

**Ministry of Home Affairs O.M. No.54/6/53-CS(C),
dated the 5th September, 1958, to all Ministries/Departments, etc.**

Instructions for Retrenchment

In supersession of all previous orders on the subject the following general instructions are issued for the reversion/discharge of persons employed in any grade in the Central Civil Services Class I, Class II, Class III, Class IV, wherever such reversion/discharge becomes necessary either because of a reduction in the number of posts or other reasons. These instructions will not apply to the organised Services where specific instructions for reversion/discharge exist.

Instruction 1. (a) For the purpose of these instructions, a person is said to be "educationally qualified" for a grade when he possesses the minimum educational qualification prescribed for direct recruitment to the grade on a permanent basis. For grades or posts for which no educational qualification is prescribed, the minimum educational qualification required for the next lower grade or post from which promotion is made to that grade or post will be regarded as the prescribed educational qualification.

(b) The following categories of employees are referred to as "excepted categories":—

- (i) Permanent displaced Government servants nominated or deemed to have been nominated to the grade by the Transfer Bureaus or the Ministry of Home Affairs.
- (ii) Persons who hold liens on permanent posts or are quasi-permanent in other grades of post from which promotions or transfers are normally permissible to the grade, or persons who are eligible for permanent absorption in the grade or post as part of a Service Scheme.
- (iii) Persons who have been exempted from the possession of minimum educational qualifications with the concurrence of, or in accordance with the instructions issued by the Ministry of Home Affairs.

Instruction 2. The persons who are not permanent in the grade should be divided into the following categories :—

- (A) (i) Those who have been declared quasi-permanent in respect of the grade under the CCS (T.S.) Rules or other corresponding rules;
- (ii) Persons promoted or transferred to the grade who hold line on permanent posts under Government or have been declared quasi-permanent in other posts or grades and have rendered not less than three years service in the grade.
- (B) Persons other than those in category (A). These should be sub-divided into two groups :—
 - (i) those who are educationally qualified for the grade or post and those who belong to excepted categories; and
 - (ii) the rest.

Persons in each of the groups (i) and (ii) of categories (B) above should be classified by the Departmental Promotion Committees as :—

- (a) outstanding;
- (b) not outstanding but fit for permanent retention in the grade; or
- (c) not fit for permanent retention.

Instruction 3. (a) In the event of retrenchment becoming necessary in the grade, it should be effected in the following order :—

Order of Retrenchment	Category	(Group) Classification vide instruction 2.
(i)	B (ii)	(c)
(ii)	B (ii)	(b)
(iii)	B (ii)	(a)
(iv)	B (i)	(c)
(v)	B (i)	(b)
(vi)	B (i)	(a)
(vii)	A (i) and (ii) grouped together.	

(b) Within each of the categories from (i) to (vi) mentioned above, retrenchment should be in the reverse order of ranking for seniority in the grade.

(c) Persons in categories A (i) and (ii) should be taken as a single group and their names arranged in the order of precedence for confirmation in the grade. Retrenchment of such persons should be effected in the reverse order of this ranking.

NOTE: The above order of reversion/discharge is not applicable in cases where a systematic effort to get the retrenched staff absorbed is coupled with the process of large scale retrenchment. In such cases, retrenchment should be effected in the order of seniority in the grade i.e. the persons higher in the list should be released for absorption elsewhere before those who are lower in the list.

(O.M. No. 10/1/63-Estt.(D) dated 30-11-63).

Instruction 4. Ministries will have the discretion to exempt from the strict application of instruction 3, any person belonging to category B(ii) and retain him in preference to persons (other than displaced Government servants) in category B(i) provided that :-

- he has rendered not less than three years service in the grade or in any equivalent grade as defined in Instruction 5 below; and
- his classification according to the last sub-para of Instruction 2 is higher than that of the persons in preference to whom he is to be retained.

Instruction 5. Except where a different rule regarding seniority has been or may be prescribed in consultation with this Ministry, seniority for purposes of these instructions will be determined in accordance with this Ministry's O.M. No. 9/11/55-RPS dated the 22nd December, 1959.

(O.M. No. 10/1/63-Estt.(D) dated 30-11-63).

Instruction 6. Persons recruited direct to a grade may, instead of being discharged, be offered appointment to a lower grade from which promotions are normally made to the grade. On appointment to the grade, their position in the seniority list of the lower grade, should be determined after counting their service in the higher grade as service in the lower grade. For purposes of further retrenchment from the lower grade the operations mentioned in Instructions 2 and 3 should be repeated in relation to the lower grade. If in spite of credit of service in the higher grade being given for seniority in the lower grade, the persons concerned become due for retrenchment from the lower grade also they should not be retained in service or appointed to the next lower grade.

Instruction 7. Notwithstanding anything contained in Instruction 3 above Scheduled Castes/Tribes employees who fall under categories B(i)(a) and B(i)(b) should be retained in preference to other persons falling under either of these categories till they form such percentage among the direct recruits as is prescribed for the representation of the Scheduled Castes/Tribes. Similar preference should be given to members of the Scheduled Castes/Tribes who come under categories B(ii)(a) and B(ii)(b) in relation to others in either of these two categories.

(b) Nothing in this Instruction will prevent an educationally unqualified Scheduled Caste or Scheduled Tribe employee from being considered for retention in accordance with Instruction 4 should such consideration be deemed necessary.

Instruction 8. Notwithstanding anything contained in Instruction 3, in the case of Class III and Class IV grades or Services to which there is no direct recruitment and to which promotions were made on or after 8-11-1963 (i) by selection or (ii) on the results of competitive examinations limited to departmental candidates, Scheduled Castes and Scheduled Tribes who fall under categories B(i)(a) and B(i)(b) shall be retained in preference to other persons falling under either of these categories, till the Scheduled Castes and Scheduled Tribes employees from such percentage among the total number of the employees promoted on or after 8-11-1963 by selection or on the results of competitive examinations limited to departmental candidates as is prescribed in para 2(2)(a) of this Ministry's Office Memorandum No. 1/10/61-Estts.(D), dated 8-11-1963. Similar, preference should be given to members of Scheduled Castes and Scheduled Tribes who fall under categories B(ii)(a) and B(ii)(b) in relation to others in either of these two categories.
