

## **Bihar Gazetted Officers (Ad-Hoc Appointments Regularisations) Act, 1987**

**4 of 1987**

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## **Bihar Gazetted Officers (Ad-Hoc Appointments Regularisations) Act, 1987**

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An Act to regularise the services of ad-hoc Appointments made in Gazetted Posts by the State Government. WHEREAS, the normal recruitment procedures could not be followed due to large expansion of development activities and social welfare activities in the Government in different spheres and due to the circumstances existing and large number of Gazetted Officers were appointed on ad-hoc temporary basis as also a large number of officers have served the Government for a considerable period and have gained experience. AND, there is a compelling necessity, to regulate the services of such ad-hoc temporary Gazetted Officers for peace and harmony in service, and in public interests. BE, IT, THEREFORE, enacted by the Legislature of the State of Bihar in the thirty-eighth year of the Republic of India as follows .-- 1. Published in Bihar Gazette (Ext. Ord.) dated 18.4.1987.

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Bihar Gazetted Officers ad-hoc Appointment Regularisation Act, 1987.
- (2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force at once.

## **2. Definitions :-**

In this Act unless the context otherwise requires-

- (1) "Gazetted Officer" means the Gazetted Officer as defined in the Bihar Service Code;
- (2) "Ad-hoc appointment" means such appointment made on ad-hoc basis by direct recruitment by State Government to any Gazetted Post in any category at all levels in the State of Bihar;
- (3) "Commission" means the Bihar Public Service Commission;
- (4) "State Government" means the State Government of Bihar.

## **3. Regularisation Of The Ad-Hoc Appointments :-**

- (1) All ad-hoc appointments made by direct recruitment to any of the Gazetted Posts by the State Government which were continuing on such ad-hoc temporary basis upto the 30th June, 1980 are excluded from the purview of the Commission regarding any of the matters mentioned in sub-clauses (a) and (b) of Clause (3) of Article 320 of the Constitution of India.
- (2) Notwithstanding any judgment, decree, order, direction, writ and prohibition issued by any Court or Tribunal against ad-hoc appointment of Gazetted Officer, the services of all Gazetted Officers appointed on ad-hoc temporary basis up to the 30th June, 1986 and are continuing in service are regularised and their appointments shall be deemed to be made on regular basis with effect from the dates of their appointments.

## **4. Regularisation And Validation Of Ad-Hoc Appointments :-**

Notwithstanding any law, rule or regulation regarding the recruitment to the Gazetted Posts in the State, the ad-hoc appointments of the Gazetted Officers shall be deemed to be regular and valid from the dates of their appointments.

## **5. Vacation Of Orders And Abatement Of Proceedings :-**

All orders, judgments, directions, writs and prohibitions issued by any Court or Tribunal against ad-hoc appointment of Gazetted Officers and the regularisation of their services in the State shall be deemed to be vacated and of no effect, and any proceedings, appeal or revision pending before any Court Tribunal or Authority against the ad-hoc appointment of Gazetted Officers and

regularisation of their services on the date of enforcement of this Act shall abate.

## **6. Section 6 :-**

The provisions of this Act shall not affect the appointments made to any Gazetted Posts in the State through the Commission before the commencement of this Act.

## **7. Protection Of Action Taken In Good Faith :-**

No suit, prosecution or other legal proceedings shall lie against the State Government or an officer or servant of the State Government to perform any function under this Act or any thing which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

## **8. Power To Make Rules :-**

(1)The State Government may by notification, in the Official Gazette, make Rules to carry out the purposes of this Act.

(2) All Rules made under this Act shall, as soon as may be, after they are made, be laid before each House of the State Legislature, while it is in session, for a total period of not less than fourteen days, extending in one session or more than one successive session, and shall unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the two House of the Legislature may, during the said period, agree to make, so however, that any such modification or annulment shall be without prejudice to the validity to anything previously done thereunder.

## **9. Repeal And Saving :-**

(1)The Bihar Gazetted Officers Ad-hoc Appointment Regularisation Ordinance, 1986 (Bihar Ordinance No. 32,1986) is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.