



कार्यालय, रक्षा लेखा महानियंत्रक

उलन बटार रोड, पालम, दिल्ली छावनी - 110010

Controller General of Defence Accounts

Ulan Batar Road, Palam, Delhi Cantt- 110010

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AN/XI/11206/SA/PR/FR-56(J)/2019

Dated: 02.03.2020

To

All PCsDA/PCA (Fys)/CsDA
(Through CGDA Website)

Subject: Strengthening of administration-Periodic review of Central Government Employees under Fundamental Rule (FR) 56(j)/(l) and Rule 48 of CCS(Pension)Rules,1972.

Please refer to this HQrs office circular bearing No. AN/XI/11206/e-Suchna/2019 dated 21.01.2020 under which periodicity and due date for receipt of the subject report along with other directions was circulated for strict compliance.

2. Instructions exist on the need for periodical review of performance of Government servants with a view to ascertain whether the Government servant should be retained in service or retired from service in the public interest. Provisions in this regard are contained in FR 56(J), FR 56(l) and Rule 48(1) (b) of CCS (Pension) Rules, 1972. Besides, the detailed guidelines on the above subject are already in public domain at <http://dopt.gov.in> under 'Notification'—'OM & Orders'—Establishment—Premature Retirement. However, copies of DOP&T O.M. No 25013/1/2013-Estt (A) dated 21.03.2014, No.25013/01/2013-Estt.A-IV dated 11.09.2015 and MOD, D (lab) Branch ID No 26(1)/2015-D (Lab) dated 30.05.2016 are enclosed herewith for guidance and taking an appropriate action with reference to orders on the subject.

3. It is also re-iterated that project e-Suchna has been launched with an objective to introduce paperless reporting system. In order to achieve this objective, it is once again requested that the

reports, (i) Strengthening of administration-Periodic review of Central Government Employees under Fundamental Rule (FR) 56(j)/(l) and Rule 48 of CCS(Pension)Rules,1972. (ii) Review of mechanism to ensure probity among Government servants (iii) Periodical review of Performance of Government servant as per the provision of FR 56(j), FR 56(l) and Rule 48(1) of CCS (Pension) Rules, 1972 and (iv) Representation of Women Members on the various Committees/Boards concerned with selection of Posts in Central Government, **may strictly be rendered through e सूचना portal only. Rendition of hard copy/Fax copy may be discontinued.**



(Rajeev Ranjan Kumar)
Dy. CGDA (AN)

No.25013/1/2013-Estt (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-110 001
Dated :21st March, 2014

Office Memorandum

Subject : Strengthening of administration – Periodical review under FR 56 / Rule 48 of CCS(Pension) Rules


Instructions exist on the need for periodical review of performance of Government servants with a view to ascertain whether the Government servant should be retained in service or retired from service in the public interest. Provisions in this regard are contained in FR 56 (j), FR 56 (l) and Rule 48 (1) (b) of CCS(Pension) Rules, 1972.

2. As per these instructions the cases of Government servant covered by FR 56(j), 56(l) or Rule 48(1) (b) of CCS (Pension) Rules, 1972 should be reviewed six months before he / she attains the age of 50/55 years, in cases covered by FR 56(j) and on completion of 30 years of qualifying service under FR 56(l) / Rule 48 of CCS(Pension) Rules, 1972 as per the following time table:-

Sl. No.	Quarter in which review is to be made	Cases of employees who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter.
1.	January to March	July to September of the same year
2.	April to June	October to December of the same year
3.	July to September	January to March of the next year
4.	October to December	April to June of the next year

3. The procedure as prescribed from time to time has been consolidated and enclosed as Appendix to this O.M.

4. All Ministries / Departments are requested to follow these instructions and periodically review the cases of Govt. servants as required under FR 56(j)/FR56(l)/Rule 48(1)(b) of CCS (Pension) Rules,1972.


(B.Bandyopadhyay)
Under Secretary to the Government of India
Tel.No.23040341

To

All Ministries / Departments Government of India as per standard list.

Subject : Periodical review under FR 56 (j)

The appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, a Government servant under FR 56(j), FR 56(l) or Rule 48 (1) (b) of CCS (Pension) Rules, 1972 as the case may be. The guidelines in this regard have been issued from time to time under the marginally noted office Memoranda which are available in this Ministry's website:www.persmin.nic.in The procedure has been summarized below:-

MHA, DPAR
O.M.No.33/13/61-Estt
(A) dated 23.6.1969

MHA, DPAR
O.M.No.33/11/69-Estt
(A) dated 23.10.1970

MHA, DPAR
O.M.No.25013/5/76-
Estt (A) dated
11.10.1976

MHA, DPAR
O.M.No.25013/13/77-
Estt (A) dated 8th
November, 1977.

MHA, DPAR
O.M.No.25013/14/77-
Estt (A) dated 5th
January, 1978.

MHA, DPAR
O.M.No.15013/9/80-
Estt (A) dated
22.6.1982

DoPT
O.M.No.25013/30/85-
Estt (A) dated 7th
August, 1985.

DoPT
O.M.No.25013/38/85-
Estt (A) dated 7th
March, 1986.

DoPT
O.M.No.25013/15/86-
Estt (A) dated 27th
June, 1986.

	FR 56	Pension Rule 48(1)(b) of CCS (Pension) Rules, 1972
Category	<p>FR 56 (j) Group 'A & B' officers:</p> <p>who entered service before 35 ears of age and have attained 50 years of age</p> <p>Other cases: Attained 55 years of age FR56(l) A Govt. Servant in Group 'C' post who is not governed by any Pension Rules, can also be retired after he has completed 30 years service.</p>	All Government servants covered by CCS (Pension) Rules, 1972 who have completed 30 years of qualifying service.
Notice Period	3 months or 3 months pay allowances in lieu thereof	Three months or Three months pay and allowances in lieu thereof.

2. The cases of Government servant covered by FR 56(j) , 56(l) or Rule 48(1) (b) of CCS (Pension) Rules, 1972 should be reviewed six months before he / she attains the age of 50/55 years, in cases covered by FR 56(j) and on completion of 30 years of qualifying service under FR 56(l) Rule 48 of CCS(Pension) Rules, 1972. Time Schedule for review is as under:-

Sl. No.	Quarter in which review is to be made	Cases of employee who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter indicated below to be reviewed
1.	January to March	July to September of the same year
2.	April to June	October to December of the same year
3.	July to September	January to March of the next year
4.	October to December	April to June of the next year

A register of employees who are due to attain the age of 50/55 years or complete 30 years of service to be maintained. The register should be scrutinized at the beginning of every quarter by a senior officer in the Ministry / Department and the review undertaken according to the above schedule.

3. It may be noted that Compulsory Retirement as a penalty under CCS (CCA) Rules, 1965 is distinct from the above provisions.

4. In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, following procedures and guidelines have been prescribed for reviewing the cases of government employees covered under the aforesaid rules:

- The cases of Government servants covered by FR 56 (j) or FR 56 (l) or Rule 48(1)(b) of the CCS (Pension) Rules should be reviewed six months before they attain the age of 50/55 years or complete 30 years service / 30 years of qualifying service, whichever occurs earlier,
- Committees shall be constituted in each Ministry / Department / Office, to which all such cases shall be referred for recommendation as to whether the Officer concerned should be retained in service or retired from service in the public interest.

5. The criteria to be followed by the Committee in making their recommendations would be as follows:-

- (a) Government employees whose integrity is doubtful, will be retired.
- (b) Government employees who are found to be ineffective will also be retired. The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he/she is holding.

Contd...

- (c) While the entire service record of an Officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his service during the preceding 5 years or where he has been promoted to a higher post during that 5 year period, his service in the highest post, has been found satisfactory.

Consideration is ordinarily to be confined to the preceding 5 years or to the period in the higher post, in case of promotion within the period of 5 years, only when retirement is sought to be made on grounds of ineffectiveness. There is no such stipulation, however where the employee is to be retired on grounds of doubtful integrity.

- (d) No employee should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case

Ordinarily no employee should be retired on grounds of ineffectiveness if he is retiring on superannuation within a period of one year from the date of consideration of the case. It is clarified that in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an officer, it would be open to review his case for premature retirement..

The above instruction is relevant only when an employee is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity. The damage to public interest could be marginal if an old employee, in the last year of service, is found ineffective; but the damage may be incalculable if he is found corrupt and demands or obtains illegal gratification during the said period for the tasks he is duty bound to perform.

6. The Supreme Court had not only upheld the validity of FR 56(j) but also held that no show-cause notice need be issued to any Government servant before a notice of retirement is issued to him under the aforesaid provisions. The appropriate authority defined in Note 1 below FR 56 should bonafide form an opinion that is in the public interest to retire the Government servant in exercise of the powers conferred by that provision and this decision should not be an arbitrary decision or should not be based on collateral grounds. Accordingly, in every case where it is proposed to retire a Government servant in exercise of the powers conferred by the said rule, the appropriate authority should record in the file its opinion that it is necessary to retire the Government servant in pursuance of the aforesaid rule in the public interest. The order to be served of the Government servant would of course be on the form prescribed for the purpose.

7. Detailed instructions on the procedure, criteria for assessment, issue of notice etc. are contained in the Office Memoranda indicated at page 1 of this Appendix and may be referred to.

No.25013/01 /2013-Estt.A-IV
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 Department of Personnel and Training
 Establishment A-IV Desk

North Block, New Delhi
 Dated 11th September, 2015

OFFICE MEMORANDUM

Subject: Strengthening of administration-Periodical review under FR 56(j) and Rule 48 of CCS (Pension) Rules, 1972

The undersigned is directed to refer to this Department's OM No. 25013/1/2013-Estt(A) dated 21/03/2014 on the periodical review under Fundamental Rule 56 or Rule 48 of CCS (Pension) Rules.

2. Various instructions issued on the subject deal with compulsory retirement under the above mentioned provisions. The Supreme Court has observed in *State of Gujarat Vs. Umedbhai M. Patel*, 2001 (3) SCC 314 as follows:

- (i) Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest.
- (ii) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.
- (iii) "For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the officer."
- (iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
- (v) Even un-communicated entries in the confidential record can also be taken into consideration.
- (vi) The order of compulsory retirement shall not be passed as a short cut to avoid Departmental enquiry when such course is more desirable.
- (vii) If the officer was given a promotion despite adverse entries made in the confidential record, that is a fact in favour of the officer.
- (viii) Compulsory retirement shall not be imposed as a punitive measure.

3. In every review, the entire service records should be considered. The expression 'service record' will take in all relevant records and hence the review should not be confined to the consideration of the ACR / APAR dossier. The personal file of the officer may contain valuable material. Similarly, the work and performance of the officer could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. It would be useful if the Ministry/Department puts together all the data available about the officers and prepares a comprehensive brief for consideration by the Review Committee. Even uncommunicated remarks in the ACRs/APARs may be taken into consideration.

4. In the case of those officers who have been promoted during the last five years, the previous entries in the ACRs may be taken into account if the officer was promoted on the basis of seniority cum fitness, and not on the basis of merit.

5. As far as integrity is considered, the following observations of the Hon'ble Supreme Court may, while upholding compulsory retirement in a case, may be kept in view:

The officer would live by reputation built around him. In an appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But his conduct and reputation is such that his continuance in service would be a menace to public service and injurious to public interest.

S. Ramachandra Raju vs. State of Orissa

[(1994) 3 SCC 424]

Thus while considering integrity of an employee, actions or decisions taken by the employee which do not appear to be above board, complaints received against him, or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may be taken into account. Judgement of the Apex Court in the case of Shri K. Kandaswamy, I.P.S. (TN:1966) in *K. Kandaswamy vs Union Of India & Anr*, 1996 AIR 277, 1995 SCC (6) 162 is relevant here. There were persistent reports of Shri Kandaswamy acquiring large assets and of his getting money from his subordinates. He also indulged in property transactions which gave rise to suspicion about his bonafides. The Hon'ble Supreme Court upheld his compulsory retirement under provisions of the relevant Rules.

6. Similarly, reports of conduct unbecoming of a Government servant may also form basis for compulsory retirement. As per the Hon'ble Supreme Court in *State Of U.P. And Others vs Vijay Kumar Jain*, Appeal (civil) 2083 of 2002:

If conduct of a government employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the government has an absolute right to compulsorily retire such an employee in public interest.

7. Many changes in the nomenclature and in the areas of responsibility of various departments/Ministries have taken place. In order to simplify and speed up the procedure of review, a need is felt to reconstitute the Review Committees. In partial modification of the OM 25013/15/86-Estt (A) dated 27/06/1986, it has been decided that the Secretaries of the Cadre Controlling Authorities will constitute Review Committees consisting of two Members at appropriate level. The Review Committees in the case of various levels of employees will be as under:

(A) In case of officers holding Group A posts:

(a) In r/o ACC appointees:

Review Committee may be headed by the Secretary of the concerned Ministry/Department as Cadre Controlling Authority.

(b) In r/o Non-ACC appointees:

(i) Where there are Boards viz CBDT, CBEC, Railway Board, Postal Board, Telecom Commission, etc. the Review Committee may be headed by the Chairman of such Board.

(ii) Where no such Boards/Commissions exist, the Review Committee may be headed by Secretary of the Ministry/Department.

(B) In case of Group B (Gazetted) officers:

Additional Secretary/Joint Secretary level officer will head the Review Committee.

(C) In the case of Non-Gazetted employees:

(i) An officer of the level of Joint Secretary will head the Committee. However in case the Appointing Authority is lower in rank than a Joint Secretary, then an officer of the level of Director/Deputy Secretary will be the head.

(ii) In the case of Non-Gazetted employees in other than centralised cadres, Head of Department/Head of the Organisation shall decide the composition of the Review Committee.

8. CVO in the case of gazetted officers, or his representative in the case of non-gazetted officers, will be associated in case of record reflecting adversely on the integrity of any employee.

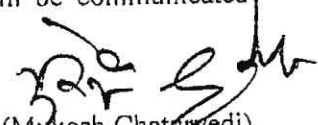
9. In addition to the above, the Secretary of the Ministry/Department is also empowered to constitute internal committees to assist the Review Committees in reviewing the cases. These Committees will ensure that the service record of the employees being reviewed, along with a summary bringing out all relevant information, is submitted to the Cadre Authorities at least three months before the due date of review.

10. The procedure as prescribed from time to time has been consolidated and enclosed as Appendix to the OM issued by this Department on 21/03/2014. As per these instructions the cases of Government servant covered by FR 56(j), FR 56(l), or Rule 48(1) (b) of CCS (Pension) Rules, 1972 should be reviewed six months before he/she attains the age of 50/55 years, in cases covered by FR 56(j) and on completion of 30 years of qualifying service under FR 56(l)/Rule 48 of CCS (Pension) Rules, 1972 as per the following calendar:

Sl No	Quarter in which review is to be made	Cases of employees who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter.
1	January to March	July to September of the same year
2	April to June	October to December of the same year
3	July to September	January to March of the next year
4	October to December	April to June of the next year

11. All Ministries/Departments are requested to follow the above instructions and periodically review the cases of Government servants as required under FR 56(j)/FR56(I)/Rule 48(1)(b) of CCS (Pension) Rules, 1972.

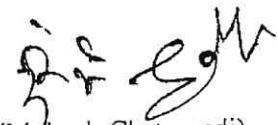
12. Instructions on composition of the Representation Committees will be communicated separately.


(Mukesh Chaturvedi)
Director (Establishment)
Tel: 23093176

To
The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. ADG (M&C), Press Information Bureau, DoP&T
- ✓ 16. NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OMs & Orders → Establishment → Premature Retirement.
17. Hindi Section, DoP&T


(Mukesh Chaturvedi)
Director (Establishment)
Tel: 23093176

रक्षा लेखा महानियंत्रक
CONTROLLER GENERAL OF DEFENCE ACCOUNTS
उलान बटार मार्ग, पालम, दिल्ली कैंट -10
ULAN BATAR ROAD, PALAM DELHI CANTT-10

सं. प्रशा/XI/11206/एफआर-56(जे)/ति.सं-06/16

दिनांक : 17/06/2016


सेवा में,

सभी रक्षा लेखा प्रधान नियंत्रक/लेखा नियंत्रक
(र. ले. महानियंत्रक के वेबसाइट के माध्यम से)

विषय: Periodical review of performance of Government Servants as per provisions of FR 56(J) and Rule 48(1) of CCS (Pension) Rules 1972

A copy of MOD, D(lab) Branch ID No 26(1)/2015-D(Lab) dated 30/05/2016 on the above subject is enclosed herewith for compliance.

2. It is requested that compliance and action taken report may be sent to this office by 3rd of every month positively so that consolidated report may be submitted to Ministry in time.



(एस सी गुप्ता)

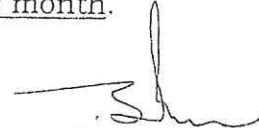
कृते र.ले.म.नियंत्रक

Government of India
Ministry of Defence
D(Lab) Branch

Subject:-Periodical review of performance of Government servants as per the provision of FR 56(j) and Rule 48(1) of CCS(Pension) Rules, 1972.

A consolidated instructions based on DoP&T's guidelines on the above subject is enclosed herewith for circulation amongst the all cadre controlling authorities in MoD and Organisations/ Lower formations of MoD for urgent action. It is requested that compliance and action taken report in this regard may be sent to this Ministry positively by first week of every month.

Encls: as above


(Anil Kumar)

Deputy Secretary to the Govt. of India
Telefax:-23011681

DGDE/ DGBR/ DGNCC/ Office of the JS(Trg) & CAO/ AG Branch [MP-4-Civ(a)]/ DGAFMS/ Dte. of PR/ Coast Guard HQ/ E-in-Cs Branch(For MES & Non-MES)/ IHQ(Navy)DCP(G) & (NG)/ IDS(Pers)/ Air HQs(PC-5)/ D(Mov) in r/o CSD/ D(Estt.1/Gp.II) & D(Estt.2/Gen-I) in r/o MoD officials.

MoD ID No.26(1)/2015-D(Lab) dated 30thMay, 2016

Copy to:-

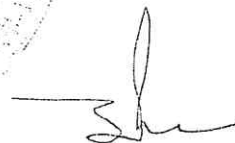
1. D(Coord/DDP) - in respect of Organisations under DDP like OFB, DGQA, DGAQA, Defence PSUs etc.
- ✓ 2. O/o the CGDA - in respect of Organisations/Offices under them.
3. DRDO(DOP) Pers/AA-3 - in respect of Organisations under DRDO

Also copy to:- All administrative sections in MoD in respect of above Organisations.

Copy for information to:-

- 1) SO/PPS to Defence Secretary
- 2) PPS to AS(R)/AS(J)/AS(DP)
- 3) All Joint Secretaries in MoD





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स्वच्छ रहेंगे, स्वस्थ रहेंगे, समृद्ध होंगे।

"It is Health that is real Wealth and not pieces of gold and silver", Gandhiji

CONSOLIDATED INSTRUCTIONS FOR

**CARRYING OUT PERIODICAL REVIEW OF THE CASES OF
GOVERNMENT SERVANTS AS REQUIRED UNDER FR
56(J)/FR56(I)/RULE 48(1)(6) OF CCS (PENSION) RULES, 1972.**

Various instructions issued by the Government from time-to-time on the subject deal with compulsory retirement under the above mentioned provisions.

2. The Supreme Court has observed in the State of Gujarat Vs. Umedbhai M. Patel, 2001 (3) SCC 314, as follows:

- (i) Whenever the services of a public servant are no longer useful to the general administration, the officer can be **compulsorily retired** for the sake of public interest.
- (ii) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.
- (iii) "For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the officer."
- (iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
- (v) Even un-communicated entries in the confidential record can also be taken into consideration.
- (vi) The order of compulsory retirement shall not be passed as a short cut to avoid Departmental enquiry when such course is more desirable.
- (vii) If the officer was given a promotion despite adverse entries made in the confidential record that is a fact in favour of the officer.
- (viii) Compulsory retirement shall not be imposed as a punitive measure.

3. Accordingly, DOP&T has issued instructions vide their OM, dated 21.03.2014, 11.9.2015, 01.03.2016 for review & monitoring regularly such cases under FR 56(j) FR56(I)/RULE 48(1)(6) OF CCS (PENSION) RULES, 1972 , by all the offices under the central government and sending the reports periodically.

4. The following procedures may be adopted for carrying out the Review:-

- (i) Review of services of Government servants at all levels (Group 'A', 'B (Gazetted/Non- Gazetted) & Group 'C' including erstwhile Group 'D') on their attaining of age of 50/55 years or completion of 30 years of qualifying service whichever occurs earlier. Those who have already attained the age/qualifying service but have not been reviewed, should also be covered under this exercise **except if they are retiring within one year on attaining the age of superannuation.**
- (ii) The respective Review Committee(s) should be constituted to adjudge the suitability of the Government servant based on his/her past service and recommend for the **retention or compulsory retirement.**
- (iii) The Internal Committees should also be constituted for each level to assist the Review Committees. The Internal Committees will screen/assess the entire service record of eligible government servants and place their findings before the respective Screening Committees to take a final view in the matter.
- (iv) Secretaries of the Cadre Controlling Authorities/HODs will constitute Review Committees and Internal Committees consisting of **TWO (02) Members** at appropriate level. The approval of Defence Secretary for constitution of Review Committee/ Internal Committee, if required, may be processed through the Admn. Wing in MoD. Guidelines for constitution of Review Committees are given at **Annexure.**
(Ref.:DOPT's O.M.No.No.25013/01/2013-Estt.A-1-IV, dated 11.09.15)

5. SCHEDULE FOR PERIODICAL REVIEW (TO BE INITIATED 6 MONTHS BEFORE DUE)

(i) The cases should be reviewed six months before he/she attains the age of 50/55 years, in cases covered by FR 56(j) and on completion of 30 years of qualifying service under FR 56(I)/Rule 48 of CCS (Pension) Rules, 1972 as per the following calendar:

Quarter in which review is to be made	Cases of employees who will be attaining the age of 50/55 years or completing 30 years of service qualifying for pension
January to March	July to September of the same year
April to June	October to December of the same year
July to September	January to March of the next year
October to December	April to June of the next year

(ii) The Internal Committees will ensure that the service records of the employees being reviewed, along with a summary bringing out all relevant information, is submitted to the Cadre Authorities at least three months before the due date of review. However, no recommendation about retention or otherwise would be given by the Internal Committee. Only views/comments/findings on each case may be given.

6. GENERAL GUIDELINES FOR REVIEW:-

(i) **Doubtful Integrity:** The officer would live by reputation built around him. If in any appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But **his/her conduct and reputation** is such that his/her continuance in service would be a menace to public service and injurious to public interest. Integrity of an employee, actions or decisions taken by the employee which do not appear to be above board, complaints received against him/her, or **suspicious property transactions**, for which there may not be sufficient evidence to initiate departmental proceedings, but such property transactions which give rise to suspicion about the bonafides of a government servant, may be taken into account. **Acquiring large assets and getting money from subordinates** can also be taken into consideration.

- (ii) Government employees who are found to be ineffective will also be retired. The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he/she is holding.
- (iii) Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest.
- (iv) "For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the officer."
- (v) Any adverse entries made in the confidential record or even uncommunicated remarks in the ACRs/APARs shall be taken note of and be given due weightage.
- (vi) Even un-communicated entries in the confidential record can also be taken into consideration.
- (vii) The order of compulsory retirement shall **NOT** be passed as a short cut to avoid Departmental enquiry when such course is more desirable.
- (viii) If the officer was given a promotion despite adverse entries made in the confidential record that is a fact in favour of the officer.
- (ix) In every review, the **entire service records** should be considered. The expression 'service record' will take in **all relevant records** and hence the review **should not be confined only to the consideration of the ACR / APAR dossier**. The **Personal File** of the officer may contain valuable material. Similarly, **the work and performance of the officer** could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. **Even uncommunicated remarks in the ACRs/APARs** may be taken into consideration.
- (x) **Reports of conduct unbecoming of a Government servant** that obstructs the efficiency in public services may also form basis for compulsory retirement. (for example: unauthorized proceeding on leave/failures in timely submission of IPR, criminal case/charges etc.).

- (xi) While the entire service record of an Officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his/her service during the preceding 5 years or where he/she has been promoted to a higher post during that 5 year period, his/her service in the highest post, has been found satisfactory. It would be useful if all the data available about the officers are put together and a comprehensive brief is prepared by the Internal Committee for consideration by the Review Committee.
- (xii) In the case of those officers who have been promoted during the last five years, the previous entries in the ACRs may be taken into account if the officer was promoted on the basis of seniority cum fitness, and not on the basis of merit.
- (xiii) Ordinarily, no employee should be retired on grounds of ineffectiveness if he is retiring on superannuation within a period of one year from the date of consideration of the case. It is, however, clarified that in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an officer, it would be open to review his case for premature retirement.
- (xiv) Compulsory retirement shall not be imposed as a punitive measure. Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.
- (xv) The Supreme Court had not only upheld the validity of FR 56(j) but also held that no show-cause notice need be issued to any Government servant before a notice of retirement is issued.
- (xvi) However, a Notice of three months or Three months' pay & allowances in lieu thereof, for compulsory retirement, may be given.
- (xvii) The appropriate authority defined in Note 1 below FR 56 should bonafide form an opinion that is in the public interest to retire the Government servant in exercise of the powers conferred by that provision and this decision should not be an arbitrary decision or should not be based on collateral grounds.

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ANNEXURE

ID Note:- 26(1)/2015-D(LAB) dated 30.05.2016

Composition of REVIEW COMMITTEES to be constituted under FR 56(j)/Rule 48(1) of CCS (Pension) Rules, 1972

<i>Officers holding Group A posts (ACC Appointees)</i>	<i>Officers holding Group A posts (Non-ACC Appointees)</i>	<i>Group B (Gazetted) officers:</i>	<i>Non-Gazetted employees: in Centralized Cadres</i>	<i>Non-Gazetted employees in other than centralised cadres,</i>
To be headed by the Secretary of the concerned Ministry/ Department as Cadre Controlling Authority	Review Committee may be headed by Secretary of the Ministry/ Department. (Where Board/ Commission@ does not exist)	Additional Secretary/Joint Secretary level officer will head the Review Committee.	Officer of the level of Joint Secretary will head the Committee. If the Appointing Authority is lower in rank than a Joint Secretary, then an officer of the level of Director/Deputy Secretary will be the head	Head of Department/Head of the Organisation shall decide the composition of the Review Committee.
Another Member at appropriate level	Another Member at appropriate level	Another Member at appropriate level	Another Member at appropriate level	Another Member at appropriate level
CVO in the case of gazetted officers, or his representative in the case of non-gazetted officers, will be associated in case of record reflecting adversely on the integrity of any employee.				
@ Where there are Boards viz CBDT, CBEC, Railway Board, Postal Board, Telecom Commission, etc. the Review Committee may be headed by the Chairman of such Board.				
Internal Committees are to be constituted with the approval of Secretary concerned to assist the Review Committees in reviewing the cases. These Internal Committees will ensure that the service records of the employees being reviewed, along with a summary bringing out all relevant information, is submitted to the Cadre Authorities at least three months before the due date of review				
Constitution of Review Committee/ Internal Committee in respect of Group-A and Group-B(Gazetted) post may be made by the <u>concerned Administrative Wing/Division in the MoD</u> with the approval of Defence Secretary.				