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Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
AIS(AIS-II (PENSION))

(Dated 20 September, 2022)

OFFICE MEMORANDUM

Voluntary Retirement from Service for All India Service Officers

Department of Personnel & Training has issued guidelines on voluntary retirement and its implications on the Government servants at the time of voluntary retirement under All India Service (Death-Cum Retirement Benefits) Rules, 1958.

The procedure to be followed in this regard by the authorities concerned is summarized in the following paras for guidance and better understanding: -

Rule Position

Voluntary Retirement for the member of All India Services is governed by Rule 16(2) and 16(2A) of AIS (DCRB) Rules, 1958;

Rule 16(2) provides that a member of the Service may, after giving at least three months' previous notice in writing, to the State Government concerned, retire from service on the date on which such member completes thirty years of qualifying service or attains fifty years of age or on any date thereafter to be specified in the notice:

Provided that no member of the Service under suspension shall retire from service except with the specific approval of the Central Government.

Provided further that the State Government concerned on a request made by the member of the service may, if satisfied and for reasons to be recorded in writing, relax the period of notice.

Further, Rule 16(2A) provides that a member of the service may, after giving three months' previous notice in writing to the State Government concerned, retire from service on the date on which he completes 20 years of qualifying service or any date thereafter to be specified in the notice:

Provided that a notice of retirement given by a member of the service shall require acceptance by the Central Government if the date of retirement on the expiry of the period of notice would be earlier than the date on which the member of the Service could have retired from service under sub-rule (2):

Provided further that a member of the Service, who is on deputation to a corporation or company wholly or substantially owned or controlled by the

government or to a body controlled or financed by the Government, shall not be eligible to retire from the service under this rule for getting himself permanently absorbed in such corporation, company or body. Provided also that a member of the Service borne on the Cadres of Assam-Meghalaya, Manipur-Tripura, Nagaland and Sikkim may retire from service on the date on which he/she completes 15 years of service.

Instructions or guidelines issued under the Rule

1. A notice under sub-rule (2) of Rule 16, addressed to the Central Government can be treated as valid as defect in the notice is only formal, and in the absence of a prescribed form, endorsing a copy of the notice amounts to addressing the notice.

[File No. 28/8/72-AIS(II)]

2. Member of Service can serve notice of retirement even before he attains the age of 50 years or has completed 30 years of Qualifying service: -

A member of service can serve notice of retirement even before he attains the age of 50 years or has completed 30 years of qualifying service subject to the condition that the actual retirement takes place after he has attained age of 50 or has completed 30 years of qualifying service.

[File No. 28/8/72-AIS(II)]

3. Guidelines for acceptance of notice of voluntary retirement: -

For acceptance of the notice of retirement under sub-rule (2) and (2A) of Rule 16 of the All India Service (Death-cum-retirement Benefits) Rules, 1958, the following guidelines are laid down:-

i) A notice of voluntary retirement given by a member of the service may be withdrawn by him, after it is accepted by the Government, only with the approval of the Competent Authority concerned provided the request for such withdrawal is made before the expiry of the period of notice.

ii) In cases where disciplinary proceedings are pending or contemplated against a member of the Service for the imposition of a major penalty and the disciplinary authority having regard to the circumstances of the case, is of the view that the imposition of the major penalty of removal or dismissal for service would be warranted, the notice of voluntary retirement given by the officer concerned may not ordinarily be accepted.

iii) In cases where prosecution is contemplated or may have been launched in a court of law against a member of the service, the notice of voluntary retirement given by him may not ordinarily be accepted.

- iv) The notice of voluntary retirement given a member of the Service, who is on study leave or who has but not completed a minimum service of 3 years on completion of study leave, may not ordinarily be accepted.

[DP & AR letter No. 25011 /2/80-AIS(II), dated the 16th October, 1980]

4. EOL cannot run concurrently with the period of notice of voluntary retirement: -

i) sub-rule (2) of Rule 16 of the AIS(DCRB) Rules requires that a member of the service should give 3 month's previous notice in writing to retire from service on the date on which he/she completes 30 years of qualifying service or attains 50 years of age or any date thereafter to be specified in the notice. Further, under Sub-rule (2A), 3 month's notice in advance in order to retire from service on the date on which he completes 20 years of qualifying service or on any date thereafter to be specified in the notice.

ii) It is clarified that Extra Ordinary Leave on private affairs or on medical ground cannot run concurrently with the period of notice given by a member of the service for seeking voluntary retirement.

[DP & AR letter No. 25011 /2/80-AIS(II), dated the 16th October, 1980]

5. A MoS, who has given notice for voluntary retirement under the aforesaid rule will retire from service on the expiry of the period of the prescribed three months even if he is placed under suspension after he gave notice:-

Under sub-rule (2) of rule 16, *ibid*, retirement of a member of the service becomes effective on the expiry of three months' notice given by him, unless he is under suspension. Once the notice period begins to run, it may not be open to the Government a unilateral act of suspension to prevent the running of the three month's period. In other words, a member of the Service, who has given notice for voluntary retirement under the aforesaid rule will retire from service on the expiry of the period of the prescribed three months even if he is placed under suspension after he gave notice. However, as provided in the explanation below rule 6(1) *ibid*, a departmental proceeding in terms of the aforesaid rule shall also be deemed to have been instituted against the pensioner on the date he was placed under suspension. In view of this if a member of the service is placed under suspension after he gives notice for retiring from service voluntarily, the benefit of the limitation contained in clause (b) (ii) of the proviso to rule 6(1) *ibid* will not be available to him, and departmental proceeding under this rule for reduction of his pensionary benefits can be initiated against him, even after the date of his retirement, for a misconduct committed by him while in service, although such proceeding may be in respect of an event which took place more than four years before the institution of such proceedings.

[DP & AR letter No. 25011 /47/78-AIS(II) dated the 16th October, 1978]
