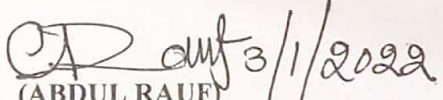


SR. NO.	QUERIES	VIEWS OF FINANCE DEPARTMENT
iv.	Either retiring pension on completion of 25 years' qualifying service is admissible in terms of Rule 3.5 of the Punjab Civil Services Pension Rules which has not yet been amended or the conditions imposed in the Punjab Civil Servants Act, 1974 through The Punjab Civil Servants (Amendment) Ordinance 2021 (XXII of 2021) are enforceable i.e. premature retirement after twenty five years' qualifying service OR on attaining the age of 55 years, whichever is later.	"Retirement" is one of the terms & conditions of service and is to be regulated under the provisions of the Punjab Civil Servants Act, 1974 & rules made thereunder. Any rule(s) inconsistent with the provisions of the act ibid shall be ultra vires in terms of Section 23(2) thereof. Therefore, Rule 3.5 of the Punjab Civil Services Pension Rules (copy enclosed) and conditions imposed in the Punjab Civil Servants Act, 1974 through The Punjab Civil Servants (Amendment) Act, 2021 are to be read in conjunction with each other and cannot be taken in isolation. Hence, qualifying service of 25 years OR attaining 55 years of age, whichever is later, is required for proceeding on retiring pension.
v.	Withdrawal of retirement orders once issued need relaxation of rules from the Competent Authority i.e. Chief Minister in terms of Para 1(b) of Finance Department's letter bearing No.FD.SR.III-4-151/2011, dated 29.02.2012(copy enclosed). Whether it can be cancelled without seeking relaxation of rules from the competent authority.	Retirement orders issued under Rule 3.5(Note-I) of the Punjab Civil Services Pension Rules (copy enclosed) in normal conditions require relaxation of the rules ibid by the Competent Authority i.e. the Chief Minister. However, any retirement order issued on or after 03.05.2021 in violation of The Punjab Civil Servants (Amendment) Act, 2021 will be processed in the light of Section 20 of the Punjab General Clauses Act, 1956 (copy enclosed) which provides as under: "An authority who passes an order can vary, amend, add to or rescind that order. It is not a principle of law that order once passed becomes irrevocable and it is passed and closed transaction. If the order is illegal, perpetual rights cannot be gained on the basis of that illegal order."

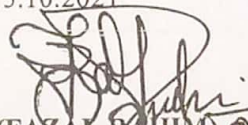
4. Further course of action may be taken accordingly.


(ABDUL RAUF)
DEPUTY SECRETARY (SR)

NO. & DATE EVEN:

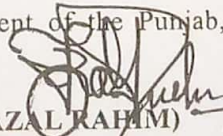
A copy is forwarded for information and necessary action to:

1. The Accountant General, Punjab, Lahore w.r.t. his letter bearing No.PEN-I/Coord/Coord Finance/HM-2340, dated 15.10.2021
2. All District Accounts Officers in the Punjab
3. Treasury Officer, Lahore


(FAZAL RAHIM) 03/01/2022
SECTION OFFICER (SR-III)

NO. & DATE EVEN:

1. All Additional Secretaries of Finance Department.
2. A copy is forwarded to System Analyst, Government of the Punjab, Finance Department for uploading on Departmental Website.


(FAZAL RAHIM) 03/01/2022
SECTION OFFICER (SR-III)

(2)

2. The Punjab Civil Servants (Amendment) Act, 2021(**copy enclosed**) provides as under:

“Amendment of Section 12 of Act VIII of 1974.- In the Punjab Civil Servants Act, 1974(VIII of 1974), in Section 12, in subsection (1), for clause (ii), the following shall be substituted:

- (ii) Where no direction is given under clause (i):
 - (a) On completion of the sixtieth year of his age; or
 - (b) Voluntarily, on completion of twenty five years of service or on attaining fifty five years of age, whichever is later.”

3. This Department is in receipt of requests for clarification from different quarters (i.e. office of the A.G. Punjab /Administrative Departments / District Accounts Offices etc.) regarding aforementioned amendment in Punjab Civil Servants Act, 1974 (**copy enclosed**).

4. The following common queries in consultation with Regulations Wing, S&GAD are hereby clarified as under for information/ further necessary action accordingly:

SR. NO.	QUERIES	CLARIFICATIONS
i.	What will be the status of those officers/officials who proceeded on LPR prior to promulgation of The Punjab Civil Servants (Amendment) Ordinance 2021 (XXII of 2021) on 03.05.2021, however, their retirement date was due after coming into force of The Punjab Civil Servants (Amendment) Ordinance 2021 (XXII of 2021).	Such officers / officials shall have to rejoin their Administrative Department in the light of Section 20 of the Punjab General Clauses Act, 1956 (copy enclosed) which provides as under: “An authority who passes an order can vary, amend, add to or rescind that order. It is not a principle of law that order once passed becomes irrevocable and it is passed and closed transaction. If the order is illegal, perpetual rights cannot be gained on the basis of that illegal order.” The intervening period shall be treated as leave of kind due.
ii.	What will be the status of those officers/officials whose retirement orders have been issued after issuance of The Punjab Civil Servants (Amendment) Ordinance 2021 (XXII of 2021) / The Punjab Civil Servants (Amendment) Act, 2021?	As above.
iii.	What will be the date of effectiveness of The Punjab Civil Servants (Amendment) Act, 2021?	The Punjab Civil Servants (Amendment) Ordinance 2021 (XXII of 2021) was promulgated on 03.05.2021 (copy enclosed) and it has been converted into an Act on 29.10.2021 (copy enclosed) called as The Punjab Civil Servants (Amendment) Act, 2021. Hence, the date of effectiveness of the said Act will be w.e.f. 03.05.2021.



NO.FD.SR-III-4-169/2019
GOVERNMENT OF THE PUNJAB
FINANCE DEPARTMENT

Dated: Lahore, the 03rd January, 2022

From,

Mr. Iftikhar Amjad
Finance Secretary

To,

1. Additional Chief Secretary, South Punjab
2. All Administrative Secretaries to Government of the Punjab
3. The Secretary to Governor of the Punjab
4. The Secretary to Chief Minister, Punjab
5. The Military Secretary to Governor of the Punjab
6. All Commissioners in the Punjab
7. All Deputy Commissioners in the Punjab
8. All Heads of Attached Departments, Government of the Punjab
9. The Registrar, Lahore High Court, Lahore
10. All District and Sessions Judges in the Punjab
11. The Secretary, Punjab Public Service Commission, Lahore
12. The Secretary, Punjab Provincial Assembly, Lahore
13. The Director General, Audit & Accounts (Works), Lahore
14. The Provincial Director, Local Fund Audit, Punjab, Lahore
15. The Chief Inspector of Treasuries and Accounts, Punjab, Lahore
16. The Chief Pilot, VIP Flight, Lahore
17. The Incharge, Public Policy & Change Management Wing, S&GAD

Subject: **CLARIFICATION REGARDING THE PUNJAB CIVIL SERVANTS (AMENDMENT) ACT, 2021**

I am directed to refer to the subject noted above and state that Section 12 of Punjab Civil Servants Act, 1974 was amended through Punjab Civil Servants (Amendment) Ordinance 2021(XXII of 2021), dated 03.05.2021 (**copy enclosed**). Subsequently, the Ordinance ibid was converted into The Punjab Civil Servants (Amendment) Act, 2021 (**copy enclosed**). Section 12 of Punjab Civil Servants Act, 1974 provides as under:

[12. Retirement from service.— (1) Civil Servant shall retire from service—
(i) on such date after he has completed twenty years of service qualifying for pension or other retirement benefits as the competent authority may, in public interest, direct;
(ii) where no direction is given under clause (i) on the completion of the sixtieth year of his age.
(2) No direction under clause (i) of sub-section (1) shall be made until the Civil Servant has been informed in writing of the grounds on which it is proposed to make the direction and has been given a reasonable opportunity of showing cause against the said direction.

Explanation— In this section, “competent authority” means the appointing authority prescribed in rule 6 of the Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974.]