

The Punjab State Agricultural Marketing Board and Market Committees Employees (Premature Retirement) Rules, 1989

PUNJAB

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Rule

THE-PUNJAB-STATE-AGRICULTURAL-MARKETING-BOARD-AND-MA of 1989

- Published on 27 January 1989
- Commenced on 27 January 1989
- [This is the version of this document from 27 January 1989.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab State Agricultural Marketing Board and Market Committees Employees (Premature Retirement) Rules, 1989 Published vide Punjab Government Gazette, dated 27th January, 1989, Notification No. G.S.R. 8/P.A. 23/61/S.43/89

1. Short title and commencement.

(1) These rules may be called the Punjab State Agricultural Marketing Board and Market Committee Employees (Premature Retirement) Rules, 1989. (2) They shall come into force at once.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)'appropriate authority' means the authority which has the power to make substantive appointments to a post or service from which an employee is required or wants to retire or any other authority to which it is subordinate; (b)'employee' means any person appointed to the service and posts in connection with the affairs of the Board or a Committee; (c)'Government' means the Government in the Department of Agriculture and Forests; and (d)'qualifying service' means service qualifying for pension.

3. Premature Retirement.

(1)(a)The appropriate authority shall, if it is of the opinion that it is in the interest of the Board or a Committee, as the case may be, to do so, have the absolute right, by giving an employee prior notice, in writing, to retire that employee on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice.(b)The period of such notice shall not be less than three months:Provided that where at least three month's notice is not given or notice for a period less than three months is given, the employee shall be entitled to claim a sum equivalent to the amount of his pay and allowances, at the same rates at which he was drawing them immediately before the date of retirement, for a period of three months or, as the case may be, for the period by which such notice falls short of three months.(2)Any employee may, after giving at least three months' previous notice in writing to the appropriate authority retire from service on the date on which he completes twenty-five years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice :Provided that no employee under suspension shall retire from service except with the specific approval of the appropriate authority.(3)(a)At any time after an employee has completed twenty years of qualifying service, he may, by giving notice of not less than three months in writing to the appropriate authority, retire from service.(b)The notice of voluntary retirement given under this sub-rule shall require acceptance by the appropriate authority.(c)Where the appropriate authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.(4)The employee, who has elected to retire under sub-rule (2) or sub-rule (3) and has given the necessary notice to that effect to the appropriate authority shall be precluded from withdrawing his notice except with the specific approval of the appropriate authority:Provided that the request for withdrawal shall be made before the intended date of his retirement.Note 1. - An employee may make a request in writing, to the appropriate authority to accept notice of less than three months giving reasons therefor and such a request for the curtailment of the period of notice shall be considered on merit and if the appropriate authority is satisfied that such curtailment will not cause any administrative inconvenience it may relax the requirement of notice of three months on condition that the employee shall not apply for Commutation of a part of his pension before the expiry of the notice period of three months.Note 2. - If an employee retired under sub-rule (2) or sub-rule (3) 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 shall be recovered as provided in rule 8.119(d) of the Punjab Civil Services Rules, Volume I, Part I.Note 3. - In computing the notice period of three months referred to in rule 3, the date of service of the notice and the date of its expiry shall be excluded.

4. Retiring pension and gratuity.

(1)A retiring pension and death-cum- retirement gratuity shall be granted to an employee who retired or is required to retire under rule 3.(2)(i)While granting proportionate pension and gratuity to an employee retiring under sub-rule (2) or sub-rule (3) of rule 3, as the case may be, his qualifying service as on the date of intended retirement shall be increased by a period not exceeding five years, so, however, that the total qualifying service of the employee as so increased shall not in

any case exceed thirty- three years or the period of qualifying service which the employee would have completed had he retired on the date of his superannuation, whichever be less.(ii)The weightage of five years under clause (i) shall not be admissible in cases of those employees who are prematurely retired by the appropriate authority in the interest of the Board or Committee under sub-rule (1) of rule 3.(3)The pension and gratuity of the employee retiring under sub-rule (2) or sub-rule (3) of rule 3 shall be based on the emoluments as defined in rules 3(4) and 3(9) of the Punjab State Agricultural Marketing Board and Market Committees Employees Pension, Provident Fund and Gratuity Rules, 1987 and the increase in his qualifying service under sub-rule (2) shall not entitle him to any notional fixation of pay for the purposes of calculating pension and gratuity.(4)The amount of pension to be granted after allowing increase in the qualifying service under sub-rule (2) shall be subject to the provisions of rules 2.2. and 6.4 of the Punjab Civil Service Rules, Volume II.

5. Overriding effect.

- The provisions of these rules shall have effect notwithstanding anything inconsistent therewith contained in any other rules for the time being in force.

6. Repeal.

- All rules regulating the conditions of service as respect to premature retirement of the employees in force immediately before the commencement of these rules, are hereby repealed:Provided that
-(a)such repeal shall not affect the previous operation of the rules hereby repealed or anything done, or any action taken, thereunder;(b)any proceedings under the rules hereby repealed, pending at the commencement of these rules shall be continued and disposed of in accordance within the provisions of these rules as if such proceedings were proceedings under these rules.

7. Interpretation.

- If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the Government who shall decide the same.