

**THE SURPLUS PUBLIC SERVANTS ABSORPTION
ORDINANCE, 1985**

CONTENTS

SECTIONS

1. Short title and commencement
 2. Definitions
 3. Certain newspaper employees to be deemed to be surplus public servants
 4. Effect of laws, etc., inconsistent with the Ordinance
 5. Absorption of surplus public servants
 6. Fixation of seniority, pay and pension
 7. Application of certain laws, etc.
 8. Power of Government to prohibit recruitment
 9. Exclusion from the purview of Bangladesh Public Service Commission
 10. Bar on jurisdiction of Courts, etc.
 11. Power to make rules
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***THE SURPLUS PUBLIC SERVANTS ABSORPTION
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ORDINANCE NO. XXIV OF 1985

[20th May, 1985]

An Ordinance to provide for absorption of surplus public servants and for matters ancillary thereto.

WHEREAS it is expedient to provide for absorption of surplus public servants and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. (1) This Ordinance may be called the Surplus Public Servants Absorption Ordinance, 1985. Short title and commencement

(2) It shall be deemed to have taken effect on the 16th day of December, 1971, except section 3 which shall be deemed to have taken effect on the 17th day of June, 1975.

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

- (a) “cadre post” means a post in any service specified in Schedule I to the Bangladesh Civil Service Recruitment Rules, 1981, and includes a post in the Senior Services Pool;
- (b) “local authority” means any body corporate or other authority constituted or established by or under any law and includes any other body or organisation set up by the Government;
- (c) “post” means a civil post in the service of the Republic or of any local authority and includes a cadre post;
- (d) “public servant” means any person who is, for the time being, in the service of the Republic or of any local authority, but does not include any person who-
 - (i) is a member of any defence service,

* The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন), ধারা ৪।

- (ii) is employed in or under a commission, committee or board set up for a temporary period for specified purposes,
 - (iii) is a contingent or work-charged employee,
 - (iv) is employed in or under a project set up for a temporary period for specified purposes, or
 - (v) is employed on contract for a specified period;
- (e) "surplus public servant" means a public servant whose post is abolished by the Government for the purpose of administrative re-organisation or who, being a servant of the erstwhile Government of Pakistan, joined the Government of Bangladesh on repatriation or escaping or defecting from Pakistan, or any other public servant the responsibility of whose absorption has been taken by the Government.

Certain newspaper employees to be deemed to be surplus public servants

3. Notwithstanding anything contained in this Ordinance, a person who was an employee of a newspaper the declaration of which stood annulled under the Newspaper (Annulment of Declaration) Act, 1975 (XLII of 1975), and the responsibility of whose absorption had been taken by the Government shall be deemed to be a public servant for the purposes of this Ordinance.

Effect of laws, etc., inconsistent with the Ordinance

4. The provisions of this Ordinance 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, contract, agreement, award or settlement or in any terms and conditions of service of a public servant.

Absorption of surplus public servants

5. (1) A surplus public servant shall, as far as practicable, be absorbed in a post carrying the same scale of pay of the post which he held immediately before becoming surplus had carried:

Provided that if a surplus public servant cannot be absorbed in any post which carries same scale of pay, he may be offered a post carrying lower scale of pay; and if he does not accept the offer, he shall be deemed to have been retired from service with effect from the date he rejects the offer or after thirty days from the date of receipt of the offer, whichever is earlier.

(2) A surplus public servant shall not be absorbed in any post unless he is nominated by the Ministry of Establishment:

Provided that the Ministry of Establishment may authorise a Ministry, Division or a local authority to absorb a surplus public servant in any office under its administrative control.

(3) For the purpose of sub-section (1), no surplus public servant shall be required to sit for any test or examination or to have any particular qualification or length of service or to be within any particular limit of age.

(4) Once a surplus public servant is absorbed in a post under sub-section (1), it shall be final and he shall not be entitled to be re-absorbed in any other post.

6. The seniority, pay and pension of surplus public servant shall, on his absorption in a post, be determined in accordance with the principles laid down by the Government from time to time.

Fixation of seniority, pay and pension

7. Subject to the provisions of this Ordinance, a surplus public servant shall, on his absorption in a post, be subject to all laws, rules and regulations relating to that post.

Application of certain laws, etc.

8. The Government may, by order, prohibit for a period specified therein, recruitment in any local authority without the previous sanction of the Government.

Power of Government to prohibit recruitment

9. No consultation with the Bangladesh Public Service Commission shall be necessary for the purpose of absorption of surplus public servants under this Ordinance.

Exclusion from the purview of Bangladesh Public Service Commission

10. No action taken or order made under this Ordinance shall be called in question in or before any Court, tribunal or authority and no suit or other legal proceeding shall lie against the Government or any person for anything done or intended to be done in pursuance of this Ordinance or any rules made thereunder.

Bar on jurisdiction of Courts, etc.

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

Power to make rules

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