

8193
No.27012/51/93-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, the 9th May, 1994

OFFICE MEMORANDUM

Subject: Procedure for grant of permission for
commercial employment after retirement


The undersigned is directed to say that Rule 10 of the CCS (Pension) Rules, 1972, which regulates the post-retirement commercial employment of retired Group 'A' officers has been amended by Ministry of Personnel, P.G. and Pensions, Department of Personnel and Training Notification No.27012/51/93-Estt.(A) dated 18th April, 1994 (copy enclosed), which was published in the Gazette of India (Extraordinary) on 18th April, 1994. The Notification comes into force on the date of its publication in the Gazette and accordingly all requests for post-retirement commercial employment received on or after 18th April, 1994 shall be governed by the amended provisions. In the light of the provisions contained in the Notification referred to above, the following instructions are issued for the information and guidance of and compliance by various Ministries/Departments.

2. (a) Rule 10(4) of the CCS (Pension) Rules, 1972 as amended by the above-mentioned Notification, prescribes the time limit of 90 days from the date of receipt of the application for permission to take up commercial employment within which a decision should be communicated to the retired officer. The Rule further provides that if a decision is not communicated within the prescribed period, Government shall be deemed to have granted permission. In view of the mandatory provision in the Rules, it is incumbent on the administrative Ministry/Department to examine the request for post-retirement employment most expeditiously and communicate a decision within the prescribed period so as to avoid the eventuality of grant of permission by default.

(b) As the time limit of 90 days has to be adhered to in processing all requests for permission to take up post-retirement commercial employment, Ministries/Departments should ensure that the office sponsoring the request does not take more than ten days from the date of the

receipt of the application, to forward the same alongwith their comments. Examination of the case in the Administrative Ministry/Department, including the obtaining of Minister's orders, should not take more than 30 days. Where the case requires to be referred to the Department of Personnel and Training, it should be ensured that such reference is made at least 30 days before the due date for the expiry of the time-limit of 90 days. Where the cases require the approval of the Prime Minister, the references to the Department of Personnel and Training should be made at least 45 days before the due date for the expiry of the time-limit of 90 days. All Ministries/Departments are advised that the time-limit prescribed is mandatory in nature and, therefore, there is absolute need to adhere to the above time schedule. It is imperative that final decisions on requests of retired officers to take up commercial employment are taken at the appropriate level and communicated within the prescribed time-limit. In the event cases are not processed in accordance with the above instructions, responsibility should be fixed for the delay. The various Office Memoranda on the subject including Office Memorandum No.27012/1/82-Estt.(A) dated 13th October, 1983, are modified to the extent indicated in these instructions.

3. Ministry of Finance, etc., are requested to note these instructions carefully for their guidance and compliance.


(KRISHNA MENON)

UNDER SECRETARY TO THE GOVERNMENT OF INDIA

To

All Ministries/Departments of the Government of India

Copy to CAG

Copy to Joint Secretary (S&V) for information.

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS
(Department of Personnel and Training)
NOTIFICATION

New Delhi, the 18th April, 1994

G.S.R. 389(E).—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, further to amend the Central Civil Services (Pension) Rules, 1972, namely :—

1. (1) These rules may be called the Central Civil Services (Pension) Amendment Rules, 1994.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 10 of the Central Civil Services (Pension) Rules, 1972, in sub-rule (4) and the proviso thereto, for the words "sixty days" the words "ninety days" shall be substituted.

[No. 27012/51/93-Fstt. (A)]

J. S. MATHUR, Jt. Secy.

NOTE : The Principal Rules were published in the Gazette of India vide Notification No. S.O. 934 dated 1st April, 1972. The Fourth Edition (corrected upto July, 1988) of the rules was published in 1988. The rules were subsequently amended vide Department of Pension and Pensioners' Welfare notifications given below :—

1. S.O. No. 254 dated 4-2-1989.
2. S.O. No. 970 dated 6-5-1989.
3. S.O. No. 2467 dated 7-10-1989.
4. S.O. No. 899 dated 14-04-1990.
5. S.O. No. 1454 dated 26-5-1990.
6. S.O. No. 2329 dated 6-9-1990.
7. S.O. No. 3269 dated 8-12-1990.
8. S.O. No. 3270 dated 8-12-1990.
9. S.O. No. 3273 dated 8-12-1990.
10. S.O. No. 409 dated 9-2-1991.
11. S.O. No. 464 dated 16-2-1991.
12. F. 7(14)-P&PW|F|90 dated 23-8-1991.
13. F. 4(15)-P&PW|88-D dated 9-10-1991.
14. F. 7(10)-P&PW|89-F dated 28-11-1991.
15. F. 28(40)-P&PW|88-B dated 9-1-1992.
16. F. 38(189)-P&PW|88-F dated 4-2-1992.
17. F. 43|4|93-P&PW(G) dated 27-11-1992.
18. F. 1(10)-P&PW|92-E dated 31-12-1992.
19. F. 1(66)-P&PW|89-E dated 18-1-1993.
20. F. 1(65)-P&PW|91-E dated 19-5-1993.
21. F. 38(84)-P&PW|93-F dated 3-9-1993.
22. F. 38|66|93-P&PW(A) dated 13-9-1993.
(S.O. No. 1984)