

## CHAPTER 7

### *Resignation, Retirement and Terminal Benefits*

**701.** (1) An officer on probation or appointed otherwise than on contract terms to a non-pensionable post may resign after giving not less than one month's notice in writing to the appropriate authority. The appropriate authority will be the Head of the officer's Department in the case of officers holding non-pensionable offices, the maximum salary of which does not exceed Grade M 30 and in all other cases the Permanent Secretary, Administration. The notice will be exclusive of leave. Resignation

(2) An officer who has been confirmed in his appointment to a pensionable post may resign after giving not less than three months' notice (exclusive of leave) in writing to the Permanent Secretary, Administration.

(3) An officer appointed on contract may resign his appointment only in the terms of his contract.

(4) Notwithstanding the provisions in paragraphs (1) and (2) of this Order, an officer other than an officer appointed on contract terms may instead of giving due notice resign his appointment at any time after paying to the Government one month's salary in lieu of notice, In such cases the officer will forfeit all leave and passage privileges for which he might be eligible.

(5) All resignations will be reported immediately to the Permanent Secretary, Administration, the Accountant General and the Director of Audit.

**702.** Notice of resignation may be refused -

- (a) if it is conditional;
- (b) if the officer does not intend to complete a period of service for which he is bonded to serve the Government;
- (c) if disciplinary proceedings against the officer are contemplated or pending; or
- (d) if the requisite period of notice is not given or salary in lieu of notice is not paid.

Reasons for refusal of resignation

**703.** An officer may not give notice of resignation while on leave. The provisions of Order 701 (4) may however, apply; but in addition to paying the Government one month's salary in lieu of proper notice and to forfeiting the balance of his leave an officer who resigns on leave will be held liable for the total refund of the cost of any leave passage which may have been granted in respect of his leave. Resignation while on leave

**704.** When an application for employment is received from an officer who has previously resigned from the public service, the circumstances which prompted the resignation will be investigated before a decision is taken on the application. Such investigation will include a reference to the Permanent Secretary, Administration. Re-employment of resigned officer

**705.** An officer whether holding a pensionable or non-pensionable post will be required to retire on attaining the age of 55 years; provided that in exceptional circumstances and in the public interest an officer may be permitted by the Governor after consultation with the appropriate Service Commission to remain in the service after he has attained the age of compulsory retirement. Compulsory retirement age

**706.** Officers who have retired from the public service of Montserrat or any other territory may be re-engaged on the authority of the Governor. Such re-engagement may be on temporary terms or on contract and normally will only be made where - Re-engagement of retired officer

- (a) the career prospects of serving officers are not prejudiced;
- (b) the vacancy cannot otherwise be readily filled; and
- (c) the retired officer is medically fit and in all respects suitable for re-engagement.

Return of  
Officers who  
have attained the  
age of compul-  
sory retirement

**707.** (1) Permanent Secretaries and Heads of Departments will forward to the Permanent Secretary, Administration in December each year a return of all officers of whatever grade serving in their Ministry or Departments who have attained the age of 55 years or will attain that age before the end of the succeeding year. The returns will be submitted by the Permanent Secretary, Administration to the Governor.

(2) In each case it must be stated whether or not there are any special grounds for departing from the general rule that such officers should be retired upon attaining the age of compulsory retirement.

Retirement on  
medical grounds

**708.** (1) If an officer is reported by a Government Medical officer to be incapable by reason of infirmity of mind or body of discharging efficiently the duties of his office and such infirmity is likely to be permanent, the case will be referred to the Governor who may require the officer to appear before a Medical Board appointed for that purpose. If the Medical Board recommends that the officer be invalidated from the service, he may be called upon by the Governor to retire on grounds of ill-health; provided that in case of an officer selected for appointment by the Secretary of State, the final decision relating to retirement on medical grounds shall rest with the Secretary of State.

(2) An officer who is on leave of absence outside of Montserrat may be invalidated in accordance with paragraph (1) of this Order on the recommendation of a medical practitioner authorised by the Governor to make examination.

Retirement pen-  
sions and gratui-  
ties

**709.** (1) All claims to pensions, gratuity and other retirement benefits should be made in the prescribed form and should be submitted to the Accountant General as soon as a decision has been taken regarding an officer's retirement. The form should be prepared by the Permanent Secretary, Administration, who will submit same to the Director of Audit for verification.

(2) The submission of pension and gratuity papers should not be delayed until the date of retirement. When the date of retirement has been reached the Ministry or Department should immediately advise the Accountant General and the Director of Audit whether or not there have been any changes in particulars submitted in the original report.

(3) When an officer is transferred to another territory his particulars of service should be prepared by the Permanent Secretary, Administration in consultation with the Accountant General and, after verification by the Director of Audit, forwarded to the Government of the territory concerned as soon as possible after the transfer.

(4) In cases where it is not possible to locate the necessary records in relation to an officer's service a statutory declaration or statutory declarations should be submitted by one or more reliable persons attesting to the continuity of service. The status of the declarant should be stated and he should also give the source of his knowledge of the facts given in the declaration.

Evidence of age

**710.** An officer's birth certificate should always be furnished as evidence of his age. Where this is not possible a statutory declaration by the officer himself or any other reliable person may be submitted.

- 711.** A pensionable officer who on retirement desires to receive a reduced pension and gratuity in place of his full earned pension must so opt in writing not later than the date immediately preceding the date of his retirement. **Option to take on retirement a reduced pension and a gratuity**
- 712.** The apportionment of the pension of an officer who has served in more than one territory is determined by the ratio between aggregate pensionable emoluments calculated at the time of retirement. The rate of exchange to be adopted for this purpose is that obtaining at the date of retirement of the officer concerned. **Pensionable service in other territories**
- 713.** An officer's service before he attains his eighteenth birthday will not be counted as pensionable service although it may count toward the ten year qualifying service for an award under the laws governing the award of pensions and gratuities. **Service before eighteenth birthday not to count for pension**
- 714.** In the event of the death of a serving officer, the Head of his Department will be responsible for ensuring that his legal personal representative is promptly notified. **Death of an officer in the public service**
- 715.** (1) A female officer who marries will report the date of her marriage and her married name to the Permanent Secretary, Administration, through the Head of her Department. **Marriage gratuity**
- (2) A female officer who has not less than five years pensionable service, may on marriage, exercise the option to resign and take a marriage gratuity under the provisions of the Pensions Regulations. Such option, which will be irrevocable, must be taken with six months of the date of marriage and if the option is not exercised in writing within the specified period it will be deemed that the female officer has elected to continue her pensionable service to normal retirement.
- (3) A married female officer holding a pensionable office whose domestic responsibilities interfere with the discharge of her official duties may be called upon to retire and if she is not otherwise eligible for a gratuity or pension under the Pensions Laws she may be granted the marriage gratuity for which she would have been eligible at the time of her marriage. Provided that in such a case the officer must be warned in good time that her retirement is contemplated and given an opportunity of replying to charges of loss of efficiency.