

# THE PUBLIC SERVANTS (DISMISSAL ON CONVICTION) ORDINANCE, 1985

(ORDINANCE NO. V OF 1985).

[3rd February, 1985]

**An Ordinance to provide for dismissal of a public servant on his conviction of certain criminal offences.**

WHEREAS it is expedient to provide for the dismissal of a public servant on his conviction of certain criminal offences;

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:-

## **Short title**

1. This Ordinance may be called the [Public Servants \(Dismissal on Conviction\) Ordinance](#), 1985.

## **Definitions**

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

(a) "public servant" means a person in the service of the Republic and includes a chairman, vice-chairman, director, managing director, trustee, member, commissioner, teacher, officer or other employee of any local authority, statutory corporation, including a university, or any other body, authority or organisation constituted or established by the Government or by or under any law, but does not include any person who-

(i) is a member of any defence service; or

(ii) holds any office which is filled by election under any law; and

(b) "Schedule" means the Schedule annexed to this Ordinance.

## **Dismissal of public servants on conviction**

3. (1) Notwithstanding anything contained in any other law for the time being in force or in any rule, regulation, bye-law, instrument or contract or in any terms and conditions of service, a public

servant shall, on his conviction of a criminal offence specified in the Schedule, stand dismissed from service on the date of delivery of the judgment or order convicting him.

(2) The Court convicting of public servant of criminal offence specified in the Schedule shall, if the fact of his being a public servant comes to its knowledge in the course of the trial, inform his employer of his conviction immediately after the delivery of the judgment or order.

(3) If a public servant dismissed under sub-section (1) is acquitted on appeal by a Appellate Court, he shall be re-instated in service, provided he has not already attained the age of superannuation or the post or service concerned has not been abolished.

**Exemption, etc**

4. (1) Where the President is satisfied that there are extenuating circumstances to exempt any public servant from the application of the provisions of section 3, he may, by order, direct that section 3 shall not apply to that public servant whereupon the public servant shall be deemed not to have been dismissed from service.

(2) Where an order under sub-section (1) is made by the President, the President or the appointing authority or any authority not subordinate to the appointing authority may make such order in respect of the public servant, other than an order for dismissal, as he or it may deem fit.

**Application of other laws, etc**

5. The provisions of this Ordinance shall be in addition to, and not in derogation of, any other law, rule or regulation for the time being in force relating to the terms and conditions of service of a public servant including disciplinary matters.