

v) The Zilla Parishads shall be empowered to draw and disburse General Provident Fund advances from the balances of the individuals and also for final payment of General Provident Fund amounts to the employees under the above said head of accounts after pre-audit by the audit officers of the Local Fund Audit Department.

vi) The District Treasuries shall maintain the deposit accounts on the same way they are maintaining the accounts of the Panchayati Raj Bodies and Municipalities. Any drawal from this deposit accounts shall be subject to balance available in the accounts.

vii) The Zilla Parishad shall workout the interest payable on the balances credited to Government account at the rate as applicable to General Provident Fund balances of Government servants and furnish to the Audit Officers of the Local Fund Audit Department who in turn will scrutinise the admissibility and correctness of the interest payable and the Audit Officer shall consolidate total interest payable on the balances and send proposals of Finance & Planning (Finance Budget) Department for providing the amounts towards interest in the next year's budget.

4. The Accountant General, Andhra Pradesh, Hyderabad is requested to issue immediate instructions to all District Treasury Officers to open the accounts in the Treasuries as per the above orders.

5. This order issues with the concurrence of Finance and Planning (FW) Dept., vide their U.O.No. 20749-C/338/W&M-1/84, dated 13-7-1984.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(Sd) 5. KASIPANDIAN,
Secretary to Government.

CHAPTER - XV

SUPERANNUATION & RETIREMENT

(In Continuation of Chapter-VII of Vol.3 & Chapter-VII of Vol.7)

REPORT OF SRI A.KRISHNA SWAMY, I.A.S. (RTD.)
PAY REVISION COMMISSIONER

Volume-I Page 58-59

AGE OF RETIREMENT:

9-42. The terms of reference is to review the existing retirement benefits. This would naturally include the age of retirement. It has also been mentioned on the floor of the House that this issue is referred to the commissioner. The age of superannuation is 55 years for employees in superior service and 60 years for those in inferior service. Representations have been made before the Commissioner to raise the age of retirement to 58. In most of the States and in the Centre the retirement age is 58 years and it is 60 to 65 in the case of Judges etc.,. The average expectation of life at 55 has increased considerably and it can be said that in the conditions prevailing in this country the average expectation of life is about 70. Almost all at the time of retirement are quite fit and able to be gainfully employed. It is rather strange that in a life span of 70 years, one should be only employed for 30 years (25 to 55) and be retired for nearly 15 years. The long experience and maturity would also be useful for the administration. There is no reason we should not also fall in line with the Centre as well as some other States.

9-43. Incidentally, the age of entry into the Government service having been raised to 28 years, with further concessions to the members of Scheduled Castes, a person entering the service at the age of 28 years cannot secure the benefit of full pension and gratuity at the age of 55. This disability would be more in the case of members of Scheduled castes entering the Government service near the permissible higher age limit and this can be removed to a certain extent by general increase in the age of retirement.

9-44 The one possible counter argument for the enhancement of the age of retirement may be the unemployment situation particularly from the educated and they may argue that the enhancement of the age of superannuation by three years would preclude many eligible candidates entering Govt. service and that they would be overaged at a later stage by the time vacancies arise after years and this can perhaps be overcome by suitable amendments to the rules of entry into Government service providing for relaxation of age limit for those who cross it during this period. At the time of raising the age of retirement, the number who attain the age of superannuation at 55 and who would work upto 58 will be those who entered the service in about 1945 to 1950. The numbers were few compared to the present annual intake. Their continuance upto 58 will not cause any serious dent in the number recruited in 1979.

9-45 Taking all aspects into consideration the age of retirement could be raised to 58 years.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Age of Superannuation of State Government servants in superior service - Reduced - Amendments to fundamental rules and Hyderabad civil services rules - Orders - Issued.

FINANCE AND PLANNING (FIN.WING.F.R.I.) DEPARTMENT

G.O. Ms. No. 36

Dated: 8-2-1983.

Read the following:-

1. In exercise of the powers conferred by the proviso to article 309 read with Article 313 of the Constitution of India, the Governor of Andhra Pradesh hereby makes the following amendments to the Fundamental Rules.
2. The amendments hereby made shall come into force with immediate effect.

AMENDMENTS

In the said rules, in rule 56:-

- (i) In clause (a) and the Note-2 and Note-4 thereunder,

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for the figures and words, "58 years" or "fifty eight" wherever they occur, the figures and words "55 years" or "Fifty Five" as the case may be shall be substituted.

(ii) In Note-5, under clause (a) the words and figures "and with effect from 29th October, 1979, 58 years" shall be omitted.

(iii) After clause (a) the following clause shall be inserted namely:-

"(aa) Special provision in respect of Government servants who have completed 55 years of age:- Every Government servant, whether ministerial or non-ministerial but not belonging to the Last Grade Service, who has already attained the of 55 years and continuing in service beyond that age on the 8th February, 1983 shall retire from service on 28th February, 1983 A.N".

II. In exercise of the powers conferred by the Proviso to Article 309 of the Constitution of India the Governor of Andhra Pradesh hereby makes the following amendments to the Hyderabad Civil Services Rules:-

2. The amendments, hereby, made shall, come into force with immediate effect.

AMENDMENT

In the said rules:-

(i) In rule 231 of the said rules, and the notes thereunder, other than in note 8, for the figures and words "58 years or "58" or "fifty eight" wherever they occur, the figures and words "55 years" or "55" or "fifty five" as the case may be, shall be submitted.

(ii) In Note 8 under rule 231, the words and figures "and with effect from 29th October, 1979, 58 years", shall be omitted.

(iii) After rule 231, the following rule shall be inserted namely:-

"231 (a) A Special provision in respect of Government servants who have completed 55 years of age:- Every Government Servant, whether ministerial or non-ministerial, but not belonging to the Last Grade Service, who has already attained the age of 55 years and continuing in service beyond that age on the 8th February, 1983, shall retire from service on the 28th February, 1983 A.N".

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K. MADHAVARAO,
Secretary to Government

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Education - Age of Superannuation of teachers of Schools under the Zilla Parishads, Panchayat Samithis, Municipal Councils and Private Aided Managements including non-teaching staff in schools under Private Aided Managements - Reduced - Orders - Issued.

EDUCATION (HD) DEPARTMENT

G.O. Ms. No. 70.

Dated: 16-2-1983.

Read the following:-
G.O. Ms. No. 36 Fin. & Plg. (Fin. Wing, F.R.I.) Department, dt. 8-2-1983.

ORDER:

Based on the orders issued in the G.O. cited, Govt. after careful consideration direct that, in supercession of all the previous orders relating to age of superannuation of teachers in Panchayat Samithies, Zilla Parishads, Municipal Councils and Private Aided Managements, the orders issued in the G.O. cited shall mutatis-mutandis apply to all the teachers of Schools under the Zilla Parishads, Panchayat Samithies, Municipal Councils and Private Aided Managements with effect from the date of the said order.

2. These orders shall also apply to the Non-Teaching Staff Working in Schools under Private aided managements.

3. Government also direct that every teacher under all managements and member of non-teaching staff working under aided managements but not belonging to last Grade service, who has already attained the age of 55 years and continuing in service beyond that age on the 8th February, 1983 shall retire from service on the 28th February, 1983 afternoon.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

P. SUBBARAYALU,
Deputy Secretary to Government.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

RULES: Fundamental Rules - Amendment to F.R. (2)
- Orders - Issued.

FINANCE AND PLANNING (FIN. WING, F.R.I.) DEPARTMENT

G.O. Ms. No. 48.

Dated: 17-2-1983.

ORDER:

The following Notification will be published in the Andhra Pradesh Gazette.

NOTIFICATION

In exercise of the powers conferred by the provision to article 309 read with article 313 of the constitution of India, the Governor of Andhra Pradesh hereby makes the following amendment to the Fundamental Rules.

The amendment hereby made shall be deemed to have come into force on the 23rd February, 1979.

AMENDMENT

In the said rules, the proviso to rule 2 shall be omitted.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. MADHAVARAO,
Secretary to Government.

EXTRACT OF F.R. 2

The Fundamental Rules apply, subject to the provisions of rule 3, to all Government servants paid from the consolidated Fund of the State and to any other class of Government servants to which the Government may by General or special order, declare them to be applicable. The Government may in relation to the services under their administrative control other than All India Services make rules modifying or replacing any of the F.Rs. PROVIDED THAT THE RULES SHALL NOT BE MODIFIED OR REPLACED TO THE DISADVANTAGE OF ANY PERSON ALREADY IN SERVICE.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Education - Teachers under different managements who retired on or after 1st October, on attaining the age of superannuation - continuance till the closure of schools for summer vacation - withdrawn Orders - Issued.

EDUCATION (H1) DEPARTMENT

G.O. Ms. No. 99.

Dated: 23-2-1983.

Read the following:-

1. G.O.Ms. No.153, Edn., dated 8-2-1979
2. Memo. No. 943/H1/82-2, dated 16-7-1982.
3. G.O.Ms. No. 36, Finance & Plg. (F.R.I) Dept., dated, 8-2-1983.
4. G.O.Ms. No. 70, Edn., (H1) Dept., dated 16-2-1983.

ORDER:

In the G.O. first read above, orders were issued to the effect that the teachers working under different managements and due to retire on or after 1st October of a year on attainment of the age of superannuation should be continued till the closure of the schools for summer vacation on re-employment basis. These orders were reiterated in the Government memorandum second read above. Later on the need for continuance or otherwise of those orders has been examined in the light of the orders issued in the G.O. 4th read above in which the age of Superannuation of the teachers of schools under various managements has been reduced to 55 years with effect from 8-2-1983.

2. After careful consideration, Government have decided to cancel the orders issued in the G.O. first read above. Accordingly, the Orders issued in the G.O. first read above & reiterated in the Memo. second read above, are hereby cancelled. Consequently, such of the teachers who retired on or after 1st October, on attainment the age of superannuation but continued till the closure of the schools for summer vacation on re-employment basis shall not be continued beyond 28-2-1983.

3. In the case of single teacher Schools, the schools shall remain closed from 28-2-1983 and reopened early for 1983-84.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K.S.R. MURTHY,

Secretary to Government.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Age of superannuation of state Government servants in superior service - Reduction in the Age of superannuation payment of an amount equal to two months pay and dearness allowance to those who retired in pursuance of the orders dt. 8-2-83 Orders - Issued.

FINANCE AND PLANNING (FIN.WING.F.R.I) DEPARTMENT

G.O. Ms. No. 82.

Dated: 5-3-1983

Read the following:-

G.O.Ms. NO. 36, Finance & Plg. (Fin. Wing. F.R.I) Dept., dt. 8-2-1983.

ORDER:

The age of superannuation which was 58 years in respect of Govt. servant in superior service has been reduced to 55 years through the Govt. order read above. In respect of those Govt. servants who had already attained the age of 55 years and were continuing in service beyond that age on the 8-2-1983, it was already there in that they shall retire from service on the 28-2-1983.

2. Against these orders, a few Govt. servants have filed write petitions in the Supreme Court. In its order dt. 28-2-83 while refusing to stay the operation of the Govt. order read above, the Supreme Court recorded the following statement made by the Attorney General of India on behalf of the State Govt. before the Supreme Court.

"Without prejudice to the contentions of the petitioners and respondents the Govt. have no objection to pay a sum equivalent to two months pay and Dearness Allowance to the write petitioners and all employees affected to the impugned order on 25-3-83 which will not be repayable in event of the write petitioners falling in the writ petitions. No pension will be paid for two months from the date of retirement, namely 28-2-1983. In the event of the Write petitions being allowed, the petitioners will retain it towards salary for two months. This period of 2 months will not be counted

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for purpose of computation of pension and other retirement benefits.

3. In regard to the payment of salary contemplated by the order of Supreme Court the following instructions are issued.

i) An amount equal to two months basic pay and Dearness Allowance should be allowed to all the Govt. servants who retired from service on 28-2-83 A.N., in pursuance of the Govt. order read above. No other allowance like House Rent allowance, City Compensatory Allowance etc., should be allowed. It will not apply to the persons who retired on completion of 58 years of age on 28-2-1983.

ii) All the Drawing officers throughout the state should draw and disburse this amount on the establishment bills as in the case of pay and allowances. This amount should be preferred sufficiently in time. The P.A.O. authorised to admit the bills preferred on 15-3-1983.

iii) Pay for the purpose of this payment shall be the basic pay admissible as on the last working day ie., 28-2-1983.

iv) Dearness Allowance for this purpose shall be the allowance appropriate to the basic pay admissible on 28-2-83 at the rates prevalent on that date.

v) Irrespective of the fact whether a Govt. servant was on leave of any kind or under suspension, this payment should be effected. For this purpose the rate of pay shall be at the rate that would have been admissible on 28-2-83 but for the officer being on leave or suspension.

vi) In the case of Govt. servants who retired in pursuance of the orders and died after retirement also, this payment should be effected according to the rules relating to disbursement of and allowances admissible to a deceased employees to his survivors.

vii) The expenditure on this account should be debited to the relevant heads of account and classified under pay & allowances. The expenditure shall be incurred in relaxation of Treasury Control orders.

4. Instructions relating to the final settlement of this payment shall be issued after the matter is finally disposed of by the Supreme Court.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.S. IYER,

Special Secretary to Government.
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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Age of superannuation of state Government servants in superior service - payment of a sum equal to three months pay inclusive of Dearness Allowance and other Allowances to those who retired or who will retire in pursuance of G.O.Ms. No. 36, Finance and Planning (Finance Wing, F.R.I) Department, dated 8th February, 1983 till the case is disposed off by supreme court - Further instructions - Issued.

FINANCE AND PLANNING (FIN.WING.F.R.I) DEPARTMENT

G.O. Ms. No. 173.

Dated: 16-5-1983.

Read the following:-

1. G.O.Ms. No. 36, Finance and Planning (Finance Wing-F.R.I) Dept., dated 8th February, 1983.
2. G.O.Ms. No. 82, Finance & Planning (Finance Wing F.R.I) Dept., dated 5th March, 1983.
3. G.O.Ms. No. 90, Finance & Planning (Finance Wing-F.R.I) Dept., dated 10th March, 1983.

...

ORDER:

In the order first read above, the age of Superannuation of state Govt. servants in superior service was fixed at 55 years and those who had already attained the age of 55 years and were continuing in service beyond that age on the 8th February, 1983, were retired from service on the 28th February, 1983(A.N.). This order was questioned in the supreme court in several batches of Writ Petitions and the supreme court passed interim orders on the 25th and 28th February, 1983. Based on these interim orders Govt. issued instructions through the order second read above regarding the payment of an amount equal to two months pay and D.A. to the effected Government servants. Subsequently through the order 3rd read above, instructions in regard to the release of retirement benefits to these retired Govt. servants were issued.

2. The case again came up for hearing before the supreme court on the 3rd May, 1983 and the court passed the following further interim orders among other things:-

"We direct that the state Govt. will pay a sum equivalent

to three months pay inclusive of D.A. and other admissible allowances to the Writ Petitioners for the period following upon the expiry of the period of two months in respect of which orders were earlier passed by this court. The amount so paid to the petitioners will be liable to be adjusted as against the amount which may be due to them by way of P.F., Gratuity and Pension".

"The order passed by this court on February 28, 1983 and the order which we are passing today will apply to all persons who will be retiring in pursuance of the impugned notification between this day and the delivery of our judgement in these writ petitions. It will not be necessary for those persons to approach this court for obtaining specific orders in each individual case".

3. Govt. hereby issue the following further instructions in compliance with the interim orders of the Supreme Court, dated 3rd May, 1983 quoted above:-

- i) An amount equivalent to three months pay inclusive of D.A. and other admissible allowances should be paid to all the Govt. servants who retired from service on the 28th February, 1983 (AN) in pursuance of the order 1st read above, for the period following upon the expiry of the period of two months in respect of which instructions were issued in the Govt. order 2nd read above.
- ii) The payment under instruction No.(i) above shall be in the lumpsum.
- iii) Pay for this purpose shall be the pay as defined in rule 9 (21) of Fundamental Rules/Rule 7 (36) of Hyderabad civil services rules of which the Govt. servants were in receipt on the date of their retirement under the order first read above.
- iv) D.A. and other admissible allowances shall be the allowance which the retired Govt. servants draw on the date of retirement.
- v) All the drawing officers should draw this amount on establishment bills as in the case of pay and allowances, debiting the expenditure to the relevant heads of accounts and classifying under pay and allowances. The expenditure on this account shall be incurred in relaxation of Treasury control orders.
- vi) The payment under this order shall also be admissible to those who retired or will retire from service after

the date of the order of Supreme Court i.e. 3rd May 1983 in terms of the Govt. order first read above, till the case is disposed off by the Supreme Court.

vii) The payment under this order is not admissible to the survivors of those who retired in pursuance of the order first read above and subsequently died.

viii) This order would not apply to those who retired having attained the age of 58 years.

ix) The pay and allowances, payable under this order are liable to be adjusted as against the amounts which may be due to them by way of P.F., Gratuity and Pension as per the directions of the Supreme Court.

x) In view of the fact that the payment of three months pay and allowances is liable to be adjusted from the pension, gratuity and general P.F., the orders issued in the Govt. order third read above are hereby kept in abeyance until further orders to the extent of release of P.F., Gratuity and Pension.

xi) The payment made under this order should be exhibited in the last pay certificate and no due certificate when the pension cases are processed after the disposal of the case by the Supreme Court.

xii) Revised last pay certificate and no due certificate may be sent to G.S. Accountant General in respect of employees whose pension papers have already been sent to accountant General. Further instructions will be issued in this regard when the case is disposed off by the Supreme Court.

xiii) With regard to applicability or otherwise of these orders to those in whose cases payment of pensionary benefits have already been authorised by Accountant General, separate orders will be issued.

4. Action may be taken accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. MADHAVA RAO,

Secretary to Government.

UNDER STATE CREDIT A/C NO. 10 STATE EXPRESS TELEGRAM

Educational Officer / Parishad /
Municipal Commissioner

TEACHERS WHO OBTAINED STAY ORDERS ON G.O. 70
EDUCATION DATED 16-2-1983 FROM HIGH COURT SHALL
CONTINUE IN SERVICE TILL THE STAY IS VACATED.

INSTRUCTION

Not to be telegraphed:-

R.K. MOORTHY,
For Commissioner for School Edn.

Rc. No. 193/G4/83

Dated: 2-3-1983.

Post Copy to go in confirmation.

The under mentioned officers are hereby informed the following:-

Teachers who are covered by Stay Orders of the High Court of Andhra Pradesh on G.O.Ms. No. 70, Education dated 16-2-1983 shall be allowed to continue in service and those teachers who were already relieved, if any, may be taken back to service till the stay orders of the High Court are vacated.

T. VENKA REDDY,
For Commissioner for School Education.

GOVERNMENT OF ANDHRA PRADESH

EDUCATION (F) DEPARTMENT

Memo. No. 2553/F1/83-3, Edn., Dated: 26-8-1983.

Sub:

- Public Services - Teachers under various managements
- Reduction of age of superannuation from 58 to 55
- Teachers who are continued on Court Orders - Payment of salary from May, 1983 on wards - Clarification - Issued.

Ref: 1. From the Deputy Secretary to Govt. (School Education) D.O. Letter No. D.S. (S.E)/Pen/Spl-1/83, dated 29-7-1983.
2. From the Commissioner to School Education, Hyderabad, D.O. Letter No. 493/G3/93, dated 11-8-1983.

...

The Commissioner for School Education is informed that

the payment of salaries can be made to those teachers under various aided managements who are continued beyond 55 years of age based on Court Orders and those who are taken back on the specific directions of the court till their cases are finally disposed off by the court. They will however not be eligible for the payment of 2 months/3 months pay based on Supreme Court Orders which is admissible only to those who retired from service.

2. This order issues with the concurrence of Finance and Planning (E.E) Department vide their U.O. No. 324 Ds(Ms), dated 25-8-1983.

K.R. PARAMAHAMSA,
Deputy Secretary to Government.

GOVERNMENT OF ANDHRA PRADESH

EDUCATION (H1) DEPARTMENT

Memo. No. 2780-H1/83-3, Edn., Dated: 3-12-1983.

Sub:

- Suits - High Court - Certain Writ Petitions against retirements during the middle of the year - G.O. Ms. No. 99, Edn., d. 23-2-1983 - Suspended - Continuance of teachers - Orders - Issued.

Ref: 1. G.O.Ms. No. 99, Edn., (H) Dept., dt. 23-2-1983.
2. From the High Court, A.P. Interim order dt. 15-11-1983, in W.P.M.P.No. 13803 of 1983 in W.P. No. 10118/83.

...

The commissioner for School Education is requested to ensure that the interim order of the High Court, A.P./ Andhra Pradesh Administrative Tribunal Suspending the G.O.Ms. No. 99, Edn., dt. 23-2-1983 are implemented. Accordingly the teachers in respect of whom the High Court suspended the said G.O. may be allowed to continue in service and those who were relieved may also be taken back into service and continued until further orders of the High Court.

R. M. NARAYANA,
Deputy Secretary to Government.

PROCEEDINGS OF THE DIRECTOR OF SCHOOL EDUCATION

ANDHRA PRADESH : HYDERABAD

Rc. No. 493/G4/83-4, Dated: 25-5-84.

Sub: Suits - Teachers under various managements - Reduction of superannuation from 58 to 55 years - who continued on court orders - clarification sought for - reg.

- Ref: 1. G. Vedantha Rao, Advocate, High Court, Hyd. Lr. dt. 28-4-84.
2. G.O.Ms. NO. 3190/F1. Rs. 82-2 Edn, dt. 19-12-83.
3. G.O.Ms. No. 253/F1/83-3 Edn, dt. 26-3-83
4. This Office telegram dt. 7-3-84.
5. Lr. No. 657/84 dt. 14-5-84 from Sri R. Venkataramudu, M.L.C.

The under mentioned officers are hereby informed that necessary instructions were issued to continue the teachers who approached the High Court & obtained the stay order suspending the G.O. Ms. No. 70 Edn. dt. 16-2-83 and G.O.Ms. No. 99 Edn. dt. 23-2-83 even if relieved may be taken back into service until further orders vide reference 2 to 4 cited above. There is no need to continue teachers beyond the age of 58 years.

Therefore they are requested to take action to continue the teacher Smt. V.G. Jayamani, Teacher, P.S.U.P. School, Badvel, Cuddapah Dist. and other similar cases if any accordingly.

P. SUNDER RAO,
For Director of School Education.

PROCEEDINGS OF THE DIRECTOR OF SCHOOL EDUCATION

ANDHRA PRADESH : HYDERABAD

Rc. No. 493 G4/83-1 Dated 20-6-84.

Sub: Suits - Teachers under various managements reduction of age of superannuation from 58 to 55 years who continued on court orders - clarification sought for - Regarding.

- Ref: 1. Lr. Dt. 10-6-84 From Sri D. Rami Reddy, M.L.C.
2. Lr. No. 1137/85 dt. 26-5-84 from Sri Palakrishnamma M.L.C.

3. Representations of Sri P. Adiah, P. Suryanarayana and Sri K. Lakshminarayana dt. 17-5-84.
4. Govt. Memo. No. 3190/F1/83-P, Edn. dt. 19-12-83.
5. Govt. Memo. No. 3190/F2/83-9 Edn, dt. 26-8-83.
6. This Office Telegram post copy No. 393/C6/83, dt. 2-3-83.
7. W.P.No. 1094/83, 1949/83/7584/84/5469/84, 8411/84.

...

The attention of the under mentioned officers is invited to the reference cited, and also W.Ps. at 7th cited above, and they are requested to take immediate necessary action to implement the court orders as per the instructions issued in references 4 to 6 cited strictly to avoid future complications.

The District Educational Officers and District Development Officers concerned are also requested to take necessary action in the matter and submit the compliance report.

D. SUBBA RAO,
For Director of School Education.

GOVERNMENT OF ANDHRA PRADESH

EDUCATION (H) DEPARTMENT

Memo. No. 875-H1/83-7, Edn, dated 23-2-1985.

Sub: Suits - High Court, Andhra Pradesh writ petitions filed by Teachers against G.O. Ms. No. 99, Education, dated 23-2-1983 & G.O.Ms. NO. 70, Education dated 16-2-1983 reducing the age of superannuation from 58 to 55 with effect from 28-2-1983 - Dismissed - Intimation - Sent.

- Ref: 1. G.O.Ms. NO. 99, Edn, Dated 28-2-1983.
2. G.O.Ms. NO. 70, Edn, dated 16-2-1983. High Court, A.P. Lr. W.P. No. 3053/84 etc., Edn, dated 6-2-1985.
4. From the G.P. for Edn. & Health (Services) High Court, A.P. Lr. No. WP/7987/84-et/Edn, dated 6-2-1985.
5. From the Government Pleader for Education and Health (Services), High Court A.P. Lr. dated 4-2-1985.

...

Copies of the letters 3rd, 4th and 5th cited are communicated to all the District Educational Officers/District Development

ment Officers/Block Development Officers/Municipal Commissioners and Director of School Education, A.P. Hyderabad. They are requested to take necessary action to discharge/relieve from service those teachers who are continuing in service under the interim orders of the High Court whose writ Petitions have since been dismissed by the High Court as reported by the Government Pleader in his letters cited.

R.M. NARAYANA,
Deputy Secretary to Government.

Item No.1

Court No.5

Section XA.

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS.

Civil Miscellaneous Petition No. 10451, 12000-12009, 10365, 11555-61 of 1985 & 11562/85.

(W.P. Nos. 3203, 3590-99, 3170, 3413-19 & 3420-26/85 SLP. No. 5958/85 & 6075/85 & W.P. NO. 45980/85

M. Sudarshan Rao etc.

.. PETITIONERS/APPELLANTS
VERSUS

State of A.P. & Ors.

.. RESPONDENTS

(For stay, directions, exparte stay)

Dated 23-4-85 (This mater was called on for hearing to-day)

CORAM: Hon'ble Mr. Justice D.A. Desai.

Hon'ble Mr. Justice V. Khalid.

For the Petitioners/Appellants: Mr. F.S. Narimon, Sr. Advo,

Mr. S. Markendeya, Advo.

Mr./D. Chaya, Advo.

Dr. Y.S. Chitale, Sr. Advo.

Mr. S.V. Deshpande, Advo.,

Mr. K.K. Venugopal, Sr. Advo.,

Mr. K. Rama Kumar, Advo.

R.R.

Mr. L.N. Sinha, Sr. Advo.,

Mr. B. Parthasarathi, Advo.

Mr. T.V.S.N. Chari, Advo.

UPON HEARING COUNSEL, THE COURT MADE THE FOLLOWING:

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ORDER

These matters are adjourned to May 6, 1985 at the request of Mr. L.N. Sinha, Learned Counsel for the State of Andhra Pradesh.

S.L.P.Nos. 5959/85 & 6075/85.

Pending notice as and by way of interim relief we direct that:

- (1) From amongst those Government servants and servants of Local and other authorities governed by the decision of the Government of Andhra Pradesh on reduction of age of retirement from service from 58 years to 55 years who continued in service or continued to hold the post on April 1, 1985 for any reason including the grant of interim relief by Courts and who are removed from that post after that date shall be re-inducted & put back in the post from where he/she removed.
2. Those Government Servants and other enumerated in No.1 here and who are to-day in service and are likely to be removed on account of the reduction in age of superannuation notwithstanding restoration of higher age, whatever be the case, shall continue in service till further orders.
3. Those Government servants and others enumerated in No. (1) here & who were in service prior to April, 1, 1985 and who are removed from service on account of reduction in age, shall be reinducted in service if the posts from which each one was removed is still vacant or some one is holding a temporary charge.
4. These directions shall be carried out and given effect to within one week from to-day.
5. These directions will also cover those Government servants who are similarly situated but have not filed the SLPs and WPs.
6. Government Servants referred on in No.(1) will also comprehend members of State Judicial Service.

A.M.SRIVASTAVA,
Court Master.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Education - Age of superannuation of teachers

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and others - Interim orders of the Supreme Court in S.L.P. No. 6075/85 and S.L.P. No. 5959/85 dated 23-4-1985 - Implementation - Orders Issued.

EDUCATION (H) DEPARTMENT

G.O. Ms. No. 731, Edn.

Dated: 27-4-1985.

Read the following:-

1. G.O.Ms. No. 70, Edn., Dated 16-2-1983.

ORDER:

The Supreme court, in its interim orders dated 23-4-1985 in S.L.P. No. 6075/85 and S.L.P. No. 5959/85, filed by Sri B. Sankarajah, Headmaster, Municipal High School, Nandyal and others, Sri B. Maddulety, Bill Collector, Nandyal Municipality, Nandyal and Sri B.L. Narayana, Headmaster, Zilla Parishad High School, Kurnool, directed that the servants of local and other authorities governed by the decision of the Government of Andhra Pradesh on reduction of age of retirement from service from 58 years to 55 years and also continued in service or continue to hold the posts on the 1st April, 1985 for any reason including the grant of interim relief by courts and who are removed from those posts after that date shall be re-inducted and put back in the posts from where they were removed. The Supreme Court also ordered that the servants of local and other authorities as aforesaid, who are today (on 23-4-1985) in service and are likely to be removed on account of the reduction in age of superannuation notwithstanding restoration of higher age, whatsoever be the case, shall continue in service till further orders.

2. In pursuance of the aforesaid interim directions of the Supreme Court, dated 23rd April, 1985, the Government hereby directs that those teachers serving in Panchayat Samithies, Zilla Parishads, Municipal Councils, Private Aided managements and members of non-teaching staff working under aided managements and who are governed by the decision of the Government of Andhra Pradesh on reduction of age of retirement from service from 58 years to 55 years as per G.O. cited who were holding the posts on 1st April, 1985 and who are within the age of 58 years shall be continued in service.

3. This order is issued subject to the result of the S.L.Ps. and Writ Petitions pending in the Supreme Court.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.P. RAMA RAO,
Principal Secretary to Government.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - Age of Superannuation - Reinduction of the employees who were retired under the orders of Government on reduction of the Age of Superannuation - Interim orders of Supreme Court - Instructions - Issued.

FINANCE AND PLANNING (FIN.WING.F.R.) DEPARTMENT

G.O. Ms. No. 192.

Dated: 19-5-1985.

Read the following:-

1. G.O.Ms. No. 36, Finance and Planning (Fin. Wing.R.F. 1) Dept. dated 8-2-1983.
2. The Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act 1984, Act No. 23 of 1984 published in the Gazette Extra-Ordinary dt. 22-5-84
3. The Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Amendment Act 1985, Act No. 3 of 1985 published in the Andhra Pradesh Gazette, dated 6-4-1985.
4. Judgement of the Supreme Court dated 18-1-1985 in Writ petitions No. 1073-1100 and batch.
5. Interim order dated 23-4-1985 passed by Supreme Court in SLP 5959/85 and 6075/85.
6. Interim order dt. 6-5-85 as modified on 7-5-85 passed by the Supreme Court on the Clarification petitions filed by Government.
7. G.O.Ms. No. 210, HMA & UD Dept., dt. 27-4-1985.
8. G.O.Ms. No. 731, Education (H) Dept. dated 27-4-1985.
9. G.O.Ms. NO. 205, General Administration (Ser.A) Department, dated 9-5-1985.

...

ORDER:

In the G.O. first read above, Government reduced the Age of Superannuation of all the Government servants other than those in the Last Grade Service, from 58 to 55 years. Those who had already attained the age of 55 years on 8-2-1983, were retired from service on 28-2-1983 (A.N.). Similar orders were issued by the Departments dealing with different services.

2. The Orders relating to reduction of the age of Superannuation were questioned in the Andhra Pradesh Administrative Tribunal, the High Court of Andhra Pradesh and the Supreme Court. The Supreme Court, by its judgement dated 18-1-1985 passed in W.P.Nos. 1073-1100 and batch, dismissed the Writ Petitions, upholding the orders regarding reduction of age of superannuation.

3. Subsequently, some more Writ Petitions and S.L.Ps. were filed before the Supreme Court, consequent on the increase in the age of superannuation from 55 to 58 years. In SLP No. 5959/85 and 6075/85, the Supreme Court passed the following interim order on 23-4-1985.

"SLP Nos. 5959/85 and 6075/85

that:
Pending notice as and by way of interim relief, we direct

1. From amongst these Government servants and servants of local and other authorities governed by the decision of the Government of Andhra Pradesh on reduction of age of retirement from service from 58 years to 55 years, also continued in service or continued to hold the post on April, 1, 1985 for any reason including the grant of interim relief by Courts and who are removed from that post after that date shall be re-inducted and put back in the post from where he/she was removed;

2. These Government servants and others enumerated in NO.(1) here and who are today in service and are likely to be removed on account of the reduction in age of superannuation not withstanding restoration of higher age, whatever be the case, shall continue in service till further orders;

3. Those Government servants and others enumerated in No.(1) here and who were in service prior to April 1, 1985 and also are removed from service on account of reduction in Age, shall be re-inducted in service, if the post from which each one was removed is still

vacant or some one is holding a temporary charge.

4. Those directions shall be carried out and given effect to within one week from today.

5. The directions will also cover the Government servants also who are similarly situated but have not filed the SLPs and WPs.

6. Government servants referred to in No.1 will also comprehend members of judicial service.

4. In compliance with Clauses (1) and (2) of the interim orders dt. 23-4-1985, necessary instructions were issued through the G.Os seventh and eighth read above. In regard to the scope of clause (3) of the interim orders, a clarification Petition was moved in the Supreme Court on 29-4-1985 which was considered on 6-5-1985 and 7-5-1985 and the court was pleased to give directions as follows:

"We do not see any ambiguity in clause 3 of the order dated 23rd April 1985. It is directed that clause 3 of the order dated 23rd April 1985 should be implemented to the extent that the posts from which the employees were removed are still vacant or where such post is held temporarily by others on promotion under Rule 37 of Andhra Pradesh State Subordinate Service Rules. The Chief Secretary and two other senior secretaries will examine the question as to how many such posts could be filled and it is further directed that in cases where more than one person has retired from a post, the person having the longest service should be selected. The order will be carried out within two weeks from today. All these appointments will be subject to the result of the petitions".

5. In compliance with the interim orders dated 23-4-1985, 6-5-1985 and 7-5-1985 Government have taken several steps and the following further instructions are issued for strict compliance, in pursuance of the interim orders of the Supreme Court in regard to re-induction of the retired employees.

1. The Government servants and employees of the local and other authorities who were retired from service due to reduction of age of superannuation ordered through the G.O. first read above or the Act Second read above, (or similar orders issued by other Departments on the basis of the G.O. first read above) shall be reinducted in service in the post from which they were retired, in case that post is still vacant and

the retired employee has not crossed the age of 58 years.

2. From amongst those Government servants and servants of local and other authorities governed by the decision of the Government of Andhra Pradesh, on reduction of age of retirement from service from 58 years to 55 years, also continued in service or continued to hold the post on April 1, 1985 for any reason including the grant of interim relief by courts, and who are removed from that post after that date shall be re-inducted and put back in the post from where he/she was removed.

3. Those Government servants and other enumerated in instruction (2) above, and who are today in service and are likely to be removed on account of the reduction in age of superannuation not withstanding restoration of higher age, whatsoever be the case, shall continue in service till further orders.

4. In case such a post is held temporarily by other employees, on promotion under Rule 37 of the Andhra Pradesh State and Subordinate Service Rules, such employees shall be reverted to lower posts and in the posts so arising, the retired employees mentioned in instruction (1) above, shall be reinducted.

5. The retired employees so reinducted shall draw the pay at the rate last drawn by them just before retirement, and allowances at the prevalent rates as per normal rules regarding grant of allowance.

6. These instructions are subject to the result of the writ petitions and Special Leave Petitions, now before the Supreme Court of any orders or directions to be passed by Supreme Court or any other court or Tribunal. However, if any person who is reinducted in to the post under these instructions reaches the age of 58 years, and the final orders are not passed by the Supreme Court till that time; the employee shall cease to hold the post on that date.

7. From the date of reinduction to respective posts, he reinducted persons shall draw salaries as mentioned in instruction (5) but not entitled to pension while holding the posts.

6. As per the directions of the Supreme Court the Chief Secretary and two other senior Secretaries will examine the

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question as to how many such posts would be filled by reinduction. The Government in G.O. 9th read above have issued orders constituting a committee under the Chairmanship of the Chief Secretary to Government. This Committee will examine and report and will also suggest modalities of reinduction. Action may be taken as per the directions of the Three Member Committee.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T. L. SANKAR,
Principal Secretary to Government.

MUNICIPAL ADMINISTRATION DEPARTMENT

Roc. No. 21347/85-K2. Dated: 14-5-1985.

Office of the Director of
Municipal Administration,
Andhra Pradesh,
HYDERABAD.

CIRCULAR

Sub: Establishment-Employees retired on and after 28-2-1983
- Reinduction to service - Certain instructions - Issued.
Ref: This Office Circular Rg. NO. 21347/85-K2, dt. 13-5-1985.

In regard to the implementation of the Judgement of Supreme Court in S.L.P.No. 6075/85 and S.L.P.5959/85, certain instructions were issued to all Municipal Commissioners for furnishing information regarding the employees' retired without completing the age of 58 years immediately. The Supreme Court directed the Government and local authorities to reinduct all the employees who have been retired from service on and after 28-2-1983 and who have not attained 58 years of age as on to-day. The particulars called for from all Municipal Commissioners are received before 15-5-1985 positively and officers and staff of this Directorate have been specially deputed to collect the particulars in the statement prescribed. These particulars will be placed before the Committee and the orders of the Committee will be communicated to the Municipal Commissioners immediately.

All the Municipal Commissioners in the State are informed that immediately after the receipt of the decision of the Com-

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mittee regarding the persons to be inducted they should issue immediate orders for the reinduction of the retired employees who have not completed 58 years of age duly reverting the junior most employees wherever necessary positively before 18-5-1985 at any cost and thus implement the Supreme court's Judgement, other wise they will be liable to contempt of court. Non-implementation of the orders of the committee will be considered very seriously and Municipal Commissioners shall be personally held responsible for any lapses in this regard.

The above instructions should be followed scrupulously and the gravity of the situation may be fully grasped.

N. VENKATASWAMY,
Director.

GOVERNMENT OF ANDHRA PRADESH

EDUCATION (G2) DEPARTMENT

Post Copy of Express Telegram No. 27151-G2/85-11 Edn., dt. 29-5-1985.

From
The Deputy Secretary
to Government
Education Department

To
All District Development Officers,
Zilla Parishads.

STATE EXPRESS TELEGRAM

ALL DISTRICT DEVELOPMENT OFFICERS
ZILLA PARISADS

Please implement the Interim orders of Supreme Court dated twenty third April, eighty five and sixth May nineteen eight five in S.L.P. Nos. 5959/85 and 6075/85 regarding reinduction AAA Retired Teachers who have not yet attained 58 years of age be reinducted to the extent the posts from which they were removed are still vacant or where such posts are temporarily held by others under A.P. General rule 37 AAA the reversion and reinduction should be done in the prescribed proforma already supplied AAA report-compliance AAA.

R.M. NARAYANA,
Deputy Secretary to Government.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC Service - Orders issued through G.O.Ms. No. 163 Finance & Plg. (fin. Wing. Pen.I) Department dt. 19-4-1984 - Rescinding orders governing retirement of Government servants before reaching the age of superannuation cancelled - orders issued.

FINANCE AND PLANNING (FIN.WING.F.R.I) DEPARTMENT

G.O. Ms. No. 187.

Dated: 11-5-1984.

Read the following:-
G.O.Ms. No. 163 Fin. & Plg. (FW. Pen.I) Dept., dt. 19-4-1984.

ORDER:

Government hereby cancel the orders issued in the G.O. read above with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D. SANKARA GURUSWAMY,
Principal Secretary to Government.

THE ANDHRA PRADESH GAZETTE PART-IV-B-EXTRAORDINARY PUBLISHED BY AUTHORITY

No.32 HYDERABAD, THURSDAY, AUGUST 23, 1984.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS ETC.

The following Ordinance which was promulgated by the Governor on the 23rd August, 1984, is hereby first published for general information:

ANDHRA PRADESH ORDINANCE No. 24 of 1984.

An Ordinance further to amend the Andhra Pradesh Public Employment (Regulation of age Superannuation) Act, 1984 and to provide for certain matters incidental thereto.

WHEREAS the Legislature of the State is not in session and

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the Governor of Andhra Pradesh is satisfied that circumstances exist which tender it necessary for him to take immediate action.

NOW THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the constitution of India, the Governor hereby promulgates the following ordinance:

1. (1) This Ordinance may be called Short title
the Andhra Pradesh Public Employment and commence-
(Regulation of Age of Superannuation) ment
Second Amendment Ordinance, 1984.
(2) It shall come into force on the
23rd August, 1984.

2. In the Andhra Pradesh Public Employ- Amendment of
ment (Regulation of Age of Supera- Sec. 3, Act 23
mnation) Act, 1984, in section 3, of 1984.

(i) in sub-section (1), for the words
"fifty-five years" the words "Fifty
eight years" shall be substituted;
(ii) In explanation II, in clause (a)
for the words "Fifty-five", the words
"Fifty-eight" shall be substituted.

Application

3. (1) The provisions of this Ordinance shall not apply to persons who attained the age of superannuation in pursuance of the notifications issued in G.O.Ms. NO. 36, Finance and Planning (Finance Wing, F.R.I.) Department, dated the 8th February, 1983, or in pursuance of the provisions of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, as in force prior to the commencement of this Ordinance. Act 23 of 1984

4. Nothing in this Ordinance shall apply to or affect any proceedings pending before any Court or the Andhra Pradesh Administrative Tribunal or any other Tribunal questioning the validity of the notifications or the law referred to in sub-section (1)

RAMLAL,

Governor of Andhra Pradesh.

D.J. JANNAATHA RAJU,
Sec. to Govt. Law and Legislative
Affairs, Law Department.

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GOVERNMENT OF ANDHRA PRADESH

FINANCE AND PLANNING (FIN. WING, F.R.I.) DEPARTMENT

PRESS NOTE

Government have issued an ordinance on 23rd August, 1984, raising the age of Superannuation of Government servants from 55 to 58 years. In this connection enquiries are being received as to whether those attaining 55 years of age between 2nd August and 22nd August, 1984 would be covered by this Ordinance. Therefore it is hereby clarified that all those who would have attained 55 years of age on any day in August after the 2nd August will not retire on 31-8-84, but will continue until they attain the prescribed age of superannuation of 58 years. Any notification of retirement already issued in respect of such person before the issue of the Ordinance will not therefore be of any effect.

B.N. RAMAN,
Chief Secretary to Government,
dt. 28-8-1984.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PUBLIC SERVICES - Age of superannuation of State Government servants in superior service Enhancement from 55 years to 58 years Extension to employees of the Municipal Councils, Notified Area Committees and Municipal Corporation Orders - Issued.

HOUSING, MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (ELECTIONS) DEPARTMENT

G.O. Ms. No. 381. M.A.

Dated: 29-8-'84.

Read the following:-

1. G.O.Ms. No. 127, M.A. dated 18-2-83.
2. Andhra Pradesh Ordinance No. 24 of 1984 dt. 23-8-84.

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ORDER:

In the G.O. read above, orders reducing the age of superannuation of Government employees from 55 to 58 years were made applicable to the employees of the Municipal Councils and Municipal Corporations.

2. Government have since decided to enhance the age of superannuation of Government employees from 55 years to 58 years with effect from 23rd August, 1984, and promulgated the Andhra Pradesh Ordinance No. 24 of 1984 to this effect which has come into force on 23-8-1984.

3. In pursuance of the Government decision and the Ordinance mentioned in para 2 above, the Government in supersession of the orders issued in the G.O. first read above direct that all employees in superior service of the Municipal Councils, Notified Area Committees and Municipal Corporations of Hyderabad, Visakhapatnam and Vijayawada, who are to retire on superannuation on completing the age of 55 years as per the orders contained in the G.O. first read above, shall retire on superannuation on completing the age of 58 years and that this order shall come into force with effect from 23rd August 1984.

4. This order shall not, however, apply to or affect, any proceedings pending before any court or the Andhra Pradesh Administrative Tribunal questioning the validity of the orders issued in the G.O. first read above.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.P. RAO,
Secretary to Government.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Education - Age of Superannuation of teachers and non-teaching staff in the Schools under Private Aided Managements - Revision of the age of Superannuation to 58 years - Orders - Issued.

EDUCATION (H1) DEPARTMENT

G.O. Ms. No.457, Edn.

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Dated: 12-10-1984.

Read the following:-

1. G.O.Ms. No. 70, Edn, dated 16-2-1983.

ORDER:

Based on the Andhra Pradesh public Employment (Regulation of age of Superannuation) Second amendment Ordinance 1984 published in the Andhra Pradesh Gazette Extraordinary dated 23-8-1984, Government after careful consideration, direct that the teachers working in schools under Private Aided Managements shall retire from service on the afternoon of the last date of the month in which they attain the age of 58 years with effect from 23-8-1984.

2. These orders shall also apply to the non-teaching staff working in schools under Private Aided Managements.

3. It is hereby clarified that all employees whose date of birth fall between 2nd August and 31st August and who are due to retire on 31-8-1984 A.N. under G.O.Ms. No. 70, Edn., dated 16-2-1983 are now entitled to retire on 31-8-87 A.N.

4. These orders will not apply to persons who attained the age of Superannuation in pursuance of the orders issued in G.O.Ms. No. Education dated 16-2-1983.

5. These orders will not affect any proceedings pending before any court or the Andhra Pradesh Administrative Tribunal or any other Tribunal questioning the validity of G.O.Ms. No. 36, Finance and Planning (Fin. Wing. F.R.I.) Department dated 8-2-1983 and G.O.Ms. No. 80 Education dated 16-2-1983.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SATHI NAIR,
Special Secretary to Government.

GOVERNMENT OF ANDHRA PRADESH

FINANCE & PLANNING (FW.PEN. I) DEPARTMENT

Circular Memo No. 8441-B/559 Pen. I 85-1 Dated 12-6-1985.

Sub- Public Service - Age of superannuation - Reinduction of employees who were retired under of age of superannuation - interim orders of the Supreme Court - Clarification on the date of retirement - Issued.

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Ref. 1 G.O.Ms. No. 171 Finance & Planning (F.W.Pen.I) Department, Dated 1-7-1974.

2. G.O.Ms. No. 299 Finance & Planning (F.W.Pen.I) Department, Dated 4-11-1974.

3. G.O.Ms. NO. 192 Finance & Planning (F.W.F.R.I) Department, Dated 19-5-1985.

In the G.O. 1st cited, orders were issued to the effect that the State Government employees, in all categories, shall retire from service with effect from the after-noon of the last day of the month in which their date of retirement (on superannuation) falls under the operation of the existing rules.

2. In the G.O. 2nd cited, it was clarified that Government employees whose date of birth falls on first of a month shall retire from service on superannuation on the after-noon of the last day of the preceding month. It was also clarified therein that the Government employees in whose cases their date of birth falls on any other date of a month, shall retire on the afternoon of the last day of that month. These are general orders in respect of Government employees who retire from service on superannuation in the normal course.

3. Clarification has been sought for as to the actual date on which the employees re-inducted as per the G.O. 3rd cited shall retire from service on superannuation at the age of 58 years i.e. whether on the date of attaining the actual age of superannuation of 58 years or at the end of the month in which this age is attained as per the G.Os 1st cited.

4. According to para 5 (6) of the G.O. 3rd cited, if any person who is re-inducted into the post under the said instructions reaches the age of 58 years, and the final orders are not passed by the supreme court till that time, the employees shall cease to hold the post on that date i.e. he will retire on the actual date on which he attains the age of 58 years. Therefore, in the case of re-induction covered by the G.O. 3rd cited, the employees will retire on the date on which they attain the age of superannuation of 58 years notwithstanding the orders 1st and 2nd cited above.

5. All the departments of the Secretariat and Heads of Departments etc. are requested to note this and follow these instructions scrupulously in respect of re-inducted employees.

K. KOSALRAM,
Secretary to Government.

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GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Education - Teachers working under different managements who retire on or after the 1st October on attaining the age of superannuation - Continuance in service till the end of the academic year - Orders - Issued.

EDUCATION (SER.IV.J) DEPARTMENT

G.O. Ms. No. 405

Dated:4-8-1985.

Read the following:-

1. G.O. Ms. No. 153, Education, dated 3-2-1979.
2. G.O.Ms. No. 99, Education, dated 23-2-1983.
3. G.O.Ms. No. 457, Education, dated 12-10-84.

ORDER:

In the G.O. first read above orders were issued for continuance in service till the end of the academic year of the teachers who attained the age of 55 years on or after the 1st October. These orders were, however, cancelled in the G.O. second read above consequent upon reduction of the age of superannuation of teachers from 58 years to 55 years in G.O.Ms. No. 70, Education, dated 16-2-1983 with effect from 8-2-1983.

2. Later on the Government increased the age of superannuation of the Government employees including teachers to 58 years with effect from 23-8-1984 in the Andhra Pradesh public Employment (Regulation of the age of superannuation) Amendment Act, 1985 (Act. No.3 of 1985). Thereupon with a view to providing continuity in teaching, the Federation of Andhra Pradesh Teacher's Organisation requested the Government to restore continuance in service of all teachers, who are due to retire on or after 1st October every year, till the end of the academic year.

3. After careful consideration, Government have decided in principle to restore the facility with effect from the academic year 1985-86 and direct that all teachers working under different managements, who are due to retire on or after 1st October of an year on attaining the age of superannuation shall be continued in service till the closure of the schools for summer vacation of the year on re-employment basis, subject to the following conditions:-

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- i) The management concerned should in first instance assess the man power requirements in advance and appoint suitable and qualified persons in the retirement vacancies.
- ii) If, after assessment, it is not possible to appointment a substitute in the place of retired teacher in advance, the appointing authority may issue orders of re-employment from the next working day after the date of retirement of a teacher; and
- iii) The re-employment shall be terminable at any time without notice and without assigning any reasons.
4. This order issues with the concurrence of the Finance and Planning Department vide their U.O.No. 1919/PFS/85, dated 29-8-1985.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V.P. RAMA RAO,
Principal Secretary to Government.

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Age of Superannuation - Judgement of Supreme Court dated 19-8-1985 regarding employees who retired under the orders reducing the age of superannuation - Option regarding the retired employees - Orders - Issued.

FINANCE AND PLANNING (FIN.WING.F.R.I) DEPARTMENT

G.O. Ms. No. 353.

Dated: 31-10-1985.

Read the following:-

1. G.O.Ms. No. 36, Fin. & Plg. (FW.F.R.I) Department, dated 8-2-1983.
2. A.P. Public Employment (Regulation of age of Superannuation) Amendment Act 1985, Act No. 3 published in the A.P. Gazette dt. 6-4-85.
3. G.O.Ms. No. 192, Finance and Plg. (Fin. Wing-F.R.I) Department, dated 19-5-1985.
4. Judgement of Supreme Court dt. 19-8-1985 in W.P. Nos. 5447-5546 and batch.

5. G.O.Ms. NO. 326, Fin. & Plg. (FW-F.R.I) Department, dated 1-10-1985.
6. Government Circular Memo. No. 26867-C/1163/F.R.I/85, dated 5-10-1985.
7. Order of Supreme Court dt. 16-10-1985 on Civil Miscellaneous Petition 39831 of 1985 in W.P. No. 5447-5546. G.O.Ms. No. 350, Fin. & Plg. (FW-F.R.I) Department, dated 28-10-1985.

ORDER:

Where as the Honourable Supreme Court through Judgement dated 19-8-1985 in W.P. Nos 5447-5546, has given the following directions to the Government of Andhra Pradesh.

- "1. All employees of the Government, public corporations and local authorities, who were retired from service on the ground that they had attained the age of 55 years by 28th February 1983 or between 28th February, 1983 and 23rd August, 1984 shall be reinstated in service provided they would not be completing the age of 58 years on or before 31st October, 1985.
2. All employees who were compelled to retire on February 28, 1983 and between February 28, 1983 and August 23, 1984 and who are not eligible for reinstatement under the first clause, shall be entitled to be paid compensation equal to the total emoluments which they would have received, had they been in service until they attained the age of 58 years, less any amount they might have received as exgratia or by way of pension etc., or under the interim orders of this court. They will be entitled to consequential retiral benefits.
3. Such of the employees as have not been compelled to retire by virtue of orders of stay obtained from the High Court or the administrative Tribunal are who have actually been re-instated in service pursuant to interim orders of this Court, shall be allowed to continue in service until they attain the higher age of superannuation.
4. The reinduction of those employees that have been compelled to retire previously will put them back as regards to their seniority in precisely the same position which they occupied before they were retired from service. They will be entitled to all further consequential benefits.

5. The employees who were retired and who are reinducted will be entitled to be compensated for the period during which they were out of service in the same manner as mentioned in clause (2).

6. In the matter of reinduction of employees who do not attain the age of 58 years on or before 31st October, 1985, the Government may exercise an option not to reinduct them in the case of all or some or any of the employees, as the case may be, Provided the employees are paid the compensation as in the case of those covered by (2) and (5).

7. All interim orders are vacated and subject to those directions, the Government is free to revert persons promoted or appointed to the posts held by persons who were retired on having attained the age of 55 years by 28th February, 1983 or between 28th February, 1983 and 23rd August, 1984 to the posts which they held on February 28, 1983 or on the dates previous to their promotion or appointment provided that they need not be so reverted if they would otherwise be entitled to be promoted or appointed even if the other employees had not been retired consequent on the lowering of the age of superannuation.

8. The Government shall be free to create supernumerary posts wherever they consider it necessary so to do.

9. All payments of compensation to be made shall be completed before December 31, 1985. If for any reason the Government finds itself unable to pay the entire amount at one time with in the time fixed by us, the Government will be at liberty to pay the amount in not more than four instalments within the time stipulated by, us.

The Government will also have the liberty to apply to us for extension of time, if so advised. Where the employees are awarded compensation by the Government, such employees may apply to the concerned Income-tax Officer for relief under Section 89 of the Income-tax Act read with Rule 21-A of the Income-tax Rules and the Income-tax Officer concerned will grant the appropriate relief".

And whereas, the Civil Miscellaneous petition, No. 39831 of 1985 in Writ Petition Nos. 5447-5546 of 1985 filed by the Government of Andhra Pradesh for directions, has been dismissed by the Supreme Court by its order dated 16-10-85.

Now therefore, in accordance with the option given by the Honourable Supreme Court, in clause(6) of the directions, the Government after very careful consideration of the whole question has decided to exercise the option not to reinduct all the employees who do not attain the age of 58 years on or before 31st October, 1985 and pay them compensation as in the case of those covered by Clauses (2) and (5) of the directions of Supreme Court.

Instructions in regard to the drawal and disbursement of the compensation as contemplated by clause (6) and (9) of the directions of Supreme Court shall be issued separately.

For the removal of doubts, it is hereby clarified that the employees who have been reinducted in service in terms of the G.O. third cited Or who will be reinducted in terms of the G.O. eighth cited, should be treated as full pledged and regular Government servants in respect of all service matters as per Clause (3) of the Supreme Court directions. Instructions in regard to the payment of compensation to them for the period from the date of retirement upto the date of re-induction, shall be issued separately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

K. KOSALRAM,
Secretary Finance.