

CHAPTER VI

Premature Retirement and Voluntary Retirement

42. Retirement on completion of thirty years' qualifying service.- (1)

At any time after a Government servant has completed a qualifying service of thirty years, he may be required by the appointing authority to retire in the public interest and in the case of such retirement, the Government servant shall be entitled to a retiring pension calculated in accordance with rule 44.

(2) The appointing authority may give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

(3) For retirement of a Government servant under this rule, the same procedure, as laid down by Department of Personnel and Training for retirement under rule 56 of the Fundamental Rules, 1922 shall be applicable.

Explanation.- For the purpose of this rule the expression 'appointing authority' shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

43. Retirement on completion of twenty years' qualifying service.-

(1) At any time after a Government servant has completed twenty years' qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service and in the case of such retirement the Government servant shall be entitled to a retiring pension calculated in accordance with rule 44:

Provided that before giving notice of voluntary retirement, a Government servant shall request the appropriate administrative authority for a certificate regarding completion of qualifying service of twenty years on the intended

date of retirement and the administrative authority shall issue the required certificate within fifteen days of such request by the Government servant and if no such certificate is issued by the administrative authority within the prescribed period of fifteen days, the Government servant may give the notice of voluntary retirement without such certificate:

Provided further that before accepting the notice for voluntary retirement and passing orders in this regard, the appointing authority shall satisfy itself that the Government servant has completed the qualifying service of twenty years:

Provided also that this sub-rule shall not apply to a Government servant, including scientist or technical expert who is,-

- (i) on assignments under the Indian Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs and other aid programmes; or
- (ii) posted abroad in foreign based offices of the Ministries or Departments; or
- (iii) on a specific contract assignment to a foreign Government, unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year:

Provided also that a Government servant shall be eligible to retire under this rule only if he has completed or will complete a qualifying service of twenty years on the intended date of retirement and the provision in sub-rule (7) of rule 44 for treating fraction of a year equal to three months and above as a completed six monthly period, shall not be applicable for the purpose of determining the qualifying service under this rule.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:

Provided that where the appointing 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.

(3) It shall be open to the appropriate appointing authority to withhold permission to a Government servant who seeks to retire under this rule in the following circumstances,-

- (i) If the Government servant is under suspension; or
- (ii) If a charge sheet has been issued and the disciplinary proceedings are pending; or
- (iii) If judicial proceedings on charges which may amount to grave misconduct, are pending:

Provided that in cases where the appointing authority proposes to accept the notice of voluntary retirement in spite of the circumstances referred to in this sub-rule, approval of President shall be obtained.

Explanation.- For the purpose of this sub-rule, judicial proceedings shall be deemed to be pending, if a complaint or report of a police officer, of which the Magistrate takes cognizance, has been made or filed in a criminal proceedings.

(4) (a) Government servant referred to in sub-rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons therefor.

(b) On receipt of a request under clause (a), the appointing authority, subject to the provisions of sub-rule (2), may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(5) If a Government servant acquiring a disability, where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, gives a notice of voluntary retirement under this rule, the Government servant shall be advised that he has the option of continuing in service with the same pay scale and service benefits which he is otherwise entitled to and in case the Government servant does not withdraw the notice for voluntary retirement, his request for voluntary retirement may be processed.

(6) Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made not less than fifteen days before the intended date of voluntary retirement.

(7) This rule shall not apply to a Government servant who –

- (a) retires under the Special Voluntary Retirement Scheme relating to voluntary retirement of surplus employees; or
- (b) retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement or for joining an autonomous body or a public sector undertaking on immediate absorption basis.

Explanation.- For the purpose of this rule the expression “appointing authority” shall mean the authority which is competent to make appointments to the service or post from which the Government servant seeks voluntary retirement.