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# मध्यप्रदेश राजपत्र

( असाधारण )  
प्राधिकार से प्रकाशित

क्रमांक 216]

भोपाल, शनिवार, दिनांक 2 अप्रैल 2011—चैत्र 12, शक 1933

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 2 अप्रैल 2011

क्र. 2167-138-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश शासकीय सेवक (अधिवार्षिकी-आयु) संशोधन विधेयक, 2011 (क्रमांक 19 सन् 2011) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,  
राजेश यादव, अपर सचिव.

MADHYA PRADESH BILL  
No. 19 of 2011.

THE MADHYA PRADESH SHASKIYA SEVAK (ADHIVARSHIKI-AYU)  
SANSHODHAN VIDHEYAK, 2011.

**A Bill further to amend the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhinyam, 1967.**

Be it enacted by the Madhya Pradesh Legislature in the Sixty-second year of the Republic of India as follows :—

**Short title.**

1. This Act may be called the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Sanshodhan Adhinyam, 2011.

**Amendment of Fundamental Rule 56 as substituted by section 2 of the Madhya Pradesh Act No. 29 of 1967.**

2. In Section 2 of the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhinyam, 1967 (No. 29 of 1967), in rule 56 of the Fundamental Rules :—

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) Subject to the provisions of sub-rule (2), every Government Servant other than a Government Servant mentioned in sub-rules (1-a), (1-b), (1-c), (1-d), (1-e), (1-f), (1-g), (1-h), (1-i) and (1-j), shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that a Government Servant other than a Government Servant mentioned in sub-rules (1-a), (1-b), (1-c), (1-d), (1-e), (1-f), (1-g), (1-h), (1-i) and (1-j), whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years.”;

(ii) for sub-rule (1-a), the following sub-rule shall be substituted, namely:—

“(1-A) Subject to the provisions of sub-rule (2), every Government Teacher other than a Government Teacher mentioned in sub-rules (1-g), (1-h) and (1-i), shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty two years:

Provided that a Government Teacher other than a Government Teacher mentioned in sub-rules (1-g), (1-h), and (1-i), whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty two years.

**Explanation.**—For the purpose of this sub-rule, “Government Teacher” means a Government Teacher, other than a Government Teacher mentioned in sub-rules (1-g), (1-h) and (1-i), by whatever designation called, appointed for the purpose of teaching in a Government educational institution in accordance with the recruitment rules applicable to such appointment and shall also include a teacher who is appointed to an administrative post by promotion or otherwise and who has been engaged in teaching for not less than twenty years, provided he holds a lien on a post in the concerned Government educational institution.”;

(iii) sub-rule (1-c), shall be renumbered as clause (a) thereof and in clause (a) as so renumbered, for the figures "62" and the words "sixty two" wherever they occur, the words "sixty five" shall be substituted, and after clause (a) as so renumbered, the following new clause shall be inserted, namely:—

“(b) The increase of age of superannuation from sixty two years to sixty five years in clause (a) shall be deemed to have come into force from 31st August, 2010.”;

(iv) after sub-rule (1-d), the following sub-rules shall be inserted, namely:—

“(1-e) (a) Subject to the provisions of sub-rule (2), every Government nurse other than a Government nurse mentioned in sub-rule (1-j) shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty five years:

Provided that a Government nurse, other than a Government nurse mentioned in sub-rule (1-j), whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty five years.

**Explanation.**—For the purpose of this clause a “Government nurse” means a Government Servant by whatever designation called, appointed to a post mentioned under Group ‘C’-Nursing Services in Schedule-I of the Madhya Pradesh Public Health and Family Welfare (Gazetted) Services Recruitment Rules, 2007 and under Schedule-I of the Madhya Pradesh Public Health and Family Welfare Department (Directorate of Health Services) Class-III Nursing Service Recruitment Rules, 1989, for the purpose of nursing in accordance with the recruitment rules applicable to such appointment, provided he holds a lien on a nursing post of an institution under the Public Health and Family Welfare Department.

(b) The provision of clause (a) shall be deemed to have come into force from 31st October, 2009.

(1-f) Subject to the provisions of sub-rule (2), every member of the Madhya Pradesh Medico Legal Institute (Gazetted) Service, other than a Senior Forensic Specialist (Non Medical) Junior Forensic Specialist (Non Medical) and Medical Officer (Non Medical), appointment to a medical post mentioned in the Schedule-I of the Madhya Pradesh Medico Legal Institute (Gazetted) Service Recruitment Rules, 1987, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty five years:

Provided that every member of Madhya Pradesh Medico Legal Institute (Gazetted) Service other than a Senior Forensic Specialist (Non Medical), Junior Forensic Specialist (Non Medical) and Medical Officer (Non Medical), appointed to a medical post mentioned in the Schedule-I of the Madhya Pradesh Medico Legal Institute (Gazetted) Service Recruitment Rules, 1987, whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty five years.

**Explanation.**—For the purpose of this sub-rule, a member of the Madhya Pradesh Medico Legal Institute (Gazetted) Service means a Government Servant, by whatever designation called, appointed to a medical post in accordance with the recruitment rules applicable to such appointment and shall also include a

Medical Officer or Medico Legal Specialist who is appointed to an administrative post by promotion or otherwise, and who has been engaged in Medico Legal Forensic work for not less than twenty years, provided he holds a lien on a post under the Madhya Pradesh Medico Legal Institute (Gazetted) Service.

- (1-g) (a) Subject to the provisions of sub-rule (2), every Government Teacher other than a Teacher mentioned in sub-rules (1-a), (1-h) and (1-i), shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty five years:

Provided that every Government Teacher other than a Teacher mentioned in sub-rules (1-a), (1-h) and (1-i), whose date of birth is the first of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty five years.

**Explanation.**—For the purpose of this clause, a “Government Teacher” means a Government Teacher by whatever designation called, appointed to a post, other than to the post of a Librarian or a Sports Officer, mentioned under Schedule-I of the Madhya Pradesh Educational Service (Collegiate Branch) Recruitment Rules, 1990, for the purpose of teaching in a Government educational institution in accordance with the recruitment rules applicable to such appointment, who not only possesses all the qualifications prescribed by the University Grant Commission for the post he holds but is also involved in class room teaching and shall also include a teacher who is appointed to an administrative post by promotion or otherwise and who has been engaged in teaching for not less than twenty years, provided he holds a lien on a post in the concerned Government educational institution.

- (b) The provision of clause (a) shall be deemed to have come into force from 16th April, 2010.

- (1-h) (a) Subject to the provisions of sub-rule (2), every Government Teacher other than a Teacher mentioned in sub-rules (1-a), (1-g) and (1-i), shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty five years:

Provided that every Government Teacher other than a Teacher mentioned in sub-rules (1-a), (1-g) and (1-i), whose date of birth is the first of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty five years.

**Explanation.**—For the purpose of this clause, a “Government Teacher” means a Government Teacher by whatever designation called, appointed to a post, other than to the post of a Librarian or a Physical Training Instructor or a Programmer, mentioned under Schedule-II of the Madhya Pradesh Technical Education Engineering College (Teaching Cadre) Service (Recruitment) Rules, 2004, for the purpose of teaching in a Government educational institution in accordance with the recruitment rules applicable to such appointment, who not only possesses all the qualifications prescribed by the All India Council for Technical Education for the post he holds but is also involved in class room teaching and shall also include a teacher who is appointed to an administrative post by promotion or otherwise and who has been engaged in teaching for not less than twenty years, provided he holds a lien on a post in the concerned Government educational institution.

(b) The provision of clause (a) shall be deemed to have come into force from 14th September, 2010.

(1-i) (a) Subject to the provisions of sub-rule (2), every Government Teacher other than a Teacher mentioned in sub-rules (1-a), (1-g) and (1-h), shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty five years:

Provided that every Government Teacher other than a Teacher mentioned in sub-rule (1-a), (1-g) and (1-h), whose date of birth is the first of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty five years.

**Explanation.**—For the purpose of this clause, a “Government Teacher” means a Government Teacher by whatever designation called, appointed to a post, other than to the post of Librarian or a Physical Training Instructor or a Programmer or an Assistant Workshop Superintendent or a Videographer or a System Analyst Grade-III or a Cameraman or an Artist or an Assistant Surgeon mentioned under Schedule-II of the Madhya Pradesh Technical Education Polytechnic College (Teaching Cadre) Service (Recruitment) Rules, 2004, for the purpose of teaching in a Government educational institution in accordance with the recruitment rules applicable to such appointment, who not only possesses all the qualifications prescribed by the All India Council for Technical Education for the post he holds but is also involved in class room teaching and shall also include a teacher who is appointed to an administrative post by promotion or otherwise and who has been engaged in teaching for not less than twenty years, provided he holds a lien on a post in the concerned Government educational institution.

(b) The provision of clause (a) shall be deemed to have come into force from 19th October, 2010.

(1-j) Subject to the provisions of sub-rule (2), every Government nurse other than a Government nurse mentioned in sub-rule (1-e), shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty five years:

Provided that a Government nurse other than a Government nurse mentioned in sub-rule (1-e) whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty five years.

**Explanation.**—For the purpose of this clause, a “Government nurse” means a Government Servant by whatever designation called, appointed to a post mentioned under College of Nursing, Indore in Schedule-I of the Madhya Pradesh Medical Education (Gazetted) Services Recruitment Rules, 1987 and under Schedule-I of the Madhya Pradesh Public Health and Family Welfare Department (Directorate of Health Services) Class-III Nursing Services Recruitment Rules, 1989, for the purpose of nursing in accordance with the recruitment rules applicable to such appointment, provided he holds a lien on a nursing post of an institution under the Medical Education Department.”.

## STATEMENT OF OBJECTS AND REASONS

Presently, the age of superannuation of every member of the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service appointed to a Medical Post mentioned in Schedule-I to the Madhya Pradesh Public Health and Family Welfare (Gazetted) Service Recruitment Rules, 1988 is 62 years, the age of superannuation of every Government Nurse appointed to a post shown under Group 'C' Nursing Services in Schedule-I to the Madhya Pradesh Public Health and Family Welfare (Gazetted) Services Recruitment Rules, 2007 and under Schedule-I to the Madhya Pradesh Public Health and Family Welfare Department (Directorate of Health Services) Class-III Nursing Services Recruitment Rules, 1989 and under College of Nursing, Indore in Schedule-I of the Madhya Pradesh Medical Education (Gazetted) Services Recruitment Rules, 1987 and every member of the Madhya Pradesh Medico Legal Institute (Gazetted) Service, other than a Senior Forensic Specialist (Non Medical), Junior Forensic Specialist (Non Medical) and Medical Officer (Non Medical), appointed to a medical post mentioned in the Schedule-I to the Madhya Pradesh Medico Legal Institute (Gazetted) Service Recruitment Rules, 1987, is 60 years. Of late, Government has been faced with an acute shortage of the above category of officers. With a view to cope up with the above shortage, Government proposes to increase the age of superannuation of the above category of officers to 65 years, by amending the Madhya Pradesh Shaskiya Sevak (Adhivarshiki Ayu) Adhinyam, 1967 (No. 29 1967) suitably.

2. Government has decided to revise the pay-scales of Government teachers of Government Colleges, Engineering Colleges and Polytechnic Colleges of the State, on the basis of the recommendations of University Grants Commission and All India Council for Technical Education with effect from 1st January 2006. In order to attract eligible persons to the teaching career and retain teachers in service for a longer period, both the Institutions have also recommended to raise the superannuation age of all such Government teachers, other than teachers appointed to the post of a Librarian or a Physical Training Instructor or a Programmer or Assistant Workshop Superintendent or Videographer or System Analyst Grade-III or Cameraman or Artist or Assistant Surgeon, who are involved in class room teaching, from 62 to 65 years. To implement this recommendation, Government has also decided to raise the age of superannuation of the above-mentioned category of Government teachers working in Government Colleges, Engineering Colleges and Polytechnic colleges of the State from 62 to 65 years, by amending the Madhya Pradesh Shaskiya Sevak (Adhivarshiki-Ayu) Adhinyam, 1967 (No. 29 of 1967) suitably.

3. Hence this Bill.

BHOPAL :  
DATED the 30th March, 2011.

RAGHAV JI  
*Member-in-charge.*