

Government of West Bengal
Department of Higher Education

Bikash Bhaban (6th floor)
Salt Lake, Kolkata 700 091

No 984-Edn (U)/1U (Law)-38/16

Date: 30/11/2016

Notification

Subject: Clarification on the implementation of G.O. no. 2883(7)- Edn(U) dated 15/16 November 1979 governing the re-employment of university teachers upon superannuation on the attainment of the age of sixty years

Whereas vide the G.O. no. 2883(7)- Edn(U) dated 15/16 November 1979, the State Government had specified a dispensation and outlined a detailed procedure, including terms and conditions, for re-employing eminent faculty members 'for a limited period' beyond the superannuation age of sixty years;

2. And whereas the said G.O. mentioned that this dispensation was to be invoked only in 'exceptional cases' and not on a routine basis, and also that such re-employment was subject to the said candidate having superannuated from service, with the attendant terminal benefits having been disbursed to him, including pension, etc. in line with the Government's rules;

3. And whereas, it has come to the attention of the State Government that some universities have misapplied the said G.O. and that its benefit is being offered not on 'exceptional' basis but routinely to all or most faculty members who attain the superannuation age of sixty years. Further, in a violation of the procedures outlined by the said G.O., superannuation along with conferment of terminal benefits is not being effected upon the attainment of sixty years. This has led to an anomalous situation in some universities where the retirement age for faculty members has virtually got extended beyond the Government-approved age of sixty years, with attendant financial and other policy-related consequences for the Government;

4. Whereas in a recent litigation on this issue (W.P. no. 18646 (W) of 2015 Parimal Debnath and others vs. the State of West Bengal and others) in which the petitioners,

being re-employed faculty past the age of superannuation of sixty years, claimed some financial benefits at par with regular teachers of the said university. The Hon'ble High Court directed the State Government to undertake a review of the implementation of the said G.O.in respect of the concerned university, and submit a report; accordingly, a Committee composed primarily of academicians was appointed to look into the matter. The State Government has perused the report of the said committee, which has brought to light numerous anomalies in implementation.

5. The State Government has taken a serious view of the mechanical manner in which the provisions of the said G.O. have been implemented by some universities. Now, the State Government has considered it necessary to undertake a full review of the implementation of the said G.O. across all Universities in the State, and for which information is being collected.

6. Accordingly, the Governor is pleased to direct that the Order contained in no. 2883(7)-Edn (U) dated 15/16 November 1979, shall be kept in abeyance with immediate effect and until further orders. No new case under the provisions of the said G.O. shall be approved until further orders from this end; further, cases where decisions have been taken for granting fresh re-employment/ renewal of re-employment but which have not been given effect up till the issuance of this Order, shall not be given effect to until further orders from this end.

7. All concerned are requested to take necessary action accordingly.

By order of the Governor


Assistant Secretary 30/11/16
(University Branch)

Department of Higher Education