

ENGAGEMENT OF RETIRED OFFICERS**INSTRUCTIONS**

Serial No.	Reference No.	Date	Subject
(1)	(2)	(3)	(4)
1.	Circular No. 28560 (Gen.)	13-11-1991	Procedure to be followed in case of regularization of overstayed period in service.
2.	Circular No. 2102 (Gen.)	30-01-1995	Procedure to be followed in case of regularization of overstayed period in service of retired Government servants who are staying in Government service beyond the date of normal retirement and recovery of emoluments received by the employees concerned thereof.
3.	Resolution No. 19637 (Gen.)	30-06-1999	Guidelines relating to engagement of retired Government functionaries.
4.	Resolution No.31998-Gen	22-11-2003	Guidelines relating to engagement of retired Government Functionaries.
5.	Resolution No. 30168 (Gen.)	13-10-1999	Guidelines relating to engagement of retired Government functionaries-deployment of retired Doctors in K. B. K. region.

No. 28560 (179) – 2R/1-70/91 (Pt)-Gen.

GOVERNMENT OF ORISSA**GENERAL ADMINISTRATION DEPARTMENT**

The 13th November 1991

From

Shri T. K. Mishra, I. A. S.
Special Secretary to Government

To

All Secretaries to Government/
All Heads of Departments/
All Collectors.

Subject – Procedure to be followed in case of regularization of overstayed period in service of retired Government servants by way of re-employment and proposals affecting the service conditions of individual Government servants so far as creation of posts and antedating of promotion etc. in compliance to the Court's orders.

Sir,

I am directed to invite your attention to the erstwhile Political and Services Department letter No. 14572(25) – SC/1-21/68-Gen., dated the 5th August 1968 wherein the procedure has been laid down for the re-employment and extension of superannuated officers. According to the said procedure, re-employment shall not be granted as a matter of course but it may only be granted in the exigencies of public service. The Administrative Department will have to informally consult the Minister in charge before giving views about the proposal of re-employment and consult the General Administration and Finance Departments and after their views obtained will have to submit the proposal to the

Chief Secretary//Additional Chief Secretary/Development Commissioner who will record his views and submit the case to the Minister concerned. In case the General Administration and Finance Departments disagree to the proposal they shall have to consult the Minister in charge of their department before endorsing their views to the sponsoring department. If the administrative Department still feels that the matter is to be placed before the Cabinet, the views of General Administration and Finance Departments shall be placed in the Memorandum and specific approval of the Chief Minister obtained to place it before the Cabinet.

2. Of late, it has been observed that a number of cases are being referred to the General Administration Department relating to the grant of re-employment to the retired Government servants to regularize their period of overstayal beyond the normal age of superannuation either due to lack of proper supervision of the concerned authority or otherwise. In such cases, to avoid embarrassment, regularization of the overstayal period is made by way of re-employment. In one such case of regularization of overstayal period relating to the Irrigation Department, approval of the Cabinet was sought for on the 26th June 1991. This case was approved by the Cabinet with the observation that overstayal in service beyond the age of superannuation is occurring in different departments from time to time and responsibility should be fixed for such overstayal in each case.

3. In another case of overstayal period relating to the Finance Department, approval of the Cabinet was sought for, on the 3rd September 1991. The case was approved by the Cabinet with the observation that proposals affecting the service conditions of individual Government servants such as creation of posts, antedating of promotion etc. in compliance to the Court's orders or proposals for regularization of the period of overstayal in service as re-employment need not be brought to the Cabinet and that such cases should be decided in future under orders of the Chief Minister.

In view of the above change of policy, proposals in future affecting the service conditions of individual Government servants such as creation of posts and antedating of promotion etc. in compliance to the Court's order or proposals for regularization of the period of overstayal of Government servants beyond the age of superannuation as re-employment need not be submitted to the Cabinet and such cases should be disposed of after obtaining orders of the Chief Minister. But responsibility should invariably be fixed in each case on the concerned officers before obtaining the orders of Chief Minister for regularizing the period of overstayal after the normal age of superannuation as re-employment.

Yours faithfully,
T. K. MISHRA
Special Secretary to Government

[Top](#)

No. 2102 – 2R/1-27/94-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

The 30th January 1995

To

All Departments of Government

All Heads of Departments

All Collectors.

Subject – Procedure to be followed in case of regularization of overstayal period in service of retired Government servants who are staying in Government service beyond the date of normal retirement and recovery of emoluments received by the employees concerned thereof.

Sir,

I am directed to say that in the past detailed instructions were issued in Book Circular No. 40 and in the erstwhile P. & S. Department letter No. 14572 (25), dated the 5th August 1968, Resolution No. 3642, dated the 19/20th February 1968 and G. A. Department No. 28560 (175), dated the 13th November 1991 stipulating the procedure to be followed in case of regularization of overstayal period in service of retired Government servants by way of re-employment. Despite such instructions several cases are being referred to G. A. Department for regularization of overstayal period in service in case of a good number of Government employees by way of re-employment without following the guidelines meticulously. Overstayal in service occurs either due to manipulation of the date of birth of an employee in his Service Book/Service Roll or on account of Court order staying operation of retirement notice issued by Government or due to non issuance of retirement notice by the appointing authority at the appropriate time. Thus continuance in service of a Government servant beyond the date of superannuation not only creates financial burden on the State exchequer but also puts the Government into an embarrassing position as well. Manipulation of date of birth

in the Service Records is not possible without connivance of the custodian of Records. Officers and staff dealing with the establishment matters are supposed to keep watch on timely retirement of employees concerned. Therefore, due to their negligence or with their knowledge at times some employees manage to continue in Government service beyond their date of superannuation. In order to avoid re-employment in service and to hold officers and staff responsible for such re-employment, the following guidelines are prescribed :-

- (i) No alternation of the date of birth once recorded in the Service Book/Service Roll of an employee, shall be made excepting in case of clerical error without prior approval of the State Government. An application for effecting a change in the date of birth shall be summarily rejected if-
 - (a) filed after five years of entry into Government service, or
 - (b) the change would lower the applicant's age to an extent that he/she would have been ineligible to appear in any of the academic or recruitment examination for appointment to any service or post under the Government.
- (ii) No Government servant will be allowed to dispute his date of birth on completion of the period of probation and after completion of one year of service in case of Class IV employees.
- (iii) The Government servant shall be deemed to retire from service on his normal date of superannuation and no notice to a Government servant to retire from service on attaining the age of superannuation is required according to Rule 40 (5) of the O. C. S. (Pension) Rules, 1992.
- (iv) If a Government servant continues in service beyond the date of his normal superannuation or compulsory retirement by manipulation of Service Book or Government Records, the officers and staff for whose negligence in duty the employee concerned found opportunity to overstay in service should be taken to task. In case of overstayal by manipulation of records as well as suppression of facts, charges against Officers/Staff concerned should be established through a departmental proceeding so that recovery of the salary received by the Government servant overstayal in service, can be effected from the employees responsible for such overstayal along with such other punishments as are considered appropriate by the Disciplinary Authority.

2. Proposals for regularization of overstayal period in service by a Government Employee should be submitted to the Chief Minister as clarified in Para. 4 of the G. A. Department Circular No. 28560, dated the 13th November 1991, keeping the aforesaid guidelines in view.

Concurrence of G. A. Department and Finance Department should invariably be taken before the proposal is submitted to the Chief Minister.

3. The above instructions are issued after consultation with the Finance Department and Law Department.

Yours faithfully,

[ILLEGIBLE]

Special Secretary to Government

[Top](#)

No. 19637-Gen.

GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT
RESOLUTION

(Published in *Orissa Gazette* on the 13 August 1999)

The 30th June 1999

Subject – Guideline relating to engagement of Retired Government Functionaries.

There was a time when the number of persons having professional expertise, especially in the scientific technical and paratechnical spheres, was limited in the country in general and in Orissa in particular. In view of such acute scarcity, there was then a need on certain occasions to engage some retired persons of professional excellence in

Government assignments by way of (a) extension of service or (b) re-employment or (c) contractual appointment for specified periods, ordinarily not beyond the age of sixty years of age.

2. The situation has now undergone a drastic change because of the following facts :-

- (a) There are numerous functionaries available at different levels in various hierarchies of Government organizations who are equally equipped to handle any technical or administrative matter and who can with equal dexterity handle the intended function. It would be unfair to them if they are denied the opportunity to shoulder the higher responsibility by due elevation.
- (b) The current age is a time of explosion of multidisciplinary knowledge. There is continual acquisition and updating of skills in managerial and technological spheres. Yesterday's expertise is today's obsolescence. It is, therefore, in the public interest to induct fresh talents rather than to rehire antiquated hands.
- (c) Nothing prevents a retired but public spirited expert of renown to offer his council and positive suggestions for the consideration of Government even if he is not given a formal extension or re-employment or contractual appointment. He can also contribute to the society by getting associated with voluntary organizations committed for socio-economic welfare of the people at large.
- (d) The inclination to seek such continuance in an assignment on the part of a Government functionary towards the fag-end of his service and the tendency to recommend such propositions on the part of the superior authority sometimes lead to situations which are not desirable.

3. Considering the matter from all angles, the State Government have decided, in supersession of all earlier instruction, that no proposal for re-engagement of any retiring/retired functionary shall hereafter be considered in any circumstances, except in the situations specified hereunder :-

- (a) Appointments of retiring/retired Government officers made as per the provisions contained in the Constitution of India or Central/State Status (such as Chairman/Members of Public Service Commission, Tribunals, etc.), or
- (b) Honorary appointments of retiring/retired Government officers as Directors of Boards of Directors of Public Enterprises or Presidents/Vice-Presidents of State Academies (for specified terms), provided that no such appointments shall continue beyond the age of sixty-five years, or
- (c) Membership of retired Government functionaries in any Advisory Body or a Committee on honorary basis for specified periods.

4. The only exception that may be allowed relates to the appointment of a Special Secretary/Officer-on-Special Duty (in lieu of one post of Private Secretary) to a Minister/Minister of State/Deputy Minister. In case a member of the Council of Ministers wishes to engage a retired Government officer for the said purpose in consideration of his usefulness because of similar past experiences, such a retired officer may be engaged with the prior approval of the Chief Minister, subject to the following terms and conditions :-

- (1) The appointment shall be on contract basis and shall be co-terminous with the appointment of the Member of the Council of Ministers. It shall also be terminable on one month's notice, on either side, even during the period of incumbency of the Member of the Council of Ministers.
- (2) The rank of the retired officer must not have been less than that of an Under-Secretary to Government at the time of retirement. He may be designated as Officer-on-Special Duty, ordinarily. If, however, he held a position of or above the rank of Additional Secretary to Government, he may be designated as Special Secretary.
- (3) He must not have been punished in any Departmental Proceedings during his service career, nor must he have been a member of any political party after his retirement.
- (4) A retired officer against whom a Vigilance case or Criminal prosecution or disciplinary proceeding is pending shall not be eligible for such engagement.

4.2. The proposal for such appointment shall be placed for the consideration of the Chief Minister after obtaining the clearance of the Vigilance Organisation and the concurrence of the General Administration Department and Finance Department.

4.3. (a) The appointee shall be entitled to get a consolidated pay as determined by the Parliamentary Affairs Department on the advice of the Finance Department. ¹[The emoluments to be paid for re-engagement should be on the basis of fixation of such emolument for re-employed retired persons].

- (b) The appointee shall not be eligible to get Dearness Allowance or any other Special Pay or Allowances over and above the said consolidated pay.
- (c) During the period of the contract appointment, the appointee may be accommodated in government Quarters, subject to the availability, provided he pays ¹[normal rent as applicable to a Government servant occupying government accommodation].
- (d) During the period of the contract appointment, the appointee shall also be entitled to get (i) Travelling Allowance for approved tours at the rate he was eligible for at the time of his retirement and (ii) the benefit of reimbursement of the cost of medicines as applicable to Government servants.
- (e) The period of the contract appointment shall not be counted as Government service for the purpose of pension or any other retirement benefits.

5. With immediate effect the engagement of all retired Government functionaries by way of extension of service/re-appointment/contract appointment (which are contrary to the guidelines) shall stand terminated.

6. This Resolution shall come into force with immediate effect.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned.

By order of the Governor
RAJENDRA KISHORE PANDA
Special Secretary to Government

1. Substituted vide corrigendum No. 2525-Gen., dated the 15th January 2000.

[Top](#)

No. 30168-Gen
Government of Orissa
General Administration Department
RESOLUTION
The 13th October' 1999

Subject – Guidelines relating to Engagement of Retired Government functionaries-Deployment of retired Doctors in K. B. K. region.

Whereas guidelines were issued in this Department Resolution No. 19637-Gen., dated the 30th June 1999 putting stringent restriction on re-deployment of retired personnel in Government Departments/Agencies and whereas the review of its implementation revealed that the circumstances necessitating deployment of retired Doctors in the K. B. K. region are completely different from those which necessitated the above Resolution.

The Government, therefore, have been pleased to decide that the aforesaid Resolution would not be applicable in the case of filling up vacant posts of general Doctors and Veterinary Surgeons in the K. B. K. region (up to 60 years age) until further orders.

This Resolution shall come into effect immediately.

Order – Ordered that the Resolution be published in the *Orissa Gazette* and copies thereof be forwarded to all concerned.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to Government

[Top](#)

Government of Orissa
General Administration Department

RESOLUTION

Dtd. 22.11.2003

Sub: Guidelines relating to engagement of retired Government Functionaries.

No. 2R/1-27/2003/31998/Gen., Government have been pleased to decide that merit alone should determine tenures of Directors of Board of Directors of Public Enterprises, Presidents and Vice-Presidents of State Academies and there should be no age bar for such appointments. Accordingly, General Administration Department Resolution No. 19637 / Gen., dt. 30.06.1999 is amended to the extent as follows:

1. In clause (b) of the said resolution, the following shall be substituted namely:

There would be no age bar for honorary appointments for specified periods of retiring / retired Government officers as Directors of Board of Directors of Public Enterprises or Presidents / Vice-Presidents of State.

Academies, provided that the persons to be appointed have good health and are fit.

ORDERS : Ordered that the resolution be published in the extraordinary, issue in the Orissa Gazette and copies thereof be forwarded to all concerned.

Governor,

By order of the

Government

T.K.Pandey
Special Secretary to

[Top](#)
