

No. 32/167/86-4 GSI

Fram

The Chief Secretary to Govt., Haryana.

To

- (i) All Heads of Departments, Commissioners, Ambala, Hisar, Rohtak and Gurgaon Divisions, Deputy Commissioners and all Sub Divisional Officers (C) in Haryana.
- (2) Registrar, Punjab and Haryana High Court & District & Sessions Judges Haryana.

Dated Chandigarh, the 19th November, 1991

Subject :—Premature/Compulsory retirement on attaining the age of 50/55 years of service-guidelines regarding.

Sir,

I am directed to refer to Haryana Govt. letter No. 32/198/83-4GSI, dated 16-8-83 on the subject noted above and to say that Hon'ble Punjab and Haryana High Court in CWP No. 4180 of 1986-K.K. Vaid V/S State of Haryana has held these instructions to be violative of rule 3.26 (a) and (d) of CSR Vol. I Part-I. Rule 3.26 (a) provides that every Govt. employee shall retire from service on the last day of month, in which he attains the age of 58 years. An exemption to this rule has been provided in Sub Clause(d), under which the appointing authority has the absolute right, if it is of the opinion that it is in the public interest so to do to retire any Govt. employee other than Class-IV employee by giving him notice of not less than three-months in writing or three month' pay in lieu of such notice :—

- (i) if he is in Class-I or Class-II service or the post and had entered Govt., service before attaining the age of 35 years after he has attained the age of 50 years; and
- (ii) (a) If he is in class-II service or post or
- (b) if he is class-I or Class-II or post and entered Govt. service after attaining the age of 35 years.

after he has attained the age of fifty five years.

The provisions contained in 3.26(d), commonly referred to as the rule of premature retirement is based on sound policy and in public interest. Judicial pronouncements have also accepted the fact that such compulsory/premature retirement is not a punishment nor does it involve a stain or stigma and its provisions in the rules is necessary in public interest. The higher the level reached by a Govt. servant, the higher will be the responsibilities entrusted to him and hence higher will be expectations of Govt. that these responsibilities are discharged with exemplary-competence, efficiency and effectiveness. It is with a view to assessing whether such expectations are being fulfilled or not that a procedure for reviewing the performance of Govt. servants, who have attained the age of 50/55 years or have rendered 30 years qualifying service, has been laid down for the retirement of those Govt. servants who do not fulfil this expectation, it is essential that employee must have earned at least 50%, 70% good or above reports during the last 10 years, as the case may be and there is no entry regarding doubtful integrity during this period.

The procedure for review of cases of compulsory/premature retirement has been laid down in Haryana Govt., letter No. 5846-4GSI-74/27662, dated 22-11-74 and No. 3575-4GSI-75/24237, dated 9-8-75, letter No. 32/10/89-GSI, dated 9-1-89 and letter No. 32/179/89-4GSI, dated 21-2-90. It is therefore, requested that the cases of compulsory/premature retirement at the age of 50/55 years may be examined in the light of these instructions.