In exercise of the powers conferred by the proviso to Article 309 and clause (5) of Article 148 of the constitution and of all other powers enabling him in this behalf and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Fundamental Rules, namely:--

1. (i) These rules may be called the Fundamental (Third Amendment) Rules, 1969.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Fundamental Rules, in rule 56-

   (1) for clauses (j) and (k) the following clauses shall be substituted, namely:--

   "(j) Notwithstanding anything contained in this rule the appropriate authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice:

   (i) if he is in Class I or Class II service or post the age limit for the purpose of direct recruitment to which is below thirty-five years, after he has attained the age of fifty years.

   (ii) in any other case after he has attained the age of fifty-five years.

   Provided that nothing in this clause shall apply to a Government servant referred to in clause (e) who entered Government service on or before 23rd July, 1966 and to a Government servant referred to in clause (f).

   (k) Any Government servant may by giving notice of not less than three months in writing...
to the appropriate authority retire from service after he has attained the age of fifty years if he is in Class I or Class II service or post, the age limit for the purpose of direct recruitment to which is below thirty-five years; and in all other cases after he has attained the age of fifty-five years; provided that:—

(a) nothing in this clause shall apply to a Government servant referred to in clause (e) who entered Government service on or before 23rd July, 1966 or to a Government servant referred to in clause (f); and

(b) it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire under this clause.

(2) after clause (k), the following clauses shall be added, namely:—

"(a) Notwithstanding anything contained in clause (j) the appropriate authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire a Government servant in Class III service or post who is not governed by any pension rules, after he has completed thirty years' service by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice.

(m) A Government servant in Class III service or post who is not governed by any pension rules, may by giving notice of not less than three months in writing to the appropriate authority, retire from service after he has completed thirty years' service."

(3) for Note-2, the following Note shall be substituted, namely:—

"Note 2: The three months' notice referred to in clauses (j), (k), (l) or (m) may be given before the Government servant attains the age specified in Clauses (j) and (k), or has completed 30 years' of service specified in clauses (l) and (m), provided that the retirement takes place after he has attained the relevant age or has completed 30 years service, as the case may be."

Sd/-

( N.S. Chandramowli )
Under Secretary to the Govt. of India.