

GOVERNMENT OF ASSAM
OFFICE OF THE DIRECTOR OF HIGHER EDUCATION:.....ASSAM
KAHILIPARA:.....GUWAHATI-19.

No. :- ACB/MISC/29/2007/129

Dated Kahilipara, the, 12th August/2013

From:- Shri P. Jidung, M.A., M. Phil.,LL.B., AES,
Director of Higher Education, Assam
Kahilipara, Guwahati-19.

To, ✓
The Principal,.....(ALL)College/Mahavidyalaya,
P.O:-....., Dist.....

Sub:- Rectification of certain points of the Government's O.M. No. AHE.312/2005/pt.1/125 dtd. 06-08- 2007 regarding regularization of over stay period of retired/expired employees of provincialise colleges.


Ref:- Govt. office Memorandum No. AHE/312/2008/90 dtd. 28th June/2013.

Sir,

In inviting a reference to the subject cited above, I would like to furnish here with a copy of Govt. OM No. AHE/312/2008/90 dtd. 28th June/2013 which is self explicit and request you to submit necessary proposals as per check-list enclosed in respect of those retired/expired employees of your college who were in service as on 01-01-2005 and were shown to have been retired at the age of 58 years and whereas the period of service rendered beyond 58 years had been regularised by treating the same as overstayed in service the above mentioned retired/expired college Teachers would be entitled to enjoy retirement age as 59 years instead of 58 years and shall be entitled to all pensionary benefits.

Further, I request you to submit Action Taken Report to the undersigned along with the proposals for taking necessary action from this end .


Yours faithfully


Director of Higher Education, Assam,
Kahilipara, Guwahati-19.

Memo No. :- ACB/MISC/29/2007/129-A
Copy to :-

Dated Kahilipara, the, 12th August/2013

1. The Commissioner & Secretary to the Govt. of Assam, Education (Higher) Department, Dispur, Guwahati-6 with reference to the Govt. OM No. AHE.312/2008/90 dtd. 28.06.2013.
2. The Principal, Accountant General, Maidamgaon, Beltola, Guwahati-29.


Director of Higher Education, Assam,
Kahilipara, Guwahati-19.

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GOVERNMENT OF ASSAM
HIGHER EDUCATION DEPARTMENT
DISPUR:::GUWAHATI-6

OFFICE MEMORANDUM

Dated Dispur the 28th June, 2013.

No.AHE.312/2008 / 90

Subject : Rectification of certain points of the Government's O.M. No. AHE.312 /2005/ Pt-I/125 Dated 6-8-2007 regarding regularization of over-stay period of Retired/ Expired Employees of Provincialised Colleges.

The Government of Assam in Higher Education Department with the approval of Cabinet have regularized the over-stay period of 2171 Nos. retired/ expired employees of Assam provincialised Colleges vide Office Memorandum No.AHE.312/2005/Pt-I/125 Dated 6-8-2007 for granting pension who have over-stayed beyond the age of Superannuation as per the Assam College Employees (Provincialisation) Act,2005 treating the over-stay period as re-employment.

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As per section 9 of the Assam College Employees (Provincialisation) Act,2005, the College Employees shall superannuate on attaining such age on which the Govt. servant similarly situated superannuate. At the time of coming into operation the Provincialisation Act,2005 with effect from 01-12-2005, the incumbents were working on service conditions which were being governed by the Assam Aided College Employees Rules,1960 and Assam Non-Govt. College Management Rule,2001 as amended and provided for retirement age at 60 years. Consequent upon coming into force of the Provincialisation Act,2005, all employees of Provincialised College (Except those who opted otherwise) treated as Govt. Employee by virtue of section 3 of the said Act and thereby liable to be retired on attaining such age at which a Govt. servant normally retires.

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As per the Govt. O.M. No.AAP.115/72/Pt-I/140 Dated 25-1-2005 normal retirement age was enhanced to 59 years in respect of Govt. Employees due to retire after 01-01-2005 (Except Grade-IV and other employees retireable at 60 years).

It has been brought to the notice of the Govt. that some erroneous decisions were taken vide Govt. O.M No.AHE.312/2005/Pt-I/125 Dated 6-8-2007 in respect of some incumbents who were in service on or after 1-1-2005 were shown to have been retired at the age of 58 years has been regularized by treating as overstayed. But as per the provisions of Govt. O.M. No.AAP.115/72/Pt-I/140 dated 25-1-2005 their superannuation age should have been treated on completion of 59 years of age instead of 58 years of age as such they fall within the sweep of the term " existing employees" as defined in Section 2(c) of the Provincialisation Act of 2005 and they are entitled to all pensionary benefits in terms of section 7(1) of the Act,2005. The section 8 of the Act,2005 does not cover in their cases.

On careful examination, the Government of Assam in Higher Education Department with the approval of Cabinet have decided to review its decision taken vide O.M. No.AHE.312/2005/Pt-I/125 Dated 6-8-2007 and the said O.M is hereby rectified to the effect that the Provincialised College employees (who were in service as on 1-1-2005 and were shown to have been retired at the age of 58 years and the period served beyond 58 years had been regularized by treating overstaya), would be entitled to enjoy retirement age as 59 years instead of 58 years and shall be entitled to all pensionary benefits in terms of section 7 (1) of the Assam College Employees (Provincialisation) Act,2005. However, all other terms and conditions as laid down in the aforesaid O.M dated 6-8-2007 shall remain the same.

Accordingly, the matter is disposed off finally once and for all.

Sd/- H.K.Sharma,
Commissioner & Secretary to the Govt. of Assam
Higher Education Department

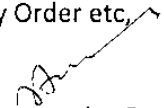
Memo No.AHE.312/2008/90-A

Dated Dispur, the 28th June, 2013.

Copy to :

1. The Principal Accountant General (A&E) Assam, Beltola Guwahati-29 for necessary action and to dispose off the Pension cases relating to the employees who were in service on and after 1-1-2005 accordingly with reference to the petitioners case of WP(C) No.4067/2008 and Misc. case No.930 of 2011 with the other similarly situated incumbents early.
2. The Director of Higher Education, Assam, Kahilipara, Guwahati-19 for information and taking follow-up action.
3. The Finance (Estt-A) Deptt/ Judicial Deptt./ P & P.G Deptt./ Personnel (B) Department/ Legislative Department Govt. of Assam ,Dispur,Guwahati-6 for information.
4. The Deputy Secretary, Govt. of Assam, Political (Cabinet Cell) Deptt. Dispur,Guwahati-6 for information with reference to Cabinet decisions dated 20-06-2013.
5. Treasury Officer concerned....
6. OS D to Hon'ble Minister, Education, Assam for information of the Hon'ble Minister, Education.
7. P.S to Parliamentary Secretary for Education Department, Assam, Dispur.
8. Staff Officer to Chief Secretary, Assam, Dispur.

By Order etc.


Deputy Secretary to the Govt. of Assam
Higher Education Department

**CHHECKLIST FOR REVISED GRATUITY/PENSION OF COLLEGE TEACHERS AS
PER ASSAM COLLEGE EMPLOYEES (PROVINCIALISATION) ACT,2005.**

1. **NAME OF THE APPLICANT/RETIRED PERSON :-**
COMING WITHIN THE PURVIEW OF THE **OM. NO.**
1. ON TREATING. THE SERVICE BEYOND 58 YEARS
OF AGE AS OVERSTAYAL IN SERVICE TILL
ATTAINMENT OF 59 YEARS.
2. **DATE OF BIRTH AS PER MATRICULATION :-**
CERTIFICATE (TO BE ENCLOSED).
3. **COPY OF PENSION PAYMENT ORDER/GRATUITY :-**
PAYMENT ORDER ALREADY CONVEYED BY THE
A.G., ASSAM.
4. **DRAWAL/NON-DRAWAL/SURRENDER STATUS OF :-**
PENSION/GRATUITY ALREADY SANCTIONED BY
A.G. BY TEATING 58 YEAR AS RETIREMENT AGE.
5. **TREASURY CHALLAN IN REGARD TO DEPOSIT OF :-**
ALREADY DRAWN PENSION/ GRATUITY AS
AFORESAID TO EXCHEQUER.
6. **SERVICE BOOK IN ORIGINAL/(WHICH SHALL BE :-**
RETURNED WHEN DONE WITH).
7. **DATE OF ATTAINING OF 59 YEARS. :-**
8. **RELEVANT PENSION PAPERS IN PROPER FORMAT :-**
AS PER ASSAM SERVICE PENSION RULES, 1969.

RETIREED PERSON CONCERNED

PRINCIPAL

(For office use only)

D.A SUPDT, PENSION BRANCH AUDITOR SR. F.A.O. DY.DHE

DIRECTOR OF HIGHER EDUCATION, ASSAM,
KAHILIPARA, GUWAHATI-19.
