

## **ASSAM JUDICIAL OFFICERS (RETIREMENT) ON SUPER ANNUATION RULES, 1995**

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## **ASSAM JUDICIAL OFFICERS (RETIREMENT) ON SUPER ANNUATION RULES, 1995**

<sup>1</sup>(Published in the Assam Gazette Part IIA, dated 12.10.1995 p. 557) No. JDJ.155/92/75.--In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Assam is pleased to make the following Rules regulating the retirement on superannuation of the Judicial Officers.

### **1. Short title and Commencement :-**

These Rules may be called the Assam Judicial Officers (Retirement on Superannuation) Rules, 1995.

### **2. . :-**

They shall come into force with effect from 1st January, 1993.

### **3. Over Riding Effect :-**

The provisions of these rules shall have effect notwithstanding anything to the contrary contained in Rules 56 of the Fundamental Rules or any other rules made by the Governor under the proviso to Article 309 of the Constitution or orders, for time being in force.

### **4. Definitions :-**

In these rules, unless the context otherwise required-

- (a) "Government" means the State Government of Assam.
- (b) "Governor" means the Governor of Assam.
- (c) "Judicial Officers" means the Members of the Assam Judicial Service; and

(d) "High Court" means the Gauhati High Court.

**5. . :-**

A Judicial Officer shall retire from service on superannuation in the afternoon of the last day of the preceding month on which he attains the age of sixty years if the date of birth is the 1st day of any month. In other cases the Official shall retire on the last day of the month in which he attains sixty years of age.

Provided that a Judicial Officer may exercise his option in writing before he attains the age of fifty-seven years to retire at the age of fifty-eight years, and in that case he shall retire in the afternoon of the last day of the month on which attains the age of fifty-eight years.

Provided further that a Judicial Officer not exercising such option shall retire on his attaining the age of sixty years if he is found fit and eligible to continue in service by the High Court after assessing and evaluating his record 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 service rules applicable to him.

Provided also that if he is not found fit and eligible as aforesaid, on the recommendation of the High Court to that effect he shall be compulsorily retired by the Governor on his attaining the age of fifty-eight years.