

## **Himachal Pradesh Civil Services (Premature Retirement) Rules, 1976**

**[21 February 1976]**

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## **Himachal Pradesh Civil Services (Premature Retirement) Rules, 1976**

**[21 February 1976]**

In the exercise of the powers conferred by the proviso to Article 309 of the Constitution of India 1 [XXXXXX] and with the previous approval of the Central Government under sub -section (7) of section 155 of the States Re-organisation Act, 1956, proviso to sub - section 82 of the Punjab Re-organisation Act, 1966 and proviso to sub - section (1) of section 42 of the State of Himachal Pradesh Act, 1970, the Governor of Himachal Pradesh hereby makes the following rules, namely:-

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

- 1) These Rules may be called the Himachal Pradesh Civil Services (Premature Retirement) Rules, 1976
- 2) They shall come into force at once.

### **2. Definitions :-**

In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

- 1) "appropriate authority" means the authority which has the power to make substantive appointments to the post or service from

which the Government employee is required or wants to retire or any other authority to which it is subordinate;

2) "employee" means any person appointed to public services and posts in connection with the affairs of the State of Himachal Pradesh, excluding those referred to in Rule 7;

3) "qualifying service" means service qualifying for pension

### **3. Premature Retirement :-**

1) The appropriate authority shall if it is of the opinion that it is in public interest to do so, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months pay and allowances in lieu of such notice:

a) on completion of 30 years of qualifying service; or

b) on attaining the age of:-

(i) 50 years in respect of Class I and Class II Officers who have entered Government Service before attaining the age of thirty- five years

(ii) 55 years in case of all other Class I and Class II Officers and all the Class III employees and

(iii) 55 years in case of such Class IV employees who entered Government service after 23 rd July. 1966: Provided that where at least three months notice is not given or notice for a period less than three months is given, the employees shall be entitled to claim a sum equivalent to the amount of his pay and allowances at the same rates at which he was drawing them immediately before the date of retirement, for a period of three months or, as the case may be, for the period by which such notice falls short of three months: Provided further that the appropriate authority may at any time before the expiry of the notice period substitute for the whole or part of the unexpired period of notice, pay in lieu thereof and retire the Government servant forthwith on making such payment.

2 ) Any Government employee may, after giving atleast three months previous notice in writing to the appropriate authority retire from service on the date on which he:

a) completes 30 years of qualifying service; or

b) attains the age of -

(i) 50 years in respect of Class I and Class II officers who have entered Government Service before attaining the age of thirty five years;

(ii) 55 years in case of all other Class I and Class II Officers and all

the Class III employees; and

(iii) 55 years in case of such Class IV employees who entered Government service after 23<sup>rd</sup> July 1966: 2 [Provided that any Government employee with satisfactory service record may after giving at least three months previous notice in writing to the appropriate authority, retire from service on completion of 20 years of service or 45 years of age. Any Government servant who seeks retirement under this proviso will be allowed an additional credit of five years service for pension, etc,: Provided further that no employee under suspension shall retire from service except with the specific approval of the appropriate authority.]

[(3) (a) Notwithstanding anything to the contrary contained in sub - rule (2) of this rule Government servant referred to in the said sub - rule (2) may make a request in writing to the appointing authority to accept retirement notice of less than three months giving reasons therefore.

(b) On receipt under clause (a), the appointing authority, subject to the provision of sub- rule (2), may consider such request for the curtailment of the period of notice of three months on merit and if it is satisfied that curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before expiry of the period of notice of three months]

#### **4. Retiring Pension And Gratuity :-**

A retiring pension and death - cum retirement gratuity shall be granted to Government employee who retires or is required to retire under Rule 3. The retiring pension and death - cum - retirement gratuity shall be worked out under the normal rules as applicable to the employee concerned.

#### **5. Over - Riding Effect :-**

The provisions of these rules shall have effect notwithstanding anything inconsistent therewith contained in any other rules for the time being in force.

#### **6. Repeal :-**

All Rules regulating the conditions of service as respects premature retirement of persons appointed to public services and posts in connection with the affairs of the State of Himachal Pradesh, in force immediately before the commencement of these rules, are

hereby repealed: Provided that:

- (a) such repeal shall not affect the previous operation of the rules hereby repealed or anything done, or any action taken, thereunder;
- (b) any proceedings under the rules hereby repealed, pending at the commencement of these rules shall be continued and disposed of in accordance with the provisions of these rules as if such proceedings were proceedings under these rules.

**7. Saving :-**

Nothing in these rules shall apply to -

- (i) the members of the All India Services;
- (ii) the persons appointed to the Secretariat staff of the Legislative Assembly;
- (iii) the persons belonging to any Judicial Services of the State; and
- (iv) the persons appointed to the establishment of the High Court.

**8. Interpretation :-**

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Governor or such other authority, as may be specified by the Government by a general or special order and the Governor or such other authority shall decide it, and such decision shall be final. Footnotes: 1. Words "and all other powers enabling him in this behalf" omitted by Notification No. PER (AP-II) B(2)15/75, dated 12.4.1984. 2. Substituted vide Notification No. PER(AP-II) B(20 15/75, dated 13.11.1976 3. Inserted vide Notification No. Karmik (Ni-II) B(2) 15/75, dated 17.5.1983