

Rule 76 :-

Unless the State Government, in view of the special circumstances of the cases shall otherwise determine a Government Servant, after 5 years continuous absence from duty elsewhere than on foreign service in India, whether with or without leave ceases to be an Government Employee.

If a Government Servant is absence continuously on leave or without leave beyond 5 years he ceases to be in service of Government this will not apply to an Government Servant who is on deputation.

If a Government Servant is continuously absent from duty more than 5 years he shall unless the State Government otherwise determine be removed from service after following the procedure laid down in the Civil Services(Classification, Control and Appeal) rules and the Bihar and Orissa subordinate service(Discipline and Appeal) rule 1935.

Rule 135 of Pension Rules 1950

Government servant mentioned in rule 5(name of the services and posts) are entitled, on their resignation being accepted, to a retiring pension after completing qualifying service of not less than 25 years.