

The M.P. Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967

MADHYA PRADESH

India

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Act 29 of 1967

- Published on 22 December 1967
- Commenced on 22 December 1967
- [This is the version of this document from 22 December 1967.]
- [Note: The original publication document is not available and this content could not be verified.]

The M.P. Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967(M.P. Act No. 29 of 1967)[Dated 22nd December, 1967]Received the assent of the Governor on the 22nd December, 1967; assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated 23rd December, 1967.An Act to provide for the age of superannuation of Government servants in the State of Madhya Pradesh and for certain matters connected therewith.Be it enacted by the Madhya Pradesh Legislature in the Eighteenth Year of the Republic of India as follows :-

1. Short title.

- This Act may be called the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967.

2. Amendment of Fundamental Rules.

- For Rule 56 of the Fundamental Rules applicable to the State of Madhya Pradesh as substituted by Section 3 of the Madhya Pradesh Shaskiya Sevak Anivarya Seva Nivritti Ka Vidhi Manyatakaran Adhiniyam, 1967 (No. 5 of 1967) (hereinafter referred to as 'the said Act') the following Rule shall be substituted, namely :-[F.R. 56. Age of Superannuation. - (1) Subject to the provisions of sub-rule (2) [every Government servant other than a Government Teacher, a Class IV Government servant, every member of the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service appointed to a medical post mentioned in Schedule I to the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service Recruitment Rules, 1998 and every member of the Madhya Pradesh Medical Education (Gazetted) Service appointed to a Medical Teacher post mentioned in Schedule I to the Madhya Pradesh Medical Education (Gazetted) Service Recruitment Rules. 1997] [Substituted by M.P. Act No. 21 of 1998 (w.e.f. 31-5-1998).] shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years :Provided that a Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the

preceding month on attaining the age of sixty years. [(1-a) Subject to the provisions of sub-rule (2), every Government Teacher shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty two years :Provided that a Government Teacher whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty two years. Explanation :- For the purpose of this sub-rule "Teacher" means a Government servant by whatever designation called, appointed for the purpose of teaching in Government Educational Institution including technical [* * *] [Inserted by M.P. Act No. 27 of 1998 (w.e.f. 7-8-1998).] educational institutions, in accordance with the recruitment rules applicable to such appointment and shall also include the teacher who is appointed to an administrative post by promotion or otherwise and who has been engaged in teaching for not less than twenty years provided he holds a lien on a post in the concerned School/ Collegiate/Technical [* * *] [Omitted by M.P. Act No. 7 of 2007 (w.e.f. 1 -1 -2007).] Education service.][(1-b) Subject to the provisions of sub-rule (2), every Class IV Government Servant shall retire from the service on the afternoon of the last day of the month in which he attains the age of sixty two years :Provided that a Class IV Government Servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty two years.] [Inserted by M.P. Act No. 13 of 1999 (w.e.f. 18-9-1998).][(1-c) Subject to the provisions of sub-rule (2), every member of the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service appointed to a medical post mentioned in Schedule 1 to the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service Recruitment Rules, 1988, shall retire from service on the afternoon of the last day of the month in which he attains the age of 62 years :Provided that a member of the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service appointed to a medical post mentioned in Schedule I to the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service Recruitment Rules, 1988 whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty two years. Explanation :- For the purpose of this sub-rule "a member of the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service" means a Government Servant by whatever designation called, appointed as Medical Officer or Specialist in accordance with the recruitment rules and shall also include such Medical Officer or Specialist who is appointed to administrative post by promotion or otherwise and who has served as Medical Officer or Specialist for not less than twenty years provided he holds a lien on a post in concerned Madhya Pradesh Public Health and Family Welfare (Gazetted) Service.(1-d) Subject to the provisions of sub-rule (2), a member of the Madhya Pradesh Medical Education (Gazetted) Service (excluding General Duty Medical Officer, Assistant Superintendent of Teaching Hospital and Dental Surgeon) appointed to a medical teacher post mentioned in Schedule I to the Madhya Pradesh Medical Education (Gazetted) Service Recruitment Rules, 1987 shall retire from service on the afternoon of the last day of the month in which he attains the age of 65 years :Provided that General Duty Medical Officer, Assistant Superintendent of Teaching Hospital and Dental Surgeon of the Madhya Pradesh Medical Education (Gazetted) Service shall retire from service on the afternoon of the last day of the month in which he attains the age of 62 years and if their date of birth is the first of a month then they shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 62 years :Provided further that a member of the Madhya Pradesh Medical Education (Gazetted) Service (excluding General Duty Medical Officer, Assistant Superintendent of Teaching Hospital and Dental Surgeon) appointed to a medical teacher post mentioned in Schedule I to the Madhya Pradesh

Medical Education (Gazetted) Service Recruitment Rules, 1987 whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty five years. Explanation :- For the purpose of this sub-rule "a member of the Madhya Pradesh Medical Education (Gazetted) Service" means a Government Servant by whatever designation called, appointed for the purpose of teaching in Government Medical College, in accordance with the recruitment rule applicable to such appointment and shall also include the medical teacher who is appointed to an administrative post by promotion or otherwise and who has been engaged in teaching for not less than twenty years provided he holds a lien on a post in concerned Medical Education Service] [Inserted by M.P Act No. 7 of 2007 (w.e.f. 1-1-2007).].(2)[(a) A Government servant may, in the public interest, be retired at any time after he has completed 20 years qualifying service, or he attains the age of fifty years, whichever is earlier, without assigning any reason by giving him a notice in writing.] [Substituted by M.P. Act No. 19 of 2000 (w.e.f. 1-1-2000).](b)The period of such notice shall be three months :Provided that such Government Servant may be retired forthwith and on such retirement the Government Servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before his retirement or, as the case may be, for the period by which such notice falls short of three months.]

3. Amendment of the Madhya Pradesh District and Sessions Judges (Death-cum-Retirement Benefits) Rules, 1964.

- For sub-rule (1) of Rule 2 of the Madhya Pradesh District and Sessions Judges (Death-cum-Retirement Benefits) Rules, 1964 as substituted by Section 4 of the said Act, the following sub-rule shall be substituted, namely :-(1)Subject to the provisions 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 Rule') 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 the 29th October, 1951 by virtue of Rule 7 (2) of the Madhya Pradesh Judicial Services (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 the 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 provisions of Fundamental Rule 56 as substituted by Section 2 of the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (No. 29 of 1967) as amended from time to time.] [Substituted by M.P. Act No. 4 of 1972.]

4.

[* * *] [Omitted by M.P. Act No. 4 of 1972.]

5.

[* * *] [Omitted by M.P. Act No. 4 of 1972.][Schedule] [Omitted by M.P. Act No. 4 of 1972.]