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Scheme of Voluntary Retirement for
Government employees.

GOVERNMENT OF MAHARASHTRA
Finance Department.

Resolution No. GCS-1677/CR 1792/A/76/SER-4.
Mantralaya, Bombay-400 032, Dated the 4th March 1978.

R E S O L U T I O N

The question of introduction of the scheme of premature voluntary retirement for Government servants after completion of 20 years of qualifying service was under consideration of Government. Government is now pleased to direct that with effect from the 1st March 1978 the Government servants may be allowed to retire voluntarily after completing 20 years of qualifying service on proportionate pension and gratuity with a weightage of upto 5 years towards qualifying service, where applicable, subject to certain conditions.

2. The following instructions will regulate the scheme of voluntary retirement of Government servants:—

- (a) Government servants who have put in not less than 20 years' qualifying service may, by giving notice of three months in writing to the appointing authority, retire from service voluntarily. The scheme is purely voluntary the initiative resting with the Government servant himself. The Government does not have the reciprocal right to retire Government servants on its own, under this Scheme.
- (b) The benefit of 'retiring pension' will be admissible to Government servants retiring under this Scheme.
- (c) A notice of less than three months may also be accepted by the appointing authority in deserving cases, with the concurrence of the Finance Department.
- (d) If a Government servant retires under the Scheme of voluntary retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave not due, shall be recovered as provided in clause (e) and Notes thereunder below Rule 10 of the Revised Leave Rules, 1935 in Appendix XLIV-A, Bombay Civil Services Rules, Volume II.
- (e) Before a Government servant gives notice of voluntary retirement with reference to these instructions, he should satisfy himself by means of a reference to the appropriate administrative authority that he has, in fact, completed 20 years' service qualifying for pension.
- (f) A notice of voluntary retirement may be withdrawn subsequently only with the approval of the appointing authority provided the request for such withdrawal is made before the expiry of the Notice.
- (g) A notice of voluntary retirement given after completion of 20 years' qualifying service will require acceptance by the appointing authority if the date of retirement on the expiry of the notice would be earlier than the date on which the Government servant concerned could have retired voluntarily under the existing rules applicable to him. (e.g. Bombay Civil Services Rule 161 (C-2) or Rule 8 of the Revised Pension Rules, 1950). Such acceptance should be generally given in all cases except those —
 - (i) in which disciplinary proceedings are pending or contemplated against the Government servant concerned for the

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imposition of a major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case,

or

- (ii) in which prosecution is contemplated or may have been launched in a Court of law against the Government servant concerned.

If it is proposed to accept the notice of voluntary retirement even in such cases, approval of the Minister-in-charge and the Chief Minister should be obtained in regard to gazetted Government servants and that of the Head of the Department in the case of non-gazetted Government servants. Even where the notice of voluntary retirement given by a Government servant requires acceptance by the appointing authority, the Government servant giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the competent authority issues an order to the contrary before the expiry of the period of notice.

- (h) While granting proportionate pension to a Government servant retiring voluntarily under this scheme, weightage of upto five years would be given as an addition to the qualifying service actually rendered by him. The grant of weightage of upto five years will, however, be subject to the following conditions:-

- (i) The total qualifying service after allowing the weightage should not, in any event, exceed 30 years' qualifying service;

and

- (ii) The total qualifying service after giving the weightage should not exceed the qualifying service which he would have had, if he had retired voluntarily at the lowest age/minimum service limit applicable to him for voluntary retirement prescribed in clause (C-2) below Bombay Civil Services Rule 161 read with Government Circular, General Administration Department No. SRC-1077/XV, dated the 2nd September 1977, or Rule 8 of the Revised Pension Rules, 1950.

Illustrations:

- (1) If a Government servant who could be prematurely retired under Bombay Civil Services Rule 161(C-1)(i)(a) read with Government Circular, General Administration Department, No. SRC-1077/XV, dated the 2nd September 1977, or could have voluntarily retired under Bombay Civil Services Rule 161 (C-2)(i)(a) read with Government Circular, General Administration Department No. SRC-1077/XV, dated 2nd September 1977 seeks voluntary retirement under this scheme after he has attained the age of 47 years and has rendered 22 years of service, the weightage in pension would be limited only upto three years.
- (2) If a Government servant who could be prematurely retired under Bombay Civil Services Rule 161(C-1)(i)(b) read with Government Circular, General Administration Department, No. SRC-1077/XV, dated 2nd September 1977, or could have

voluntarily retired under Bombay Civil Services Rule 161 (C-2)(i)(b) read with Government Circular, General Administration Department, No. SRC-1077/XV, dated 2nd September 1977 seeks voluntary retirement under this scheme after he has attained the age of 51 years and has rendered 24 years of service, the weightage in Pension would be admissible upto four years.

- (3) If a Government servant belonging to Class III service who could have voluntarily retire under Rule 8 of the Revised Pension Rule 1950 seeks voluntary retirement under this scheme after he has rendered 25 years of service and has attained the age of 48 years, the weightage in pension would be admissible upto five years.
- (i) The weightage given under this scheme will be only an addition to the qualifying service for purposes of calculating the pension and gratuity. It will not entitle the Government servant retiring voluntarily to any notional fixation of pay for purposes of calculating the pension and gratuity which will be based on the actual 'pay' calculated with reference to the date of retirement.
- (j) The amount of pension to be granted after giving the weightage will be subject to the provisions of Rule 188 of Bombay Civil Services Rules. The Pension will also be subject to the provisions of Rule 189 of Bombay Civil Services Rules.
- (k) The scheme of voluntary retirement under these orders will not apply to those who retire voluntarily under the provisions of Government Resolution, General Administration Department, No. SCC-1075-X, dated the 26th September 1975.
- (l) The scheme of voluntary retirement under these orders will also not apply to those Government servants on deputation to Public Sector Undertakings who propose to get absorbed in Public Sector Undertakings. The absorption of Government servants on deputation to Public Sector Undertakings and the grant of retirement benefits to them in respect of their service under Government will continue to be governed by the orders issued in Government Resolution, Finance Department, No. PEN-1067/49/67/X, dated 17th October 1967 as amended from time to time.
- (m) A Government servant giving notice of voluntary retirement may also apply, before the expiry of the notice, for the leave standing to his credit which may be granted to him to run concurrently with the period of notice. He shall stand retired with effect from the date of the expiry of the notice. The period of leave, if any, extending beyond the date of retirement on expiry of notice, should be treated as terminal leave. The leave salary for such terminal leave shall be payable after deducting the amount of pension and pension equivalent of Death-Cum-Retirement Gratuity. Where the amount of pension plus the amount of pension equivalent of Death-Cum-Retirement Gratuity is more than the amount of leave salary nothing shall be payable to Government servant.
- (n) Government servants retiring voluntarily under this scheme would continue to be subject to the provisions in the Pension Rules relating to post-retirement commercial employment. However, in their cases, permission for the post-retirement commercial employment will be granted more liberally than in the case of

other Government servants retiring under the provisions of Bombay Civil Services Rule 161 or Rule 8 of the Revised Pension Rules, 1950.

3. In exercise of the powers conferred by the proviso to Section 248 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Maharashtra V. 1962) and of all other powers enabling it in that behalf, Government is hereby pleased to direct that the orders contained in the above paras shall also apply mutatis-mutandis to the employees of the Zilla Parishads.

4. Necessary amendment to the Bombay Civil Services Rules will be issued in due course.

By order and in the name of the Governor of Maharashtra,

V. PRABHAKAR,
Secretary to Government.

To

*The Secretary to the Government of India, Ministry of Finance, New Delhi,
The Accountant General, Maharashtra I, Bombay,
The Accountant General, Maharashtra II, Nagpur,
The Pay and Accounts Officer, Bombay,
The Chief Auditor, Local Fund Accounts, Bombay,
The Resident Audit Officer, Bombay,
The Secretary to Governor,
The Secretary to Chief Minister,
All Personal Assistants to the Ministers and Ministers for State,
*The Prothonotary and Senior Master, High Court, Bombay,
*The Secretary, Maharashtra Public Service Commission, Bombay,
*The Secretary, Maharashtra Legislature Secretariat, Bombay,
*The Registrar, Office of the Lokayukta and Upa-Lokayukta, Bombay,
All Departments of the Mantralaya,
The Special Commissioner, Maharashtra Sadan, Copernicus Road, New Delhi-110 001,
All Heads of Departments and Heads of Offices under the various Departments of the Mantralaya,
The Director of Education,
The Director of Technical Education,
All Chief Executive Officers of Zilla Parishads,
The Liaison Officer, Mantralaya, Bombay,
All Desks in Finance Department,
Select File, Finance Department, Desk SER-4.

*By letter.

No.

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