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Retirement of a Government servant
on expiry of three months' notice
period and addition to the qualifying
service on voluntary retirement.

GOVERNMENT OF MAHARASHTRA

FINANCE DEPARTMENT

Resolution No. PEN-1083/CR-1296/83/SER-4

CR1984100101

Mantralaya, Bombay 400 032, dated 1st October 1984

RESOLUTION

Under sub-rule (4) of rule 10 or sub-rule (1) of rule 65 of the Maharashtra Civil Services (Pension) Rules, 1982, the appropriate authority may retire in the public interest a Government servant at any time after he has attained the age of 50/55 years or after he has completed 30 years of qualifying service as the case may be, by giving him not less than three months' notice, in writing. Similarly, under sub-rule (5) of rule 10 or sub-rule (1) of rule 65 of the said rules, any Government servant may, by giving a notice of not less than three months, in writing, to the appropriate authority, retire at any time after he has attained the age of 50/55 years; or after he has completed 30 years of qualifying service, as the case may be. In both the cases, the date of retirement is the date immediately following the date of expiry of three months' notice; or the date of expiry of leave preparatory to retirement, whichever is later. Under rule 66 of the Maharashtra Civil Services (Pension) Rules, 1982, at any time after a Government servant has completed 20 years of qualifying service, he may, by giving a notice of not less than three months, in writing, to the appointing authority retire from service. His date of retirement is the date immediately following the date of expiry of three months' notice. Thus at present there is no uniformity in the dates of retirement under the rules referred to above. The question of bringing uniformity in the dates of retirement in such cases was under consideration of Government.

2. Government is pleased to direct that a Government servant who is required to retire after he has attained the age of 50/55 years; or after he has completed 30 years' qualifying service, or who chooses to retire in similar circumstances by giving three months' notice, in writing, to the appropriate authority, shall also stand retired from Government service on the day following the date of expiry of the notice period.

3. Under sub-rule (3) of rule 66 of the Maharashtra Civil Services (Pension) Rules, 1982, the qualifying service as on the date of intended retirement of the Government servant is increased by a period not exceeding 5 years, so however, that the total qualifying service, after allowing the increase, shall not, in any case, exceed 30 years, and that it shall not exceed the qualifying service which the Government servant would have had, if he had retired voluntarily at the lowest age limit for voluntary retirement prescribed under sub-rule (5) of rule 10 of the said rules. Government is pleased to direct that the qualifying service as on the date of intended retirement of the Government servant at any time after he has completed 20 years of qualifying service should hereafter be increased by the period not exceeding 5 years, subject to the condition that the total qualifying service does not, in any case, exceed 33 years and it does not take him beyond the date of superannuation.

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4. Government is further pleased direct that the decision in para 3 should also be extended to a Government servant retiring under sub-rule (5) of rule 10 or under sub-rule (1) of rule 65 of the Maharashtra Civil Services (Pension) Rules, 1982. Accordingly, in respect of a Government servant retiring, under these rules, his qualifying service as on the date of the intended retirement, should also be increased by a period not exceeding 5 years, subject to the condition that the total qualifying service rendered by the Government servant does not, in any case, exceed 33 years and it does not take him beyond the date of superannuation.

(G.C.1)

The weightage of five years, referred to above, shall not be admissible in the case of a Government servant who is prematurely retired by Government in the public interest under sub-rule (4) of rule 10; or sub-rule (1) of rule 65 of the said Rules.

5. In view of the decisions contained in para 2, Government is pleased to direct that a Government servant who retires or is required to retire under rule 10 or rule 65 and who retires under rule 66 of the Maharashtra Civil Services (Pension) Rules, 1982 from service shall be granted, *suo motu*, by the authority competent to grant leave, cash equivalent of leave salary in respect of earned leave at his credit, subject to a maximum of 180 days and also in respect of half pay leave at his credit, provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age of superannuation. The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for half pay leave plus Dearness Allowance admissible on that leave salary for the first 180 days at the rates in force on the date the Government servant so retires or is retired from service. Pension and pension-equivalent of other retirement benefits and relief in pension admissible on pension shall be deducted from the leave salary paid for the period of half pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as one-time settlement. No House Rent Allowance or Compensatory Local Allowance shall be payable. If the leave salary for half pay leave component falls short of pension and other pensionary benefits, the cash-equivalent of half pay leave shall not be granted.

A Government servant who is retired by Government by giving him pay and allowances in lieu of notice may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, the leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

The leave salary payable for the earned leave and half pay leave component shall be calculated in the manner indicated below :—

(i) Earned Leave :

$$\text{Cash payment in lieu of earned leave component.} = \frac{\text{Pay + Dearness Allowance admissible on the date of retirement.}}{30} \times \text{Number of days of earned leave subject to a maximum of 180 days}$$

(ii) Half Pay Leave :

$$\text{Cash payment in lieu of half pay leave component.} = \frac{\text{Half pay leave salary + Dearness Allowance, if admissible, minus Pension, Pension equivalent of other retirement benefits and relief on pension if Dearness Allowance is admissible on half pay leave salary.}}{30} \times \text{Number of days of half pay leave granted on the date of retirement subject to the limits prescribed under the rules.}$$

6. These orders shall have effect from 25th May 1984. In respect of a Government servant whose period of notice expires on or after 25th May 1984, the benefit of these orders should be extended to him. In respect of a Government servant who retires or is required to retire from Government service in the manner mentioned in rule 10 or rule 65 of Maharashtra Civil Services (Pension) Rules, 1982 and whose notice period expires on or after 25th May 1984 and to whom leave preparatory to retirement has already been granted, he may be given an option to retire on the date of expiry of the notice and get the benefits to the extent admissible under these orders or to continue on leave. In the latter case, he shall stand retired on the date following the date of expiry of leave.

7. The existing provisions of the Maharashtra Civil Services (Leave) Rules, 1981 and Maharashtra Civil Services (Pension) Rules, 1982 in this respect should be deemed to have been amended to the extent of the provisions of this Resolution. A formal amendment to the aforesaid Rules will be made in due course.

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

V. D. PANSE,
Joint Secretary to Government.

G.C.P. H 1642 (10,000—10-84)