

Re-Employment of Govt. Servants after Retirement – Principles

Government of West Bengal
Cabinet Secretariat

CIRCULAR

Cab. C.No.4, Dated: 22.06.1998

Sub: Re-employment of Government Servants after retirement-Principles regarding.

1. In supersession of earlier circulars, on the subject, the Government have decided to lay down the following principles/procedures to be followed for re-employment of Government servants.

- i) Unless special reasons exist, a Government employee shall cease to be employed after his present term of re-employment even though he has not attained the 60 years. A Government employee may, however, be re-employed, only on specific written orders of the Government. A Government employee should not be re-employed for his personal benefit and re-employment must be only in exceptional and unavoidable circumstances and subject to the procedure laid down in para 2 of this circular.
- ii) The Department/ Officer concerned are to arrange substitutes well in advance for Government employees who are due to superannuate. Such attempts should normally begin between one year and six months prior to superannuation, depending on the nature of the post.
- iii) No one should be re-employed if a serving officer can be found as a substitute. When a suitable serving officer is not available, the superannuated officer may be granted re-employment for six months and attempts should be made to select the substitute before the expiry of the six month period.
- iv) If a Government employee with expert qualifications or experiences be considered indispensable for any post, he may be re-employed for such time as may be necessary to find/train up a suitable substitute, subject to the terms and conditions as laid down.
- v) Government employee on deputation to State Government undertakings, Commissions, Corporations etc, should not be kept in employment beyond 60 years of age without the prior approval of the Cabinet for which exceptional and unavoidable circumstances should exist. Provisions of sub-para (i) of para 1 above will also apply.

2. All proposals for re-employment, where special reasons exist, have to be sent with detailed justification, to the Cabinet Secretariat at least three months in advance.

3. The Cabinet Secretariat will then present the proposals to the Appointments Committee of the Cabinet for analysis and evaluation. The Appointments Committee may after considering the matter decide, either to reject the proposal or to forward the same with its recommendations for consideration by the Cabinet or act otherwise.

4. No case should be put up to the Cabinet for ex-post facto approval or as a option case.

5. The provisions of this circular will take immediate effect. Those cases which are under process in accordance with the earlier circulars on the subject will cease and will have to conform to these provisions.

6. This should be circulated for the guidance of all concerned subordinate offices including Public Sector Undertakings, etc.

Sd/- M. Gupta
Chief Secretary & Cabinet Secretary

Government of West Bengal
Finance Department
Audit Branch

No. 5276-F, Dated: 20.07.1998

MEMORANDUM

Whereas, the Government of West Bengal vide Order No. 3830-F dated 15th May 1998 have decided, in partial modification of Rule 75(a) of [W.B.S.R. Pt. I](#), that Government employees belonging to Groups 'A', 'B' & 'C' as in the case of Group 'D' will retire from service on attaining the age of sixty years.

2. Now, therefore the Governor is pleased to decide that no Government employee belonging to the above four groups should hence-forth, be re-employed after superannuation, that is beyond the age of sixty years. This order shall apply, mutatis-mutandis, to all State Government employees on deputation to State Government Undertakings, Autonomous Bodies, Commission, Corporations, Government managed Companies, etc. State Government employees and/or any Government employee in the aforesaid organisations, should not be allowed to continue in service after 60 years in anticipation of approval, in any form. No department of the Government should send any proposal for re-employment of any Government employee who has attained the age of 60 years to the Cabinet Secretariat.

3. State Government employees who have retired prior to 15th May 1998 and are re-employed presently including those re-employed earlier while on deputation to Public Sector Undertakings, Autonomous Bodies, Commissions, etc. should remain, employed only till their present prescribed tenure of re-employment is over. Provisions envisaged in para 3 above will apply only in exceptional and unavoidable circumstances.

4. This should be circulated for the guidance of all concerned subordinate officers including Public Sector Undertakings, etc.

Sd/- D. Mukhopadhyay

Spl. Secy. to the
Govt. of West Bengal

Government of West Bengal
Cabinet Secretariat
Writer's Buildings, Kolkata

No. 5-CAB(M)-8/09, Dated: 20.08.2009

CIRCULAR

Government in the Finance Department, Audit Branch through its memorandum No. 5276-F dated 20th July, 1998 circulated the Policy of Government instructing that no Government employee shall be re-employed after superannuation. In the same memorandum it was made clear that this general policy of discouraging re-employment will extend also to State Government employees on deputation to State Undertakings, Autonomous Bodies, Commissions, Corporations etc. In the same memorandum Finance Deptt. had also instructed all Departments to strictly follow the procedure as circulated by Cabinet Secretariat under No. 4 dated 22nd June, 1998 in the matter of sending re-employment proposals to Cabinet Secretariat when any administrative department feel re-employment of any officer as inescapably necessary in the interest of public service.

It has been notified for quite sometime that despite this policy circular discouraging re-employment, large number of proposals are being forwarded by various departments recommending re-employments. Government has taken a serious view of this tendency. It is, therefore, being stressed again that only in exceptional and unavoidable circumstances proposals for re-employment along with detailed justification should be sent to the Cabinet Secretariat for consideration following the procedure laid down in circular No. 4 of 22 June, 1998 of Cabinet Secretariat (copy enclosed). In order to strictly monitor implementation of this direction it has now been decided that after receiving such proposals in every month, Cabinet Secretariat will place the proposals to a Committee of Secretaries formed for the purpose vide memo No. 125-CMS dated 23.7.2009 of Chief Minister's Secretariat. After scrutiny of all such re-employment proposals only such proposals will be placed before the Appointments Committee of the Cabinet which in view of the Committee of Secretaries will be found appropriate for consideration of the Appointment Committee of the Cabinet. After decision of Appointment Committee of the Cabinet on such proposals cleared by Committee of Secretaries, the Cabinet Secretariat will communicate the decisions on such proposals to the concerned administrative departments for taking further necessary action. The concerned department while issuing the order of re-employment will quote U.O. No. of the Cabinet Secretariat and endorse copies of the order to Finance Department and the concerned DDOs.

This order will take immediate effect.

Sd/- Asok M. Chakrabarti
Chief Secretary & Cabinet Secretary