

No. X-19/6/2019-SPN-II
Government of India
Ministry of Communications
Department of Posts

Dak Bhawan, Sansad Marg
New Delhi - 110 001
April 07, 2020

To,

All Heads of Postal Circles,
All Heads of Postal Regions

Subject:- Review under FR 56(j), FR 56(l) and Rule 48(1)(b) of CCS (Pension) Rules, 1972.

Madam / Sir,

FR 56(j), FR 56(l) and Rule 48(1)(b) of CCS (Pension) Rules, 1972 provide enabling provisions for premature retirement of a Government servant. Comprehensive instructions / guidelines have been issued by the Department of Personnel & Training (DOPT) to assess the suitability of a Government servant for continuance in service or for retiring prematurely in public interest. For appropriate implementation of the provisions of FR 56 and Rule 48 of CCS (Pension) Rules, 1972, further instructions have also been issued by the Department of Posts (DoP). Some of such communications issued by DOPT and DoP are as under:-

- a) OM No. 25013/1/2013-Estt (A) dated 21.03.2014 and OM No. 25013/1/2013-Estt.A-IV dated 11.09.2015 issued by DOPT (copy enclosed); and
- b) Letter No. 4-16/2015-SPG dated 09.12.2015 and letter No.19-02/2017-SPB-II dated 28.08.2017 issued by DoP (copy enclosed).

Besides, other communications on the subject issued by the DOPT are available on their website (dopt.gov.in). It is imperative that instructions issued from time to time by DOPT are followed while considering cases under the provisions of FR 56 and Rule 48 of CCS (Pension) Rules, 1972.

2. Department of Posts (DoP), *vide* letter No. 4-16/2015-SPG dated 09.12.2015, had issued instructions regarding composition of Review Committee and Representation Committee. In supersession of the instructions issued *vide* said letter No. 4-16/2015-SPG dated 09.12.2015, it has been decided that henceforth composition of Review Committee and Representation Committee shall be as under:-



A. Composition of Review Committee

Sl No.	Category	Composition of Review Committee
1.	For all Group-A Officers	a) Secretary (Posts) - Chairman b) Director General (Postal Services) c) Chief Vigilance Officer
2.	For all Group-B Gazetted Officers	<p><u>For employee working in Postal Circles</u></p> a) CPMG of the Circle - Chairman b) One Officer of the level of PMG c) Vigilance Officer the Circle Office as nominee of Chief Vigilance Officer
		<p><u>For employee working in Postal Directorate</u></p> a) Member (Personnel) - Chairman b) Chief Vigilance Officer c) DDG (Personnel)
3.	For all Non-Gazetted Officials	<p><u>For employee working in Postal Circles</u></p> a) DPS (HQ)/DPS(Region)/Director - Chairman b) Head of the Administrative Division / Independent Unit / One officer not below the rank of Assistant Director where the employee is posted c) Officer dealing with Vigilance work of the Region as nominee of Chief Vigilance Officer
		<p><u>For employee working in Postal Directorate</u></p> a) DDG(Personnel) - Chairman b) Director (Staff) c) Director (Vigilance) / ADG (Vigilance) as nominee of Chief Vigilance Officer
<p><i>Note-1:- If the Review Committee Chaired by CPMG / DDG (Personnel) / DPS / Director concludes for premature retirement of an official on ground of 'INEFFECTIVENESS', before seeking approval of appointing authority wherever required / issue of the notice of premature retirement, all relevant records shall be placed before the Member (Personnel) / CPMG of the Circle, as the case may be, who shall satisfy herself / himself that all relevant instructions have been followed and all relevant records have been taken into consideration by the Review Committee while arriving at the conclusion of premature retirement and thereafter either endorse the decision of the Review Committee or remit back the case for reconsideration of the Review Committee.</i></p>		

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Note-2:-If the Review Committee Chaired by CPMG / DDG (Personnel) / DPS / Director concludes for premature retirement of an official on ground of 'DOUBTFUL INTEGRITY', before seeking approval of appointing authority wherever required / issue of the notice of premature retirement, all relevant records shall be placed before the Chief Vigilance Officer, who shall satisfy herself / himself that all relevant instructions have been followed and all relevant records have been taken into consideration by the Review Committee while arriving at the conclusion of premature retirement and thereafter either endorse the decision of the Review Committee or remit back the case for reconsideration of the Review Committee.

B. Composition of Representation Committee

Sl No.	Category	Representation Committee
1.	For all Group-A Officers	a) A Secretary to be nominated by the Cabinet Secretary b) One nominee of the Cabinet Secretary of AS / JS level c) Member (Personnel), Department of Posts
2.	For all others	a) A Secretary to be nominated by the Cabinet Secretary b) One nominee of the Cabinet Secretary of AS / JS level c) DDG (Personnel), Department of Posts

3. Of late it is observed that relevant instructions are not being followed in letter and spirit. Accordingly, it is felt appropriate to issue further guidelines on some of the aspects relating to premature retirement under the aforesaid provisions.

4. **Timely Review:-** It is observed that in most of the cases time schedule laid down for review is not followed. Consolidated instructions issued by DOPT vide aforesaid OM of 21.03.2014 provides for maintenance of a register of employee due for review. It is therefore imperative that a register is prepared, well in advance, say by 30th June of each year, showing the list of officials due for review in each quarterly period of following calendar year. The register should be scrutinized, by an officer to be nominated by the Chairperson of the Review Committee, at the beginning of the quarter to schedule the meeting of the Review Committee.

5. **Minutes of Review Committee:-** It is observed that minutes of the Review Committee are merely reflecting the decision, even if it is decided to prematurely retire a Government servant, e.g. 'Recommended', 'Not recommended due to unsatisfactory service records', etc. Needless to say that decision of premature retirement is subject to judicial scrutiny and therefore the process followed in taking such decision should be seen as cogent and evidence based. Accordingly, it is advised to take note of the following:-


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- a) In cases where it is decided to retain the government servant, minutes of Review Committee shall be a small paragraph *inter alia* including the list of service records relied upon, summarized assessment of those records and conclusion of such assessment leading to retaining in service.
- b) In cases where it is decided for premature retirement of a government servant, minutes of Review Committee should be self-speaking *inter alia* including a pen picture based on the entries made in ACR/APAR dossier, a statement of service records relied upon, detail assessment of those records, findings of such assessment with reference to guidelines of deciding '*INEFFECTIVENESS*' and '*DOUBTFUL INTEGRITY*', and summarized reasons for the conclusion of premature retirement from service. Minutes should also clearly record that '*It is necessary to prematurely retire the Government servant in public interest*'.

6. **Service Record**:-ACR/APAR dossier of a government servant form a very important part of service record as it gives a periodical account of both performance and integrity. Guidelines have been laid down with respect to adverse entries in ACR/APAR. The Review Committee shall duly consider the adverse entries in ACR/APAR and that procedures laid down for such adverse entries have been followed, e.g. adverse entries with regard to general attributes, integrity, etc. However, if any un-communicated adverse entry in ACR/APAR is taken into consideration by the Review Committee, reasons for both non-communication and consideration of un-communicated adverse entries should be explicitly brought out in the minutes of the Review Committee. Further, since entire service record should be taken into consideration during the review, the assessment should not be limited to ACR/APAR dossier and other records of appropriate importance should also be taken into consideration. However, whenever records other than ACR/APAR dossier are given predominance over the entries in ACR/APAR reasons thereof should be explicitly brought out in the minutes of the Review Committee.

7. **Obtaining Approval of Appointing Authority**:- After the Review Committee concludes for premature retirement and such conclusion is subsequently endorsed by Member (Personnel) / CPMG / CVO, wherever required, before issue of the notice / order of premature retirement , approval of the Appointing Authority shall be obtained by the concerned Administrative Division if the Chairman of the Review Committee is lower in rank than the Appointing Authority.

8. **Notice / Order of Premature Retirement**:-Notice / Order of premature retirement can be given under both FR 56(j), FR 56(l) and Rule 48(1)(b) of CCS (Pension) Rules, 1972. Since a common proforma has been prescribed for issue of notice / order under both the provisions, it is often observed that notice / order issued by Circles quote both the provisions. It is imperative that notice / order is issued by quoting only the relevant provision. Circles are requested to sensitize the officers concerned appropriately.



9. **Representation against Notice / Order of Premature Retirement:-** It is often observed that representation against notice / order of premature retirement is addressed to Head of Circle / Region / Division, presumably due to ignorance. Such representation is considered and rejected by Circle advising the government servant to send representation to Chairperson of the Representation Committee. Subsequently, after receipt of representation in Directorate, comments of Circle are called for. In the process considerable time is lost in taking the representation to its logical conclusion. To address the issue in its right perspective, it has been decided as under:-

- a) Alongwith the notice / order of premature retirement, a separate communication may be issued to the government servant indicating that representation, if any, against such notice / order be addressed to 'Chairman, Representation Committee' with copy to 'Head of the Circle' and Member (Personnel) within three weeks from the date of service of such notice / order.
- b) Even if a representation is addressed / submitted to Head of Circle / Region / Division, it may be deemed to have been addressed to Chairman, Representation Committee for taking appropriate action thereon.
- c) On receipt of a representation in the Circle, whether addressed to Chairman, Representation Committee or otherwise, Circle shall send, alongwith its comments on points put forth in the representation, all service records, which have been relied upon by the Review Committee, to the Directorate for consideration of the Representation Committee, within 15 days from receipt of such representation.

10. Adherence of prescribed time schedule is of paramount importance so that entire process from review to disposal of representation is concluded well before the due date of premature retirement.

11. Guidelines brought out here in are in addition to and not in abrogation of instructions / guidelines issued by the DOPT. Circles are requested to bring the content of this communication to the notice of all concerned.

Yours faithfully,

Encl: As above


(Satya Narayana Dash)
Director (SPN)

Copy to:-

(As per standard list / to be uploaded on India Post Website)

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: 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.

15

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.

17

(i) Where no such Bureau Committees 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, alongwith 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(i)/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)/FR 56(I)/Rule 48(1)(b) of CCS (Pension) Rules, 1972.

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

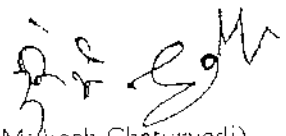

(Mukesh Chaturvedi)
Director (Establishment)
Tel: 23093176

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

No. 4-16/2015-SPB
Government of India
Ministry of Personnel, Public Relations & Training
Department of Personnel & Training
Government of India
New Delhi - 110 003

Sec. Shastri, Sansad Marg,
New Delhi - 110 003

Dated: 09th December, 2015

To

1. All Chief Postmasters General
2. All Postmasters General

Subject: Strengthening of administration – Periodical Review under FR 56 (j)/ FR 56 (i)/ Rule 48 of CCS (Pension) Rules, 1972 -- reg:

Sir/Madam,

I am directed to refer to the above mentioned subject as also the instructions issued by the Department of Personnel & Training (DOP&T) and by this office from time to time wherein various aspects of the provisions of FR 56 (j)/FR 56 (i)/ Rule 48 of CCS (Pension) Rules, 1972 have been explained in detail. As already informed, the DOP&T has desired that all the Ministries/Departments need to follow these instructions and periodically review the cases of Government servants as required under FR 56 (j)/FR 56 (i)/Rule 48 (1) (b) of CCS (Pension) Rules, 1972.

2. It is further informed that Departmental Review/Representation Committees at different levels are required to be formed in accordance with latest instructions of the DOP&T for reviewing the cases of the Government servants, who are covered by the aforesaid provisions of Fundamental Rules and CCS (Pension) Rules, 1972. In this regard, attention is also invited to this Directorate's letter No. 135-7/86-SPB-II dated 06.06.1991 and letter No. 135-5/94-SPB-II dated 20.12.1994 vide which Circle Review Committees and Directorate's Representation Committee were formed. Keeping in view the latest instructions issued by the DOP&T, the constitution of the Review Committees/ Representation Committee has been revisited and the Competent Authority has approved the formation of these Committees afresh as given below:

(A) Review Committees:

Sl. No.	Cadre	Chairperson	Members
1.	Group 'A' - I or SAC and above	Secretary (Posts)	1. Member (Personnel) 2. Member, PSB - as nominated by Secretary (Posts) 3. Sr. DDG (Vigilance)

2.	Group 'A' - From JTS to JAG (NFSG)	Secretary (Posts)	1. Member (Personnel) 2. Sr. DDG (Vigilance) 3. DDG (Personnel)
3.	Postal Service Group 'B' and equivalent	CPMG	1. PMG of the Circle/ neighbouring Circle 2. DPS (HQ)
4.	Assistant Superintendent of Posts and equivalent	CPMG	1. PMG of the Circle/ neighbouring Circle 2. DPS (HQ)
5.	Inspector (Posts) and equivalent	CPMG	1. PMG of the Circle/ neighbouring Circle 2. DPS (HQ)
6.	For Group 'C' staff under the jurisdiction of CPMG	CPMG	1. DPS (HQ) 2. APMG/AD (Staff)
7.	For Group 'C' staff under the jurisdiction of PMG	PMG	1. DPS of the Region 2. AD (Staff)

(B) Representation Committee for the Government Servants belonging to cadres mentioned at Sl. 4 to 7:

1.	Member (Personnel)	Chairperson
2.	Sr. DDG (Vigilance)	Member
3.	DDG (Personnel)	Member

3. in addition to the above, following has also been decided:

- (i) In respect of the officers of Postal Service Group 'B' and equivalent cadres (Sl. No. 3), Circle will issue the notice for premature retirement to the officer concerned in accordance with the recommendations of the Circle Review Committee. However, the said premature retirement notice shall take effect only after approval of the Secretary (Posts)/DG (Posts), who will be assisted by an Internal Committee of the Postal Directorate comprising of Member (Personnel), Sr. DDG (Vigilance) and DDG (Personnel).
- (ii) Circle will send the recommendations of the Review Committee in respect of the Government servants (cadres mentioned at Sl. No. 4 to 7), who are recommended for premature retirement, along with his/her representation, if any, and the Circle's detailed report & relevant documents of the case to the Postal Directorate for consideration of the Representation Committee and for final decision by the Secretary (Posts)/DG (Posts).

31

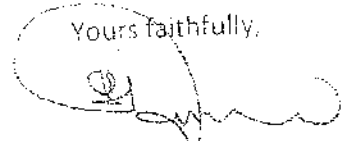
3. In respect of the Review Committees at Sl. No. 3 to 7, in case of Government servants, where premature retirement would be on account of doubtful integrity, association of appropriate officer dealing with the Vigilance cases of the Circle will be necessary.

4. This is issued in supersession of the instructions issued by this office vide letter No. 135-7/94 S-8-II dated 06.06.1991 and letter No. 135-5/94 SPB-I dated 20.12.1994.

5. It is requested to ensure strict compliance of the enclosed instructions and these may also be brought to the notice of all concerned.

This issues with the approval of the Competent Authority.

Yours faithfully,

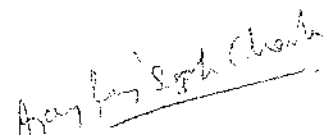


(Raj Kumar)

Director (Staff)

Copy to for information & necessary action:

1. PPS to Secretary (Posts)
2. PPS/PS to all Members of Postal Services Board
3. CGM (BD&M)/CGM (PLI)/Sr. DDG (Vigilance)/JS&FA
4. Director, Rafi Ahmed Kidwai National Postal Academy, Ghaziabad
5. DDG (Personnel) & Secretary (PSB)
6. GM (CEPT) – with a request to upload it on India Post Website
7. All Directors, Postal Training Centres
8. OSD to Secretary (Posts), Dak Bhawan, New Delhi
9. Director (Philately/Administration)/Director (SPN)/Director (Vigilance)
10. OSD to Secretary (Posts), Dak Bhawan, New Delhi
11. All GMs/Directors of Postal
12. All recognized Service Associations of the Department of Posts
13. CS to Member (Personnel)
14. PE-I/PE-II/SPB-I/SPB-II/Vigilance Sections, Dak Bhawan, New Delhi
15. SO (SPG)'s Guard File/Spare copies



(Ajay Raj Singh Chauhan)
Section Officer (SPG)

No. 19-2/2017-SPB-II
Government of India
Ministry of Communications
Department of Posts
(Personnel Division)

Dak Bhawan, Sansad Marg
New Delhi – 110 001

Dated: 28-August, 2017

To,

All Chief Postmaster General,
All Postmaster General,
Director, RAKNPA, Ghaziabad,

Subject: Periodical review under FR 56(i) and Rule 48(i)(b) of CCS (Pension) Rules, 1972.

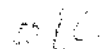
Madam/Sir,

It has come to the notice of this Directorate that due procedure is not being followed by some of the Postal Circles while reviewing cases of officials under FR 56(i) and Rule 48(i)(b) of CCS(Pension) Rules, 1972. The decision taken by Review Committee in such cases does not stands before Representation Committee due to technical lapses on part of Review Committee. Therefore, it has been decided to reiterate the instructions procedures on the subject to be taken into consideration while conducting such Review.

2. Circles may refer to DoP&T O.M. No. 25013/1/2013-Estt(A) dated 21.03.2014 and O.M. No. 25013/01/2013-Estt.A-IV dated 11.09.2015 which is available on DoP&T website at the link <http://dopt.gov.in/notifications/oms-and-orders> (*Premature retirement under Sl. No. 12*) may also be referred to. Further, the following procedures may also be observed while conducting such review:

- i) Cases of Government servants covered under the above rules should be reviewed six months before they complete 50/55 years of age or 30 years of qualifying service, as per time schedule prescribed in the DoP&T guidelines. The Review Committee has to adopt the following criteria while making its recommendations:
 - a) Government Servant, whose integrity is doubtful, will be retired
 - b) Government servants, who are ineffective/not fit or competent, will be retired. While the entire service record of the Government servant is to be considered for this purpose, he should not 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 years period, his service in the higher posts has been found to be satisfactory.
 - c) Entries in the CR/APAR dossier of the officer will form a very important part of the total service record taken into consideration while reviewing any proposal for premature retirement. More than ordinary value should be attached to the CR/APAR pertaining to the years immediately preceding the review.






- d) 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 his case, unless there is a steep fall in his competence.
- e) In every case where it is proposed to retire a Government servant under the relevant rules, on the basis of the recommendations of the Review Committee, the appropriate authority should record in the file that it has formed its opinion to retire the Government servant in public interest.
- f) No show cause notice for premature retirement is to be given to the officer concerned. However, the order of premature retirement has to be in the prescribed format and has to specify that the action has been taken in public interest.
- g) The rules relating to premature retirement should not be used to retire a Government servant on grounds of specific acts of mis-conduct, as a short cut to initiating disciplinary proceedings
- h) The notice of premature retirement should be given at least 3 months before the Government servant attains the age of 50/55 years of age or 30 years of qualifying service.
- i) The concerned employee has to submit his/her representation against the notice of premature retirement within three weeks from the receipt of such notice.
- j) The Representation Committee shall submit its recommendations on the representation to the authority which is competent to pass final orders on the representation.
- k) If it is decided to reinstate a prematurely retired Government employee in service after considering his representation, the period intervening between the date of premature retirement and the date of reinstatement may be regulated as duty or as leave or die-non, as the case may be, taking into account the merits of each case.
- ii) The Review Committee should not rely on earlier disciplinary proceedings against the official, which have been initiated on the basis of clear cut evidence and/or consequent penalties have been imposed, to prematurely retire on grounds of lack of integrity, which amounts to double jeopardy. Rather, the Review committee should look to entire service record of the official which although may not be sufficient for initiating departmental proceedings but would be enough to establish lack of integrity. The guidelines mentioned at para (i)(g) above is clear in this regard.
- iii) Wherever premature retirement is considered on the grounds of lack of efficiency leading to obstruction in public service, specific instances leading to such conclusion should invariably be noted in the minutes of Review Committee meeting. While doing so, more than ordinary value should be attached to the CR/APAR pertaining to the last five years immediately preceding the review.

294

- iv) As mentioned in para (i)(h), the notice of premature retirement should be given at least 3 months before the Government servant attains the age of 50/55 years or completes 30 years of qualifying service, as the case may be. But the retirement should take place after he/she has completed 50/55 years of age or 30 years of qualifying service.
- v) The notice for premature retirement under FR56(j) or Rule 48 of CCS(Pension) Rules, 1972 should be in the format prescribed in the DoP&T guidelines and should categorically quote the specific Rule under which the appropriate authority has decided to premature retire an official. Further, the word 'Public Interest' should invariably be quoted as a ground for such premature retirement.
- vi) Minutes of Review committee should invariably be prepared clearly listing out the reasons for recommending premature retirement of the official.
- viii) Representation of the official, if any, against order of premature retirement should be addressed to Chairman of Representation committee in Directorate i.e. Member (Personnel). The concerned official should be guided by the Circle in this connection.
3. Circles are requested to keep in view the above guidelines while conducting review under FR56(j) and Rule 48(j) of CCS (Pension) Rules, 1972.

Yours faithfully,



(Satya Narayana Dash)
Assistant Director General (SPN)

Copy for information to:

- a) Sr. DDG(Vigilance)/CVO, Department of Posts, Dak Bhawan, New Delhi
- b) ADG(SGP), Department of Posts, Dak Bhawan, New Delhi.