
**KARNATAKA DETERMINATION OF RETIREMENT AGE OF
CERTAIN TEACHERS ACT, 1975**

35 of 1975

[July 24,1975]

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STATEMENT OF OBJECTS AND REASONS [KARNATAKA ACT No. 35 OF 1975] Karnataka Gazette, Extraordinary, dated 24-7-1975 Pursuant to a decision of Government that all Government servants, irrespective of the departments in which they might be serving, should be retired at the age of 55, Karnataka Civil Services Rules were amended in Notification No. GSR 289, dated 16th November, 1973. This notification did not, however, affect the age of retirement of inter alia teachers from the old Mysore area, since they enjoyed protection under the States' Re-organisation Act. 2. In order to have a uniform retirement age, which would cover teachers of old Mysore area also, approval of Government of India under the States' Re-organisation Act was obtained to reduce the age of retirement from 58 to 55 years. Thereafter, Notification No. GSR 21, dated 30th January, 1974 was issued for the deletion of Note 4 below clause (c) of Article 294 of Mysore Services Regulations. 3. Writ petitions were filed before the High Court of Karnataka questioning the validity of the above notification. In its judgment delivered on 18th October, 1974, the High Court held that the amendments to the Mysore Services Regulations effected in the notification of 30th January, 1974 were ineffective and void.

This was because, in their view, Note 4 below clause (c) of Article 294 of the Mysore Services Regulations already stood repealed by virtue of Rule 95(d) of the Karnataka Civil Services Rules. 4. Under the notification of 30th January, 1974, a large number of teachers had already retired from service. Some teachers continued in service by virtue of Stay orders issued by the High Court of Karnataka. Therefore, it was felt that the retrospective retirement from 1st March, 1974 contemplated in the notification of 30th January, 1974 should be validated through a Legislative measure. Government of India was again moved for approval under the States' Re-organisation Act for issue of an Ordinance. Government of India intimated that there was no need for their fresh approval. 5. It would obviously be invidious to allow a higher age of retirement only to old Mysore teachers. As both the Houses of Legislature were not in session, an Ordinance was therefore promulgated on 22nd May, 1975. The Ordinance provided for the retirement of teachers of old Mysore area on attaining the age of 55 years. Such of those who had already attained the age of 55 years by 1st March, 1974 would retire on 1st March, 1974 and those who had continued in service beyond the age of 55 years at the time of the issue of the Ordinance were deemed to have been given extension of services till 31st May, 1975, on which date they would retire from service. 6. The Bill seeks to replace the Ordinance.

1. Short title and commencement :-

(1) This Act may be called the Karnataka Determination of Retirement Age of Certain Teachers Act, 1975.

(2) It shall be deemed to have come into force on the 30th day of January, 1974.

2. Retirement age :-

(1) Notwithstanding anything in any judgment, decree or order of any Court, Tribunal or other authority, on and from the date of commencement of this Act (hereinafter referred to as the appointed day).

(i) the date of compulsory retirement of every teacher of the erstwhile Karnataka State allotted to the State of Karnataka who immediately before the 1st November, 1956 was governed by Note 4 below Clause (c) of Article 294 of the Karnataka Services Regulations and who is in service on the appointed day, shall be

the day on which he attains the age of fifty-five years;

(ii) Rule 95 of the Karnataka Civil Services Rules shall apply to every such teacher with the omission in Clause (a) of the said rule, the words and figures "subject to the provisions relating to protection of conditions of service prescribed by the Government of India in respect of persons allotted or deemed to be allotted to serve in connection with the affairs of the State of Karnataka under Section 115 of the States Re-organisation Act, 1956";

(iii) every such teacher who

(a) has continued service after the appointed day, even after he has attained the age of fifty-five years shall retire from service on the date on which he attains the age of fifty-eight years or on 1st March, 1974, whichever is earlier;

(b) attains the age of fifty-five years after the appointed day but on or before 1st March, 1974 shall retire on 1st March, 1974;

(c) attains the age of fifty-five years after 1st March, 1974, shall retire at the end of the month in which he attains the age of fifty-five years.

(2) Notwithstanding anything to the contrary contained in the Karnataka Civil Services Rules, the entire earned leave not exceeding on hundred and twenty days to the credit of such teacher on the date of his retirement who retires within a period of six months from the appointed day shall be deemed to have been refused to him in public interest under Rule 110 of the Karnataka Civil Services Rules and he shall be permitted to avail it with effect from the date of his retirement:

Provided that in the case of such teacher who is governed by the rules applicable to him in his parent State the period of such leave, whether earned leave or privilege leave or furlough leave on average pay, shall be as permissible under such rules:

Provided further that nothing in this sub-section shall apply to a teacher who on the appointed day is on leave preparatory to retirement.

3. Savings :-

Any teacher referred to in Section 2, who by virtue of any order of any Court or otherwise has continued in service even after he has attained the age of fifty five years and was working as such teacher

on the date of promulgation of the Karnataka (Determination of the Retirement age of Certain Teachers) Ordinance, 1975 (Karnataka Ordinance No. 2 of 1975) shall be deemed to have retired from service with effect from the afternoon of 31st May, 1975 and shall be deemed to have been granted extension of service from the appointed day till 31st May, 1975.

4. Validation :-

Any action taken in respect of any retirement of a teacher of the category referred to in Section 2 after the appointed day but before the date of promulgation of the Karnataka (Determination of the Retirement Age of Certain Teachers) Ordinance, 1975 (Karnataka Ordinance No. 2 of 1975) shall be deemed to be valid and shall be deemed to have been taken or effected in accordance with the provisions of this Act as if the said provisions were in force at all relevant times.

5. Repeal of Karnataka Ordinance No. 2 of 1975 :-

The Karnataka (Determination of the Retirement Age of Certain Teachers) Ordinance, 1975 (Karnataka Ordinance No. 2 of 1975) is hereby repealed:

Provided that anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.