



The Andhra Pradesh Public Employment (Regulation of Age of Superannuation)
Act, 1984

Act 23 of 1984

Keyword(s):

Public Employment, Retirement, Age of Retirement

Amendments appended: 19 of 1997, 26 of 1998, 4 of 2014, 4 of 2022

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THE ANDHRA PRADESH PUBLIC EMPLOYMENT (REGULATION OF AGE OF
SUPERANNUATION) ACT, 1984

ACT No.23 OF 1984

ARRANGEMENT OF SECTIONS

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THE ANDHRA PRADESH PUBLIC EMPLOYMENT (REGULATION OF AGE OF SUPERANNUATION) ACT, 1984

ACT No.23 OF 1984

[22nd May, 1984]

AN ACT TO REGULATE THE AGE OF SUPERANNUATION OF PERSONS APPOINTED TO PUBLIC SERVICES AND POSTS IN CONNECTION WITH THE AFFAIRS OF THE STATE OF ANDHRA PRADESH.

BE it enacted by the Legislature of the State of Andhra Pradesh in the Thirty-fifth year of the Republic of India as follow:-

1.Short title, application and commencement - (1) This Act may be called the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984.

(2) It shall apply to—

(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 rules framed under the proviso to article 309 of the Constitution of India immediately before the commencement of this Act, other than the village officers and law officers; whether appointed before or after the commencement of this Act.

(3) Clause (i) of section 7 shall be deemed to have come into force on the 29th April, 1969 and the remaining provisions shall be deemed to have come into force on the 10th April, 1983.

¹[(4) Sub-section (1A) of section 3 shall be deemed to have come into force on 26th December, 1992.]

2. Definitions – In this Act, unless the context other-wise requires,--

(1) "Fundamental Rules" means the Fundamental Rules applicable to the Government employees as amended, from time to time, by the Government;

(2) "Government" means the Government of Andhra Pradesh;

(3) "Government employee" includes all categories of officers and employees referred to in sub-section (2) of section 1;

(4) "Hyderabad Civil Services Rules" means the Hyderabad Civil Services Rules applicable to the Government employees of the erstwhile Government of Hyderabad appointed prior to the 1st November, 1956 and allotted to the Andhra Pradesh State as amended from time to time by the Government;

(5) "Last Grade Service" means the service constituted by the Andhra Pradesh Last Grade Service Rules, 1961 and includes the posts and services specified in subsidiary definition (iii) under rule 9 of the Fundamental Rules; and also includes the services which are treated as 'inferior' under Hyderabad Civil Services Rules;

(6) "Local authority" means in relation to local area comprised within the jurisdiction of a Municipal Corporation, the concerned Municipal Corporation

¹ . Inserted by Act No 26 of 1998, s 2.

and in relation to any other local area, the concerned Municipal Council, Zilla Parishad, Panchayat Samithi or Gram Panchayat;

(7) "State" means the State of Andhra Pradesh.

3. Age of Superannuation – ¹[(1) Every Government employee, shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years].

²[(1A) Notwithstanding anything contained in sub-section (1), every member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

³[Provided that any such member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service may be compulsorily retired from service on the afternoon of the last day of the month in which he attains the age of fifty years or fifty five years or fifty eight years or thirty three years of qualifying service, if he is found not fit and eligible to be continued in service by the High Court of Andhra Pradesh, on an assessment and evaluation of the record of such member for his continued utility, well within time, before he attains the age of fifty years or fifty five years or fifty eight years or thirty three years of qualifying service.

Provided further that any member of service after giving three months notice in writing or three months of pay and allowances in lieu of notice may be required to retire in public interest from service on the date on which such member attains the age of fifty years or fifty five years or fifty eight years or thirty three years of qualifying service or any date thereafter to be specified in the notice.]

Provided also that any such member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service at his option to be exercised in writing before he attains the age fifty seven years may retire from service on the afternoon of the last day of the month in which he attains the age of fifty eight years.

Explanation: The assessment and evaluation by the High Court of Andhra Pradesh for the purposes of this subsection is in addition to and independent of the assessment for compulsory retirement that may have to be undertaken at any other time under the relevant rules applicable to such members of the the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service.]

(2) Every Government employees not being a workman but belonging to the Last Grade Service shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

(3) Every workman whether in superior or last grade service, or in any service notified as inferior shall ordinarily be retained in service upto the age of sixty year:

Provided that any workman may be required to retire at any time after attaining the age of fifty-five years after being given one month's notice, or one month's pay in lieu thereof, on the ground of impaired health or of being negligent or inefficient in the discharge of duties:

Provided further that a workman may also retire at any time after attaining the age of fifty-five years, by giving one month's notice in writing.

Explanation I – In this section, the work "work-man" means a highly skilled, skilled, or semi-skilled or unskilled artisan in industrial and work charged establishments of Government.

¹. Substituted by Act No.4 of 2014, s 2.

². Inserted by Act No 26 of 1998, s 3.

³. Substituted by Act No. 42 of 2006, S 2.

Explanation II - For the removal of doubts, it is hereby declared that –

(a) a Government employee 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 ¹[sixty years], as the case may be;

(b) a Government employee who attained the age of superannuation but who was allowed to continue to hold the post beyond that date, by virtue of a stay order of a Court, shall be deemed to have ceased to hold the post and relieved of his charge from the date of the judgement dismissing his petition, irrespective of whether the charge of the post was handed over or not as prescribed in any rule or order of the Government for the time being in force.

²[(4) Notwithstanding anything contained in this section, an employee in the work charged establishment of the Government, who becomes a regular Government employee by whatever means or orders issued by Government from time to time shall not be treated as workman for purposes of this Act and shall be regarded as holder of a Civil post within the meaning of article 311 of the Constitution of India and accordingly, he shall retire from service,-

(a) on attaining the age of ¹[sixty years] in case, on becoming as a regular Government employee, he belongs to superior service; and

(b) on attaining the age of sixty years in case, on becoming as a regular Government employee, he belongs to last grade service or in any service notified as inferior for the purpose of this sub-section.]

³[3A. Savings - Subject to the provisions of section 3,

(1) A Government employee belonging to the State Cadre/Multi-zonal Cadre and who by general or specific order of the Government of India under sub-section (1) of section 77 of the Andhra Pradesh Reorganisation Act, 2014, and serving provisionally in connection with the affairs of the State of Telangana, and if he is finally allotted to the State of Andhra Pradesh by the Government of India under sub-section (2) of section 77 of the said Act, 2014 shall be deemed to be continuously serving in the State of Andhra Pradesh.

(2) A Government employee belonging to the State Cadre / Multi-zonal Cadre falling in the territories of both the State of Andhra Pradesh and the State of Telangana, who by a general or a specific order of the Government of India under sub-section (1) of section 77 of the said Act, 2014, is serving provisionally and retires on attaining the age of fifty eight years and on his final allotment, subsequently to the State of Andhra Pradesh by the Government of India under sub-section (2) of section 77 of the said Act but before attaining the age of sixty years, shall be re-inducted into service / post with effect from the date of his final allotment to the State of Andhra Pradesh without break in service:

Provided that an employee who attained the age of sixty years before the final allotment to the State of Andhra Pradesh by the Government of India, the service rendered in the State of Telangana till the date of his retirement shall be considered notionally as if, he has rendered service in the State of Andhra Pradesh for the purpose of calculation of his pensionary benefits.

¹ . Substituted by Act No.4 of 2014, s 2.

² . Added by Act No. 19 of 1997, s 2.

³ . Inserted by Act No, 4 of 2014, s 3.

(3) The service conditions of the employee of State Cadre I Multi-zonal Cadre working provisionally in the State of Andhra Pradesh and finally allotted by the Government of India under sub-section (2) of section 77 of the said Act, 2014 to the State of Telangana shall be governed by the relevant laws I rules of the State of Telangana on such final allotment.]

4. Act to override other laws – The provisions of this Act shall have effect notwithstanding anything in consistent therewith contained in any other law, for the time being in force.

5. Validation – No amendment to the Fundamental Rules relating to the age of superannuation made under the proviso to article 309 read with article 313 of the Constitution of India before the commencement of this Act shall be deemed to be invalid or ever to have been invalid merely by reason of the fact that the proviso to rule 2 of the said rules laid down that the said rules shall not be modified or replaced to the disadvantage of any person already in service and accordingly the amendments made to the said rules by the notifications issued in G.O.Ms.No.36, Finance and Planning (Finance Wing F.R.I), Department, dated the 8th February, 1983 and all orders and notifications issued and made in pursuance of the those amendments shall be and shall be deemed always to have been made validly and shall have effect notwithstanding anything to the contrary in the proviso to the said rule 2, as if this Act were in force on the 8th February, 1983.

¹[5-A. Savings. (a) Notwithstanding anything contained in this Act, -

(i) all this rules and regulations made under the proviso to article 309 and continued under article 313 of the Constitution of India governing the recruitment and conditions of service of the Government employees and were in force on the commencement of the Andhra Pradesh Public Employment (Regulation of Conditions of Service) Ordinance, 1983 (Ordinance 5 of 1983) including such other rules continued under section 15 of the said Ordinance; and

(ii) all rules made under section 3 of the said Ordinance governing recruitment and conditions of service of the Government employees,

shall continue to be in force until they are amended or modified or rules are made in respect thereof under the proviso to article 309 of the Constitution of India read with article 313 thereof;

(b) anything done or any action taken in the exercise of any powers conferred by or under the said Ordinance and the rules made thereunder shall be deemed to have been validly done or taken.]

6. Removal to doubts – For removal of doubts, it is hereby declared that, unless otherwise specifically provided, every amendment relating to the age of superannuation made before or after the commencement of this Act to the Fundamental Rules and the Hyderabad Civil Service Rules shall be and shall be deemed always to have applied to all Government employees whether appointed before or after the amendment.

7. Amendment of Fundamental Rules - In the Fundamental Rules,--

(i) to rule 2, the following proviso shall be added namely:-

“Provided that these rules shall not be modified or replaced by the Governor under Article 309 of the

¹ . Inserted by Act No. 3 of 1985, s 3 . Shall be deemed to have come in to force on the 10.04.1983.

Constitution of India to the disadvantage of any person already in service except in respect of matters relating to the age of superannuation”;

(ii) rule 56 shall be omitted.

8. Amendment of Hyderabad Civil Services Rules - Rule 231 of the Hyderabad Civil Services Rules, shall be omitted.

THE ANDHRA PRADESH PUBLIC EMPLOYMENT
(REGULATION OF AGE OF SUPERANNUATION)
(AMENDMENT) ACT, 1997.

ACT No. 19 of 1997*

[18th August, 1997]

An Act further to amend The Andhra Pradesh
Public Employment (Regulation of age
of Superannuation) Act, 1984.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh
in Forty-eighth Year of the Republic of
India, as follows:-

1. (1) This Act may be called the Short title
Andhra Pradesh Public Employment (Regu- and com-
lation of Age of Superannuation) (Amend- mendment.
ment) Act, 1997.

*Received the assent of the Governor on 14th August, 1997.
For Statement of the Objects and Reasons. Please see the
A.P. Gazette Part IV-A Extraordinary dated 19th March,
1997 at P-3.

(2) It shall come into force at once.

Amendment
of section 3,
Act 23 of
1984.

2. In the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, in section 3, after sub-section(3), the following sub-section shall be added at the end, namely:-

"(4) Notwithstanding anything contained in this section, an employee in the workcharged establishment of the Government, who becomes a regular Government employee by whatever means or orders issued by Government from time to time shall not be treated as workman for purposes of this Act and shall be regarded as holder of a Civil post within the meaning of article 311 of the Constitution of India and accordingly, he shall retire from service,-

(a) on attaining the age of fifty eight years in case, on becoming as a regular Government employee, he belongs to superior service; and

(b) on attaining the age of sixty years in case, on becoming as a regular Government employee, he belongs to last grade service or in any service notified as inferior for the purpose of this sub-section."

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.

ACT No. 26 OF 1998.

*[16th August, 1998.]

AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH PUBLIC EMPLOYMENT (REGULATION
OF AGE OF SUPERANNUATION) ACT, 1984.

Be it enacted by the Legislative
Assembly of the State of Andhra Pradesh
in the Forty-ninth Year of the Republic
of India, as follows:-

*[Received the assent of the Governor on the 16-08-1998.
For statement of object and reasons please see the Andhra
Pradesh Gazette, Part-IV-A, Extraordinary dated 22-07-1998
at Page 4-5.]

Short title. 1. This Act may be called the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 1998.

Amendment of section 1, Act 23 of 1984. 2. In the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984 (hereinafter referred to as the Principal Act), in section 1, after sub-section (3), the following shall be added, namely:-

"(4) sub-section (1A) of section 3 shall be deemed to have come into force on the 26th December, 1992".

Amendment of section 3. 3. In Section 3 of the Principal Act, after sub-section (1), the following shall be inserted, namely:-

"(1A) Notwithstanding anything contained in sub-section (1), every member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service 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 any such member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service may be compulsorily retired from service on the afternoon of the last day of the month in which he attains the age of fifty eight years if he is not found fit and eligible to be continued in service by the High Court of Andhra Pradesh on an assessment and evaluation of the record of such member for his continued utility well within

time before he attains the age of fifty eight years by following the procedure for compulsory retirement under the rules applicable to him:

Provided further that any such member of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial service at his option to be exercised in writing before he attains the age of fifty seven years may retire from service on the afternoon of the last day of the month in which he attains the age of fifty eight years.

Explanation: The assessment and evaluation by the High Court of Andhra Pradesh for the purposes of this subsection is in addition to and independent of the assessment for compulsory retirement that may have to be undertaken at any other time under the relevant rules applicable to such members of the Andhra Pradesh State Higher Judicial Service or the Andhra Pradesh State Judicial Service.)

G. BHAVANI PRASAD,
Secretary to Government,
Legislative Affairs & Justice.

(3) The service conditions of the employee of State Cadre / Multi-zonal Cadre working provisionally in the State of Andhra Pradesh and finally allotted by the Government of India under sub-section (2) of section 77 of the said Act, 2014 to the State of Telangana shall be governed by the relevant laws / rules of the State of Telangana on such final allotment.”.

T. NARAYANA REDDY,
Secretary to Government (I/c),
Law Department.

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THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

NO. 4] HYDERABAD, FRIDAY, JUNE 27, 2014

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS ETC.**

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 27th June, 2014 and the said assent is hereby first published on the 27th June, 2014 in the Andhra Pradesh Gazette for general information:-

ACT No. 4 OF 2014.

**AN ACT FURTHER TO AMEND THE ANDHRA
PRADESH PUBLIC EMPLOYMENT (REGULATION
OF AGE OF SUPERANNUATION) ACT, 1984.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-fifth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2014.

(2) It shall be deemed to have come into force on the 2nd June, 2014.

2. In the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, (hereinafter referred to as principal Act) in section 3,-

(1) for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) Every Government employee shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.”

(2) In sub-section (3), under Explanation II, in clause (a), for the words “fifty eight or sixty years, as the case may be”, the words “sixty years” shall be substituted.

(3) in sub-section (4), in clause (a), for the words “fifty eight years”, the words “sixty years”, shall be substituted.

3. In the principal Act, after section 3 so amended, the following new section shall be inserted, namely:-

“Savings. 3A. subject to the provisions of section 3,-

(1) A Government employee belonging to the State Cadre/Multi-zonal Cadre and who by general or

specific order of the Government of India under sub-section (1) of section 77 of the Andhra Pradesh Reorganisation Act, 2014, and serving provisionally in connection with the affairs of the State of Telangana, and if he is finally allotted to the State of Andhra Pradesh by the Government of India under sub-section (2) of section 77 of the said Act, 2014 shall be deemed to be continuously serving in the State of Andhra Pradesh.

(2) A Government employee belonging to the State Cadre / Multi-zonal Cadre falling in the territories of both the State of Andhra Pradesh and the State of Telangana, who by a general or a specific order of the Government of India under sub-section (1) of section 77 of the said Act, 2014, is serving provisionally and retires on attaining the age of fifty eight years and on his final allotment, subsequently to the State of Andhra Pradesh by the Government of India under sub-section (2) of section 77 of the said Act but before attaining the age of sixty years, shall be re-inducted into service / post with effect from the date of his final allotment to the State of Andhra Pradesh without break in service:

Provided that an employee who attained the age of sixty years before the final allotment to the State of Andhra Pradesh by the Government of India, the service rendered in the State of Telangana till the date of his retirement shall be considered notionally as if, he has rendered service in the State of Andhra Pradesh for the purpose of calculation of his pensionary benefits.



ఆంధ్రప్రదేశ్ రాజపత్రము
THE ANDHRA PRADESH GAZETTE
PART IV-B EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 4] AMARAVATI, TUESDAY, 19th APRIL, 2022.

ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS Etc.,

The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 14th April, 2022 and the said assent is hereby first published on the 19th April, 2022 in the Andhra Pradesh Gazette for general information :

ACT No. 4 of 2022.

**AN ACT FURTHER TO AMEND THE ANDHRA PRADESH PUBLIC
EMPLOYMENT (REGULATION OF AGE OF SUPERANNUATION)
ACT, 1984.**

Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventy-third Year of the Republic of India as follows,-

1. (1) This Act may be called the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 2022. Short title and Commencement.
(2) It shall be deemed to have come into force on the 1st January, 2022.
2. In the Andhra Pradesh Public Employment (Regulation of Age of Superannuation) Act, 1984, (hereinafter referred to as the principal Act), in section 3,- Amendment of Section 3.
(1) in sub-section(1), for the words "sixty years" the words "sixty two years" shall be substituted. Act 23 of 1984.
(2) in sub-section (2), for the words "sixty years", the words "sixty two years" shall be substituted.

(3) in sub-section (3),-

- (a) for the words "sixty years", the words "sixty two years" shall be substituted.
- (b) in Explanation-II, for words "sixty years", the words "sixty two years" shall be substituted.

(4) in sub-section(4),-

- (a) in clause (a), for the words "sixty years", the words "sixty two years" shall be substituted.
- (b) in clause (b), for the words "sixty years", the words "sixty two years" shall be substituted.

Amendment of
section 3A.

3. In the Principal Act, in section 3A, in sub-section (2),-

- (1) for the words "fifty eight years", the words "sixty one years" shall be, substituted.
- (2) for the words "sixty years" wherever it occurs, the words "sixty two years" shall be substituted.

Repeal of
Ordinance No. 1
of 2022.

4. (1) The Andhra Pradesh Public Employment (Regulation of Age of Superannuation) (Amendment) Ordinance, 2022 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

VADDADI SUNITHA,
Secretary to Government (FAC),
Legal and Legislative Affairs & Justice,
Law Department.