaced by the Governor under Article 309 of the Constitution of India to the disadvantage of any person already in service except in respect of matters relating to the age of superannuation.

(ii) Rule 56 shall be omitted.

**8. Amendment of Hyderabad Civil Services Rules :-**

Rule 231 of the Hyderabad Civil Services Rules shall be omitted.