



Ministry of Civil Service and Administrative Reforms

23 August 2005

Ministry of Civil Service and Administrative Reforms
Circular Note No 4 of 2005
E/40/3/08/03 V2

From: Senior Chief Executive, Ministry of Civil Service and Administrative Reforms

To: Supervising Officers i/c Ministries and Departments

Termination of Contract - Advisers

Following the last General Elections held in July 2005, Government decided that the appointment of Advisers employed by the previous Government should be terminated immediately. This Ministry has now been advised by the Solicitor General that the employment of Advisers appointed by the previous Government may be terminated forthwith under Section 113(4) of the constitution.

2. We have further been advised that in such a case:
 - (i) no compensation is payable for loss of office except for compensation prescribed under Section 37A of the Labour Act, namely 3 months' salary for an Adviser who has served for 3 years or more, and one month's salary for an Adviser who has served for less than 3 years (section 114(5) of the Constitution and section 37A of the Labour Act).
 - (ii) the Advisers would, therefore, be entitled to payment, on a pro rata basis, of unspent leave and passage benefits if stipulated to be payable under their contracts of employment; and
 - (iii) as regards gratuity, it would normally be payable to the former Advisers on completion of 12 months satisfactory service and not to those reckoning less than 12 months service.
3. Please ensure that action is taken at your end in line with the above advice.


(R. Mudhoo)
Senior Chief Executive

Copy to:

Secretary to Cabinet and Head of the Civil Service