

CR1976111801

24
Retirement of Government Servants
on attaining the age of 50/55
years under Bombay Civil Services
Rule 161-Form of notice relating
to --

GOVERNMENT OF MAHARASHTRA
Finance Department,
Circular No. GCS-1476/168/526/76-SER-4,
Sachivalaya, Bombay 400 032, dated 18th November 1976.

C I R C U L A R

According to sub-rule (2) of rule 6 of the Revised Leave Rules, 1935, grant of leave due and admissible to a Government Servant who has been given notice under clause (C-1) of rule 161 of the Bombay Civil Services Rules, 1959, should not extend beyond the date on which he attains the age of 58 years, even though such leave extends beyond the date of expiry of the notice. Forms of notice to be given under clause (C-1) of Bombay Civil Services Rule 161 have been prescribed under Government Circular, Finance Department No. GCS-1467/441/72/S-2, dated the 10th May 1972. It has been brought to the notice of Government that appropriate Authorities do not specifically indicate in the notices served that leave applied for and granted should not extend beyond the date of superannuation. Such notices being legal documents should be precise in their content and import. Government is, therefore, pleased to direct that the Authorities Competent to grant leave preparatory to retirement to a Government Servant who is given notice of retirement under clause (C-1) of rule 161 of the Bombay Civil Services Rules, 1959 should ensure that the leave preparatory to retirement does not go beyond the date of superannuation.

2. In order to ensure that the leave preparatory to retirement is invariably restricted to the date of superannuation of the Government Servant who is served with a notice of retirement under clause (C-1) of rule 161 of the Bombay Civil Services Rules, 1959 and in view of amendment to Bombay Civil Services Rule 161 as per Government Notification, Finance Department No. GCS-1476/110/76-SER-4, dated 26th May 1976, Government is also pleased to direct that the existing forms of notices as in Annexure A and B to Government Circular, Finance Department No. GCS-1467/441/72/S-2, dated the 10th May 1972 should be replaced by the forms

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printed in the Annexure to this Circular. The appropriate Authorities should hereafter use the revised forms whenever the notice of retirement is to be served on Government Servants in terms of clause (C-1) of rule 161 of the Bombay Civil Services Rules, 1959.

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

Y.B. VALVI,
Under Secretary to Government.

To

- *The Secretary to the Government of India, Ministry of Finance, New Delhi,
- The Accountant General, Maharashtra I, Bombay, with reference to his U.O.R. No. (160 spare copies), dated the
- The Accountant General, Maharashtra II, Nagpur (40 spare copies),
- The Pay and Accounts Officer, Bombay, (40 copies),
- The Resident Audit Officer, Bombay,
- The Chief Auditor, Local Fund Accounts, Bombay,
- The Senior Deputy Director, Commercial Audit Circle, Worli, Bombay 400 018,
- The Secretary to Governor,
- The Secretary to Chief Minister,
- The Personal Assistants to all Ministers, Ministers of State and Deputy Ministers,
- The All Divisional Commissioners,
- *The Prothonotary and Senior Master, High Court of Judicature, Bombay,
- *The Registrar Office of the Lokayukt and Upa-Lokayukt, Bombay,
- *The Registrar, High Court of Judicature, Appellate Side, Bombay,
- *The Secretary, Maharashtra Legislature Secretariat, Bombay,
- *The Secretary, Maharashtra Public Service Commission, Bombay,
- The Chief Executive Officers of all Zilla Parishads,
- All Departments of the Secretariat,
- All Heads of Departments and Heads of Offices under the various Departments of the Secretariat,
- All Desks in Finance Department (5 copies to Librarian).

*By letter. Office of the Settlement Commr. & Director of Land Records
No. E 44/159/ EII of 1976. M. S. R. No. 191/1977
w.c. Poonja dt. 12-7-77

Copy forwarded for information and guidance to

Dy. D.L.R. Pune/Nagpur/Aurangabad and Bombay

2/- He is requested to ensure that the instructions issued therein are followed scrupulously.
Under Secretary to Government,
Finance Department.

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W.N. number
A Desk Officer, E 2

Copy to D.O. E 1/E 5/E 6/A 1

ANNEXURE - A

No.

Dated the

Department
Office

19 .

NOTICE

Whereas, under clause (C-1) of rule 161 of the Bombay Civil Services Rules, 1959, an appropriate authority has the absolute right to retire any Gazetted Government Servant or any Government servant who holds a post in Class III Service of the State after he has attained the age of fifty years, if he had entered Government service (including service under any Government in India) before attaining the age of thirty-five years, by giving him notice of not less than three months in writing, if such authority is of the opinion that it is in the public interest so to do;

And Whereas, Shri * _____, Department/Office

_____ @
a Gazetted Government servant or Government servant, who holds a post in Class III service of the State and entered Government service before attaining the age of thirty-five years, has now attained the age of @ _____ years;

And Whereas, the _____ (being the appropriate authority) is of the opinion that it is in the public interest to retire the said Shri _____.

Now, therefore, in pursuance of clause (C-1) of rule 161 of the Bombay Civil Services Rules, 1959, the _____ (appropriate authority) hereby gives notice to the said Shri _____

_____ that he shall stand retired from Government service on the ** _____ day of _____ 19 , or the day immediately following the date of expiry of the period

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of three months commencing on the date of service of this notice on him, whichever is later.

If Shri _____ applies for the leave due to him and such leave is granted to him and the leave so granted extends beyond the £ _____ day of _____ 19 , he shall stand retired on the day following the date of expiry of the leave, or the date on which he attains the age of fiftyeight years, whichever is earlier.

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

Signature

Designation.

To

Shri _____

@Strike out what is not appropriate.

* Here enter the name and designation.

⊙ Here enter the present age in completed years.

** Here enter the date following the date of expiry of three months' notice period reckoned from the date of issue of notice.

£ Here enter the date of expiry of three months' notice period reckoned from the date of issue of notice.

% To be deleted where the "appropriate authority" is other than Government.

NOTE:- The Notice should be signed by the "appropriate authority" itself where such authority is other than Government and not by any authority subordinate to such authority

ANNEXURE - B

No.

78 (22)

Dated the

Department,
Office,

19 .

NOTICE

Whereas, under clause (C-1) of rule 161 of the Bombay Civil Services Rules, 1959, an appropriate authority has the absolute right to retire any Gazetted Government servant or any Government servant who holds a post in Class III service of the State after he has attained the age of fifty-five years, if he had entered Government service (including service under any Government in India) on or after attaining the age of thirty-five years, by giving him notice of not less than three months in writing, if such authority is of the opinion that it is in the public interest so to do;

And Whereas, Shri *

_____, Department/Office

a Gazetted Government servant or a Government servant, who holds a post in Class III service of the State and entered Government service on or after attaining the age of thirty-five years, has now attained the age of @ _____ years;

And Whereas, the _____ (being the appropriate authority) is of the opinion that it is in the public interest to retire the said Shri _____;

Now, therefore, in pursuance of clause (C-1) of rule 161 of the Bombay Civil Services Rules, 1959, the _____ (appropriate authority)

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hereby gives notice to the said Shri _____
that he shall stand retired from Government service on the ** _____
day of _____ 19 _____ or the day immediately following the date
of expiry of the period of three months commencing on the date of
service of this notice on him, whichever is later.

If Shri _____ applies for the leave due
to him and such leave is granted to him and the leave so granted
extends beyond the £ _____ day of _____ 19 _____, he
shall stand retired on the day following the date of expiry of the
leave, or the date on which he attains the age of fifty-eight years,
whichever is earlier.

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

Signature

Designatuin.

To

Shri _____

- @ Strike out what is not appropriate.
- * Here enter the name and designation.
- Here enter the present age in completed years.
- ** Here enter the date following the date of expiry of three months' notice period reckoned from the date of issue of notice.
- £ Here enter the date of expiry of three months' notice period reckoned from the date of issue of notice.
- % To be deleted where the "appropriate authority" is other than Government.

NOTE:- The Notice should be signed by the "appropriate authority" itself where such authority is other than Government and not by any authority subordinate to such authority.