

GOVERNMENT OF ANDHRA PRADESH
FINANCE (HRM IV) DEPARTMENT

Circular Memo No.4179/14 /HRM IV/ 2014

Dated: 02.07.2014.

Sub: - Public Services – Age of Superannuation of Government Employees – Enhancement of age of superannuation from 58 to 60 years in AP Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014 (Act 4 of 2014) – Applicability - Clarification – Issued – Regarding.

Ref: - Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014 (Act 4 of 2014).

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In the reference cited, among others, an amendment has been issued to sub-section (1) of section 3 of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 enhancing the age of superannuation of the Government employees from 58 to 60 years.

As per sub-section (2) of section 1 of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, the provisions of the said Act shall apply to the following categories of employees:

- i) persons appointed to public services and posts in connection with the affairs of the state;
- ii) officers and other employees working in any local authority, whose salaries and allowances are paid out of the consolidated fund of the State;
- iii) persons appointed to the Secretariat Staff of the Houses of the State Legislature and
- iv) every other officer or employee whose conditions of service are regulated by the rules framed under the proviso to Article 309 of the Constitution of India before the commencement of this Act, other than the Village Officers and Law Officers; whether appointed before or after the commencement of this Act.

However certain doubts have been expressed on the applicability of the enhanced age of superannuation to the employees of the urban and rural local bodies, state public enterprises, autonomous institutions and other entities and to the teaching and non-teaching employees of the aided educational institutions and universities.

2. In order to make the position clear, the following clarifications are issued:

Whether the employees of the urban and rural local bodies including the teaching and non-teaching employees in the educational institutions in their jurisdiction, are eligible for the enhanced retirement age of 60 years	The salaries of these employees except those belonging to the Greater Visakhapatnam Municipal Corporation and the Vijayawada Municipal Corporation are paid through the treasuries. Therefore, these employees are covered under clause (ii) of sub-section (2) of section 1 of Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984. Therefore, the employees belonging to the urban and rural local bodies other than the Greater Visakhapatnam Municipal Corporation and the Vijayawada Municipal Corporation, are eligible for the enhanced retirement age of 60 years. In respect of the above two municipal corporations the Municipal Administration and Urban Development Department may examine the issue in greater detail and send necessary proposals for extension of the benefit to the employees of the GVMC and the VMC.
Whether the employees of the aided educational institutions are eligible for the enhanced retirement	The age of superannuation of the teaching and non-teaching employees of the aided educational institutions are governed by section 78-A of the

age of 60 years;	Andhra Pradesh Education Act, 1982. As amended by the Act 17 of 1993, the teaching and non-teaching staff not belonging to the last grade service shall retire on the afternoon of last day of the month in which he attains the age of 58 (fifty eight) years, whereas the members belonging to last grade service shall retire on the afternoon of the last day of the month in which he attains the age of 60 (sixty) years. The A.P. Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014 did not amend any provisions of the A.P. Education Act, 1982. Hence the Education Department may examine the issue as per the provisions of the A.P. Education Act, 1982 and take necessary further action in the matter duly following the procedure laid down in the AP Government Business Rules.
Whether the enhanced age of retirement will be applicable to the employees of the state public enterprises and other autonomous institutions as per the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014;	No. As they are not included in sub-section (2) under section 1 of the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, the provisions of the said Act are not applicable to the employees of the public enterprises and autonomous institutions. Hence the amendment to the above said Act is also not applicable to the employees of the state public enterprises and other autonomous institutions.
Whether the clarification issued by the General Administration (PE.I) Department vide Letter No. 856/PE.I/84-1 dated 1-9-1984 to the effect that the ordinance No. 24 of 1984 (in which age of superannuation was enhanced to 58 years) is mutatis-mutandis applicable to the employees of the Public Enterprises in the State and the officers of the PE, is still applicable and is in vogue;	No. The letter of the General Administration Department is not relevant in the changed circumstances due to promulgation of the Andhra Pradesh Reorganisation Act, 2014. The public enterprises and other autonomous institutions of the erstwhile composite state of Andhra Pradesh are included in the Ninth Schedule of the Act and are allowed one year time, under section 82 of the said Act, to apportion these entities. As the employees of these institutions are not yet apportioned between the two successor states of Telangana and the Andhra Pradesh, they cannot be treated at present as employees of the entities belonging to the residuary successor state of Andhra Pradesh. Therefore, the enhanced age of superannuation cannot be made applicable mutatis mutandis to the public enterprises of the erstwhile composite state of Andhra Pradesh.
Whether the employees of the institutions and training centres etc., included in the Tenth Schedule of the A.P. Reorganisation Act, 2014 are eligible for the enhanced retirement age of 60 years;	No. As per Section 75 of the A.P. Reorganisation Act, 2014, the institutions in the erstwhile State of Andhra Pradesh which are located now in the residuary State of Andhra Pradesh or the State of Telangana, as the case may be, specified in the tenth schedule, shall render service or continue to provide the facilities to the other State for such period and upon such terms and conditions as may be agreed upon between the two State Governments within a period of one year from the appointed day or, if no agreement is reached within the said period as may be fixed by order of the Central Government. In view of the fact that such agreement between the two State Governments has yet to be arrived at separately for each institution and also considering the fact that at present these institutions do not wholly belong to the residuary State of Andhra Pradesh, the provisions of The A.P. Public Employment (Regulation of Age of

	Superannuation) (Amendment) Act, 2014, will not apply to these institutions.
Whether the non-teaching employees of the Universities are eligible for the enhanced retirement age of 60 years on the ground that the Government is sanctioning block grants to the Universities from which the salaries of these employees are being paid;	<p>No.</p> <p>The Universities are statutory bodies created under the specific acts of the State Legislature which have specific provisions relating to cadre management and service conditions of their employees. The A.P. Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014, did not amend any provisions of the acts pertaining to the Universities in the State.</p> <p>Hence the Education Department may examine the issue and take necessary further action duly following the procedure laid down in the AP Government Business Rules.</p>

3. All the Departments of the Secretariat are requested to take necessary action to communicate the above instructions to the Universities, aided educational institutions, PSUs, and other autonomous institutions under their control and ensure that there is no violation of any provisions of the A.P. Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014 and any other Act that deals with the age of superannuation of the employees governed by the respective Acts.

AJEYA KALLAM
PRINCIPAL FINANCE SECRETARY

To:

All the Departments of Secretariat.
All Heads of Departments.
All Collectors.
All Universities.

Copy to:

Principal Secretary to Government, Education Department.
Principal Secretary to Government, Municipal Administration and Urban Development Department.
Principal Secretary to Government, Industries Department
The Principal Secretary to C.M., A. P., Hyderabad.
The P.S to the Finance Minister, A.P., Hyderabad.
The P.S to the Chief Secretary, A.P., Hyderabad.
The Principal Accountant General (commercial audit), A.P., Hyderabad.
The DTA, Hyderabad.
The PAO, Hyderabad.

// FORWARDED:: BY ORDER //

SECTION OFFICER