

# **THE NAGALAND RETIREMENT FROM PUBLIC EMPLOYMENT**

**(ACT NO.3 OF 1991)**

## **NAGALAND LEGISLATIVE ASSEMBLY SECRETARIAT, KOHIMA**

### **THE NAGALAND RETIREMENT FROM PUBLIC EMPLOYMENT Act, 1991**

An Act to regulate conditions of service in Public Employment.

Whereas it is expedient to lay down law regarding "tenure of public employment in the State of Nagaland.

It is hereby enacted in the forty second year of the Republic of India as follows :-

Short title,

1. (1) This Act may be called the Nagaland Retirement from Public Employment Act, 1991.

Commencement

- (2) It extends to the whole of the State of Nagaland.
- (3) It shall be deemed to have come into force with effect from the 18<sup>th</sup> June, 1991.

Definition

2. In this Act, unless there is anything repugnant in the subject or context:-

(I) "Public Employment" means appointment to any pensionable State Public Service or posts in connection with the affairs of the State of Nagaland and the Nagaland Legislative Assembly and includes any appointment under the, Government of India. Any other State Government, Central or State Public Sector under taking and local authority held by persons prior to their absorption under the Public Service of the State of Nagaland and the Nagaland Legislative Assembly which counts for the purpose of pension.

3. (1) Notwithstanding anything contained in any rule or orders for the time being in force, a person in public employment shall hold office for a term of thirty three years from the date of his joining public employment or until he attains the age of fifty seven years whichever is earlier:

Provided that in special circumstances, a person under public employment may be granted extension by the State Government-

Upto a maximum of one year Provided further that the Government may have the cases of all persons under public employment screened from time to time to determine their suitability for continuation in public employment after the attainment of the age of fifty years.

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- (2) All persons under public employment shall retire on the afternoon of the last day of the month in which he attains the age of fifty seven years or on completion of thirty three years of public employment whichever is earlier.
- (3) Notwithstanding anything contained herein, the appropriate authority shall, if it is of the opinion. that it is in the public interest so to do, have the absolute right to retire any person under public employment who has attained the age of fifty years by giving him notice of three months in writing or three months pay and allowances in lieu of such notice.

4. The State Government may, by notification in the Nagaland Gazette, make rules for carrying out the purposes of this Act.
5.
  - (1) If any difficulty or doubt arises in giving in effect to the provisions of this Act, the State Government may, by order publish in the Nagaland Gazette, make such provisions, not inconsistent with the purposes of this Act as appears to it to be necessary or expedient for the removal of the difficulty or doubt and the order of the State Government in such cases shall be final.
  - (2) Every order made under this Section shall be laid as soon as may be after it is made, before the Assembly. In case the Assembly agree in making any modification in the order or the Assembly agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.
6.
  - (1) All Rules and Orders made under the proviso to Article 309 and Article 187 of the Constitution of India or contained under Article 372 thereof or made under any other law for the time being in force, governing the recruitment and conditions of service under public employment at the commencement of this Act shall in so far as they are not inconsistent with the provisions of this act continue to be in force as if they were made under this Act his Act until they are amended under this Act.
  - (2) The Nagaland Retirement from Public Employment Ordinance, 1991 (Ordinance No. 1 of 1991) is hereby repealed.
  - (3) Notwithstanding such repeal anything done or any action taken including any order made, notifications issued or direction given under the Ordinance so repealed shall be deemed to have been done, taken, made, issued or given, as the case may be, under the provisions of this Act.
7. Any person in public employment may by giving notice of not less than one month in writing to the appropriate authority retire from service after he has attained the age of fifty years or has put in not less than twenty years of public employment:

Provided that it shall be open to the appropriate authority to withhold permission to retire under this Sub-Section.
8. If on a review of the case either on a representation from the person in public employment who is retired prematurely or otherwise, it is decided to reinstate him in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave of the kind due and admissible, including extra-ordinary leave, or by treating it as dies-non depending upon the facts and circumstances of the case.

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or, if the order of premature retirement is set aside by a Court of Law.