

**Government of Nagaland  
Personnel and Administrative Reforms Department  
( Administrative Reforms Branch)**

**OFFICE MEMORANDUM**

No. APPT-15/3/67 (Pt)

Dated Kohima, the 3<sup>rd</sup> June, 2013.

**Sub: Overstay in service of Government employees-Matter thereof.**

1. It is observed that Government servants have a tendency to approach the court of law whenever conflicts arises with regard to the interpretation of the date of retirement from service, be it from the perspective of the date of birth or the length of 35 (thirty five) years of service in terms of the Nagaland Retirement from Public Employment (Second Amendment) Act, 2009.
2. The State Government, while recognizing the right of a Government servant in seeking legal intervention in such instances, is constrained to note that the employee concerned invariably obtain an interim stay-order from the court and continue to remain in office pending disposal of the dispute by the court which, more often than not, results in overstay in service. Besides, the uncertainty over the superannuation of Heads of Department and very senior officers of the departments leads towards slowing down of the departmental work including postponement of decisions relating to key policies and programmes and downward trend in the morale and discipline of the Department.
3. In view of these, it is now decided that in cases where the court has dismissed the petition of the Government servant, the issue of *regularization of the over-stay period in service* shall be strictly administered by the relevant memorandums and office memorandums promulgated by the State Government.
4. Further, a Government servant continuing in service beyond the date of retirement notified by the Government, subsequent to an interim stay-order obtained from a court of law, shall be deemed to have proceeded on leave effective from the date of retirement so maintained by the Government till the duration of the case, and such a leave shall be debited from the leave at the credit of the Government servant irrespective of the final decision of the court of law. In such cases, the Administrative Departments will move for posting suitable officers in the line of promotion to man the key positions so that the day – to – day working of the departments does not suffer.

**Sd/-ALEMTEMSHIJAMIR**  
Chief Secretary to the Govt. of Nagaland