

THE PUBLIC SERVANTS (RETIREMENT) ACT, 1974

(ACT NO. XII OF 1974).

[6th February, 1974]

An Act to consolidate and amend the law relating to the retirement of public servants.

WHEREAS it is expedient to consolidate and amend the law relating to the retirement of public servants and to provide for matters connected therewith;

It is hereby enacted as follows:-

Short title and commencement

1. (1) This Act may be called the [Public Servants \(Retirement\) Act, 1974](#).

(2) It shall come into force at once and shall be deemed to have taken effect on the 23rd day of November, 1973.

Definitions

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

(a) "corporation" means any body corporate constituted or established by or under any law and includes any other body or organisation set up by the Government;

(b) "nationalised enterprise" includes any commercial or industrial enterprise, bank, firm, tea estate or any other enterprise owned by or vested in the Government or any corporation or local authority;

(c) "physician" means any holder of medical licence, diploma or degree engaged in the prevention, cure or treatment of diseases of man;

(d) "public servant" includes any person who is, for the time being, in the service of the Republic or of any corporation, nationalised enterprise or local authority or who, on the basis of having at any time been in the service of Pakistan, purports to claim any right to employment in the service of the Republic, but does not include any person who-

(i) is a member of any defence service,

(ii) is a teacher or employee of any University,

(iii) is employed in or under a commission, committee or board set up for a temporary period for specified purposes,

(iv) is a contingent or work-charged employee or a worker as defined in the State-owned Manufacturing Industries Workers (Terms and Conditions of Service) Ordinance 1973 (XXIII of 1973),

(v) holds any office which is filled by election or nomination under any law, or

(vi) holds any office the tenure of which is determined by or under any law;

(e) "Republic" means the People's Republic of Bangladesh;

(f) "teacher" means any person engaged in teaching.

Effect of laws, etc inconsistent with the Act

3. The provisions of this Act and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any rule, regulation, bye-law, instrument or contract or in any terms and conditions of service of a public servant.

Retirement of a public servant

4. ¹[Subject to the provisions of section 9, a public servant] shall retire from service on the completion of the ²[fifty-ninth year] of his age.

³[* * *]

Retirement of a freedom fighter

⁴[4A. (1) Notwithstanding anything contained to the contrary in section 4, a public servant, who is a freedom fighter, shall retire from service on the completion of the ⁵[sixtieth year] year of his age.

6[***]

(3) The Government may require a public servant, in order to be entitled to any benefit under this section, to have his certificate or identity, as a Freedom Fighter, to be verified by the Ministry of Liberation War Affairs :

Provided that a public servant, who entered the service of the Republic as a Freedom Fighter, shall be exempted from such verification.]

Prohibition of re-employment

5. (1) No public servant who has retired from service shall be re-employed in any manner in the service of the Republic or of any corporation, nationalised enterprise or local authority.

(2) Sub-section (1) shall not apply to any re-employment of a public servant in any office specified in the Constitution of the People's Republic of Bangladesh.

(3) Notwithstanding anything contained in this section, the ⁷[President] may, if he is of opinion that it is in the public interest so to do, employ a public servant on contract after his retirement.

Public servants on extension or re-employment on the commencement of the Act

6. Notwithstanding anything contained in this Act, a public servant who, on the commencement of this Act, is in service on extension or re-employment shall retire from or, as the case may be, cease to be in service-

(a) if he is a physician or teacher, on the completion of the sixtieth year of his age or, if he has completed before such commencement the sixtieth year of his age, on the expiry of twenty-one days from such commencement; or

(b) in any other case, on the completion of the fifty-seventh year of his age or, if he has completed before such commencement the fifty-seventh year of his age, on the expiry of twenty-one days from such commencement.

Post-retirement Leave

⁸[7. (1) A public servant who is required to retire from or, as the case may be, cease to be in service under any provision of this Act shall be entitled to such Post-retirement leave as is admissible to him and the period of such leave may extend up to one year from the date of his retirement or ceasing to be in service.

(2) Any reference to the expression "Leave preparatory to retirement" in this Act, or, as a derivative of this Act, in any other Law, Rule, Regulation or Instrument having the force of law, shall be read and construed as post-retirement leave.]

Public servants on leave preparatory to retirement on the commencement of the Act

8. Notwithstanding anything contained in this Act, a public servant, who, on the commencement of this Act, is on leave preparatory to retirement, shall continue to be on such leave and shall retire or, as the case may be, cease to be in service on the expiry of such leave.

Optional retirement

9. (1) A public servant may opt to retire from service at any time after he has completed twenty-five years of service by giving notice in writing to the appointing authority at least thirty days prior to the date of his intended retirement :

Provided that such option once exercised shall be final and shall not be permitted to be modified or withdrawn.

⁹[(2) The Government may, if it considers necessary in the public interest so to do, retire from service a public servant at any time after he has completed twenty-five years of service without assigning any reason.]

Public servants not entitled to retirement benefits in certain cases

10. If any judicial proceedings instituted by the Government or, as the case may be, employer or any departmental proceedings are pending against a public servant at the time of his retirement or, as the case may be, ceasing to be in service, he shall not be entitled to any pension or other retirement benefits, except his subscriptions to any provident fund and the interest thereon, till the determination of such proceedings, and the payment to him of any pension or other retirement benefits shall be subject to the findings in such proceedings.

Power to make rules

11. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Repeal and savings

12. (1) The Public Servants (Retirement) Ordinance, 1973 (Ord. XXVI of 1973), is hereby repealed.

(2) Notwithstanding such repeal, anything done, any action taken or any order made under the said Ordinance shall be deemed to have been done, taken or made, as the case may be, under the corresponding provision of this Act.

- ¹ The words, figure and comma “Subject to the provisions of section 9, a public servant” were substituted for the words “A public servant” by section 2 of the Public Servants (Retirement) (Amendment) Ordinance, 1982 (Ordinance No. I of 1983)
- ² The words “fifty-ninth year” were substituted for the words “fifty-seventh year” by section 2 of the [Public Servants \(Retirement\) \(Amendment\) Act, 2012](#). (Act No. II of 2012)
- ³ The proviso was omitted by section 2 of the [Public Servants \(Retirement\) \(Amendment\) Act, 1988](#) (Act No. XXIII of 1988)
- ⁴ Section 4A was inserted by section 2 of the [Public Servants \(Retirement\) \(Amendment\) Act, 2010](#) (Act No. V of 2010)
- ⁵ The words “sixtieth year” were substituted for the words “fifty-ninth year” by section 2 (a) of the [Public Servants \(Retirement\) \(Amendment\) Act, 2013](#) (Act No. IX of 2013).
- ⁶ Sub-section (2) was omitted by section 2 (b) of the [Public Servants \(Retirement\) \(Amendment\) Act, 2013](#) (Act No. IX of 2013).
- ⁷ The word “President” was substituted for the words “Prime Minister” by section 7 of the Bangladesh Laws (Amendment) Act, 1975 (Act No. XIII of 1975)
- ⁸ Section 7 was substituted by section 3 of the [Public Servants \(Retirement\) \(Amendment\) Act, 2010](#) (Act No. V of 2010)
- ⁹ Sub-section (2) was substituted by section 4 of the Public Servants (Retirement) (Amendment) Ordinance, 1983 (Ordinance No. I of 1983)