

DFS
Receipt No. S 22
Date 08/02/16

Establishment (Branch)
Sl. No. 667
Dated 8/2/16

436
4.02.16

No. 34/35/2014-4GSI
Government of Haryana,
Chief Secretary's Office
General Administration Department
(General Services-1 Branch)

Chandigarh, February 02, 2016

1. All the Administrative Secretaries to Government of Haryana.
2. All the Heads of Departments.
3. The Divisional Commissioners, Ambala/ Hisar/ Rohtak / Gurgaon Division.
4. The Registrar General, Punjab and Haryana High Court, Chandigarh.
5. All the Deputy Commissioners in Haryana State.

Subject: - Grant of Extension in service/re-employment of Haryana Government employees after the age of 58 years.

Sir/Madam,

I am directed to invite your kind attention to the Government's Instructions No. 9246-GII-57, dated 08.01.1958, 32/226/4GSI, dated 16.08.1983, 32/313/89-4GSI, dated 15.01.1990, 33/4/91-4GSI, dated 07.04.1991, 34/08/2015-4GSI, dated 08.04.2015 and Finance Department letter No. 5/1/2012-1B&C, dated 04.07.2012 and 29.05.2013 on the subject noted above, wherein the criteria were conveyed regarding grant of Extension in service/re-employment of Haryana Government employees after the age of 58 years.

While taking note of the fact that the instructions on the above subject are scattered among several circulars. It has been decided by the State Government to issue consolidated instructions, through this letter.

3. The rule 3.26 of CSR, Vol.-I, Part-I provides that except as provided in other clauses of this rule, the date of retirement of a Government employee other than a Class IV Government employee is the date on which he attains the age of 58 years. He must not be retained in service after the age of retirement, except in exceptional circumstances with the sanction of competent authority on public grounds, which must be recorded in writing.

4. Govt. Instruction No. 9246-GII-57 issued vide dated 08.01.1958, inter alia stated that it is hardly necessary to emphasise the need to exercise very careful scrutiny and discretion in all such cases and ensure that the conditions laid down by Government from time to time for this purpose, are strictly observed. The present policy and procedure to govern such cases is laid down below:-

- A. In all such cases the reason for resorting to re-employment must be reduced to writing as required under Rule 3.26 of Civil Services Rules, Vol. I, Part I.
- B. The Administrative Departments are requested to send quarterly Statement of cases sanctioned by them to the Chief Secretary. These statements should be sent for the previous quarter by April 15, July 15, October 15 and January 15.

Provision of CSR
Vol.-I Part-I

Instructions dated
08.01.1958

(A)

04-2-16
AUS

DFS
USF
PS

DFS has
already seen

WCC
8/2/16

App. Secy.

A
8/2
667

- C. (i) Non-availability certificate should be obtained from the Punjab Public Service Commission (now Haryana Public Service Commission) or the Subordinate Service Selection Board, Punjab (now Haryana Staff Selection Commission) as the case may be and forwarded to Govt. to the effect that persons with suitable qualifications and experience are not available in the open market or that it has not been possible for the Commission/Board to arrange to substitute with the requisite qualifications or experience.
- (ii) In regard to the post which are out of the purview of the Public Service Commission (now Haryana Public Service Commission) or the S.S.S. Board, Punjab (now Haryana Staff Selection Commission), the Deptt. concerned with the appointment may give such a certificate indicating definitely the efforts made to find a substitute.
- (iii) For obtaining a certificate referred to under(i) above, the Public Service Commission (now Haryana Public Service Commission) or the S.S.S. Board, Punjab (now Haryana Staff Selection Commission) should be approached atleast four months before the vacancy is likely to occur. This is necessary to ensure that bonafide efforts are made to find a suitable substitute for the persons due to retire.
- (iv) The age of the Officer/Official to be re-employed must be below 60 years except in case of Patwaris who may be re-employed up to the age of 70 years.
- (v) Officers/Officials concerned should be asked to furnish a Medical Certificate from the Civil Surgeon regarding his physical and mental fitness before he is actually re-employed.
- (vi) The case for re-employment continued/re-employment must reach the Administrative Secretary concerned at least three months before the crucial date.
- (vii) When a Department is facing shortage of experienced hands and there is no alternative but re-employment everyone who attains the age of superannuation should be considered for re-employment except these who are physically and mentally unfit to continue in service or have a bad service records. A policy of pick and choose should be avoided as far as possible.
- (viii) The Administrative Department should certify that the proposed re-employment will not adversely affect the interest of other connected officers of comparable seniority in the Department concerned.

Instructions dated
16.08.1983

5. **Vide Govt. Instruction No. 32/226/4GSI, dated 16.08.1983**, it was decided that no employee should henceforth be granted extension in service or be re-employed after the age of 58 years.

Instructions dated
15.01.1990

6. Thereafter **vide Govt. Instruction No. 32/313/89-4GSI, dated 15.01.1990**, it was stated that in exceptional cases, extension in service/re-employment after the age of 58 years has been allowed by Chief Secretary after obtaining relaxation in these instructions from the Council of Ministers. The matter has further been considered it has been decided that in future the memorandum to the Council of Ministers for grant of relaxation in the instructions, referred to above, shall be submitted by the concerned department and the advice of Chief Secretary would be obtained by the concerned department before submitting the case to Chief Minister for placing it before the Council of Ministers.

7. Besides this, vide Govt. Instruction No. 33/4/91-4GSI, dated 07.04.1991, it was also emphasized that before submitting the case to Chief Minister/Governor for placing the matter before C.M./Governor in Council for relaxing the instructions for grant of extension in service/re-employment, the prior advice of CS may be obtained invariably. Any violation of these instructions would be viewed seriously. It was also stated that no re-employment or extension in service beyond the age of 58 years be given as a matter of routine.

Instructions dated
07.04.1991

8. Vide FD's letter No. 5/1/2012-1B&C, dated 04.07.2012, it was stated that henceforth, no ex-cadre/additional posts would be created for re-employment of officials/officers after their superannuation and such posts would be treated within the sanctioned posts of their cadre. It is also decided that re-employment of officials after their superannuation should not be allowed as a matter of routine and it should be allowed in very exceptional circumstances.

FD's Instructions
dated 04.07.2012

9. Vide FD's letter No. 5/1/2012-1B&C, dated 29.05.2013, it was also stated that the cases of re-employment of several retired officers/officials are being sent frequently to Finance Department for creating ex-cadre posts which are contrary to the instructions issued vide letter no referred to above. The Finance Department intends to further elaborate their instructions No. 5/1/2012-1B&C, dated 04.07.2012 as under:-

FD's Instructions
dated 29.05.2013

"Finance Department observes that several retired people are being re-employed. The Finance Department has two options-(i) that a new post is created for the person to be re-employed or (ii) an existing post vacated by the retired person (to be re-employed) is utilized for the re-employed person. Finance Department has opted for the second option since re-employment in every case would otherwise imply creation of additional post causing unnecessary burden on the exchequer. In any case, if the work in that department/place was discharged by 'x' number of employees earlier, it would be inappropriate to have 'x+1' persons to do the same work without any justification. This would also ensure that the pressure of serving employees will deter the re-employment of all and sundry. The government has expressly banned the creation of new posts considering the strain on the resources and the continuing revenue deficit."

10. Now, vide Govt. Instruction No. 34/08/2015-4GSI, dated 08.04.2015, it is stated that School Education Department and Engineering Departments/Engineering PSUs may grant extension in service after superannuation for a period of two years in such cases on a case to case basis. It is therefore requested that such cases of their Departments may be considered in the light of other points which are mentioned in the instructions issued from time to time in this regard.

Instruction dated
08.04.2015

11. Further more, the sub para-vi of para C of instructions dated 08.01.1958 provides that the case for re-employment continued/re-employment must reach the Administrative Secretary concerned at least three months before the crucial date. But most of the Departments do not follow these instructions and solicit ex- post -facto approvals for services rendered by person taken on re-employment. It is apparent that there are no instructions in the Chief Secretary Office with regard to ex- post- facto approvals. So, after examining the matter if AD deems a case to be a fit case for re-employment it may send the case to CS (in GAD) at least 2 months before the date of superannuation of that officer/official. Concerned Department should issue the orders of re-employment only after completing

Instructions dated
08.01.1958

the entire process associated with the re-employment as per above referred Govt. Instructions.

12. You are, therefore, requested to bring this consolidated set of instructions to the notice of all concerned working under your control for strict compliance.

Mohd. Jit
Under Secretary General Administration
for Chief Secretary to Government Haryana

Endst. No. 34/35/2014-4GS1

Dated Chandigarh, February 02, 2016

1. A copy is forwarded to the Chairman, Haryana Bureau of Public Enterprises for information and necessary action.
2. A copy is forwarded to the Principal Accountant General, Haryana, Chandigarh for information and necessary action.
3. A copy is forwarded to State Informatics Officer, National Informatics Centre, and Haryana for hosting on the State website.

Mohd. Jit
Under Secretary General Administration
for Chief Secretary to Government Haryana

OFFICE OF DIRECTOR GENERAL FOOD & SUPPLIES, HARYANA, CHANDIGARH

Endst. No. 6E(I)-2016/ 3162

Dated, Chandigarh, the 15.02.2016

A copy of the above is forwarded to the following for information and necessary action:-

1. All the District Food & Supplies Controllers in the State of Haryana.
2. All the Officers/Branch Incharges at Hqrs.
3. DCLM, Haryana, Near Football Chowk, Ambala Cantt.

Amrta
Assistant Food & Supplies Officer (Admn.)
for Director Food & Supplies, Haryana