

The M.P. District and Sessions Judges (Death-cum-Retirement Benefits) Rules, 1964

MADHYA PRADESH

India

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Rule

THE-M-P-DISTRICT-AND-SESSIONS-JUDGES-DEATH-CUM-RETIREMENT of 1964

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The M.P. District and Sessions Judges (Death-cum-Retirement Benefits) Rules, 1964Published vide Notification No. 39757-3546-21-B, M.P. Rajpatra, Part 4 (Ga), dated 20th November, 1964 at page 833Notification No. 39757-3546-XXI-B. - In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Madhya Pradesh has made the above rules.

1. Short title.

- The rules may be called the Madhya Pradesh District and Sessions Judges (Death-Com-Retirement Benefits) Rules, 1964.

2. Application of the rules.

(1)Subject to the provision of sub-rule (1-A), the All-India Services (Death-cum-Retirement Benefits) Rules, 1958, as amended from time to time, (hereinafter referred to as the said rules) shall apply mutatis mutandis to-(a)all permanent District and Sessions Judges drawn from amongst the officers of the judicial service of the former State of Madhya Pradesh in the same manner as they have hitherto applied to them with effect from 29th October, 1951, by virtue of Rule 7 (2) of the Madhya Pradesh Judicial Service (Classification, Recruitment and Conditions of Service) Rules, 1955;(b)all permanent District and Sessions Judges in the State who are drawn from amongst, the officers of the judicial services of the former States of Madhya Bharat, Vindhya Pradesh and Bhopal with effect from 1st April, 1958, subject to the exercise of option as provided in Rule 3;(c)all other permanent District and Sessions Judges in the State not falling within clauses (a) and (b)

above. [(1-A) With regard to the age of compulsory retirement, the permanent District and Sessions Judges shall be governed by the Madhya Pradesh (Age of Compulsory Retirement) Rules, 1967, and provisions of F.R. 56, as amended from time to time] [Substituted with effect from 15th December, 1967, vide Notification No. 30515-XXI-B, dated 26th September, 1967, Published in M.P. Rajpatra (Asadharan) dated 25th September 1967 at p. 2406.]. (2) Permanent District and Sessions Judges drawn from amongst the officers of the judicial service of the former State of Madhya Pradesh, who, having entered the said service before the first of July, 1937, were eligible for over age concession under paragraph 404-A of the Civil Service Regulations, shall continue to be so eligible.

3. Exercise of option by certain District and Sessions Judges.

(1) Such of the permanent District and Sessions judges, falling within clause (b) of Rule 2, who have retired after 31st March, 1958, or who on the date of issue of these rules are working as such shall be entitled to opt for the rules relating to Death-cum-Retirement Benefits applicable to them immediately before 1st April, 1958. (2) The option referred to in sub-rule (1) shall be exercised in writing in the form appended to these rules and shall be communicated by the District and Sessions Judges concerned to the Accountant General, Madhya Pradesh, within six months from the date on which these rules are issued and a copy of the option so exercised shall be sent to the Secretary to Government of Madhya Pradesh, Law Department, Bhopal. (3) Subject to such special orders as the State Government may issue in this behalf, option once exercised shall be final. (4) District and Sessions Judge who is required to exercise his option under sub-rule (1) and fails to do so within the period specified in sub-rule (2) or who in the opinion of the State Government has exercised option in an ambiguous manner shall be treated as having opted for the said benefits.

4. Removal of doubt.

- For removal of doubt it is hereby declared that as a result of the application of the said rules mutatis mutandis to the permanent District and Sessions Judges-(a) the expression "member of the service" occurring in the said rules shall be construed as referring to the permanent District and Sessions Judges; (b) all powers of the Central Government under the rules shall be exercised by the State Government in relation to the permanent District and Sessions Judges by reason of their being under the rule-making control of the State Government; (c) no approval of the Central Government under sub-rule (2) of Rule 17 and no previous sanction of the said Government under Rule 26 of the said rules shall be necessary.

5. Amendment of Madhya Pradesh Judicial Service (Classification, Recruitment and Conditions of Service) Rule, 1955.

- Sub-rule (2) of Rule 7 of the Madhya Pradesh Judicial Service (Classification, Recruitment and Conditions of Service) Rules, 1955, shall be omitted. Form (See Rule 3) Declaration I....., permanent District and Sessions Judge, *Since retired after 31st March, 1958/*working as such on the date of issue of the Madhya Pradesh District and Sessions Judges (Death-cum-Retirement Benefits) Rules, 1964, hereby opt for the..... Rules which were applicable to me immediately prior to

1st April, 1958. Signature.....Date.....