

No. 27012/5/2000-Estt(A)

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel and Training

New Delhi, Dated 5th December, 2006

OFFICE MEMORANDUM

Subject: Procedure for grant of permission to the Pensioners 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 this Department vide Notification (File No. 2701211/2006-Estt(A)), dated 23.11.2006. The notification came into force on the date of its publication in the Gazette of India. The copy of the printed Gazette Notification is attached herewith.

2. Henceforth all the requests for permission for post-retirement commercial employment of retired Group 'A' officers of Central Civil Services/posts received on or after 23.11.2006 shall be governed by the amended provision. In granting or refusing permission, the following provisions shall be kept in view:-

- a) Permission will be required for post retirement commercial employment of a retired officer who was a member of a Group 'A' Central Civil Service or held a Group 'A' post if the commercial employment is to be taken up within one year of retirement.
- b) The factors mentioned in the amended Sub Rule (3) of Rule 10 will have to be satisfied.
- c) The application for permission for commercial employment will continue to be in form 25 appended to the CCS (Pension) Rules with serial No. 7 & 9 modified as per the amendment made in the aforesaid Notification.
- d) Before an application of the retired officer is considered, an undertaking from the retired officer is to be taken in the form of an affidavit that the factors mentioned in clauses (b) to (f) of the amended sub-rule (3) of Rule 10 of the CCS (Pension) Rules, do not come in the way of considering his application.
- e) The existing procedure for consideration of applications for post-retirement commercial employment as indicated in this Department's CM No. 27012/4/97-Estt.(A) dated 2.12.1997 will continue to be operative.


f) If the 5 core concerns stated in clauses (b) to (f) of the amended sub-rule (3) of Rule 10 of CCS (Pension) Rules, 1972 are met, Govt. may:-

- (i) liberally grant **permission** for Directorship of **firms/consultancy/practice in professional areas;**
- (ii) Actively encourage post service employment in scientific, literacy, cultural, social and artistic activity;
- (iii) Be **liberal** in granting permission for posts of responsibility in **Non-Governmental** sector.
- (iv) Not distinguish between 'honorary' and 'paid employment' or between employment and **self-employment.**

3. The other **provisions** of Rule 10 of **CCS(Pension) Rules, 1972** not affected by the amendment notification will continue to be operative.

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

5. Hindi version will follow.


(C.A. Subramanian)
Director(E-II)
Tel: 23093180

To,

All the **Ministries/Departments** of the Govt. of India.

Copy to Comptroller and Auditor General of India

Copy to Additional Secretary (S&V), DoP&T, for information.

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 23rd November, 2006

G.S.R. 723 (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, 2006
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, in rule 10,--

- (i) in sub-rules (1) and (6), for the words 'two years', the words 'one year' shall respectively be substituted;
- (ii) for sub-rule (3) the following sub-rule shall be substituted, namely:—

"(3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely:—

- (a) Whether a 'No. Objection' for the proposed post retirement commercial employment has been obtained from the cadre controlling authority and from the office where the officer retired;
- (b) Whether the officer has been privy to sensitive or strategic information in the last three years of his service which is directly related to the areas of interest or work of the organization which he proposes to join or the areas in which he proposes to practice or consult;
- (c) Whether there is conflict of interest between the policies of the office he has held in the last three years and the interest represented or work undertaken by the organization he proposes to join.

Explanation.—For the purposes of this clause, "conflict of interest" shall not include normal economic competition with the Government or its undertakings.

- (d) Whether the organization he proposes to join has been known to be in any way in conflict with or prejudicial to India's foreign relations, national security and domestic harmony, and whether the organization is undertaking any for intelligence gathering.
- (e) Whether service record of the officer is clear, particularly with respect to integrity and dealings with non-Government organizations;
- (f) Whether the proposed emoluments and pecuniary benefits are far in excess of those currently prevailing in the industry.

Explanation.—For the purposes of this sub-clause, the words "far in excess", shall not be construed as to cover increase in such benefit that may be as a result of buoyancy in industry or in the economy as a whole;

(g) Any other relevant factor."

(iii) In FORM 25,—

- (a) In serial number 7, for clause (c), the following shall be substituted, namely:—
 "(c) Whether the officer had during the last three years of his official career, any dealings with the firm or company or Co-operative Society, etc."
- (b) for serial number 9, the following shall be substituted, namely:—

"9. Declaration:—

I hereby declare that—

- (a) The employment, which I propose to take up, will not involve activities prejudicial to India's foreign relations, national security and domestic harmony. It will not involve conflict of interest with the policies of the office held by me during the last three years and the interest represented or work undertaken by the organization I propose to join will not bring me into conflict with the working of the Government.
- (b) I have not been privy to sensitive or strategic information in the last three years of service, which is directly related to the areas of interest or work of the organization that I propose to join or to the areas in which I propose to practice or consult.
- (c) My service record is clear, particularly with respect to integrity and dealings with Non-Government Organisations.
- (d) I agree to withdraw from the commercial employment in case of any objection by the Government.

Address

Place

Dated

Signature of applicant."

[F No. 27012/1/2006-Estt (A)]

C. B. PALIWAL, Jt. Secy.

Note:—The principal rules were published in the Gazette of India Part II, Section 3, Sub-section (i) vide number S.O. 934 dated 1-4-1972 and subsequently amended by—

1. S.O. 254 dated the 4th February, 1989.
2. S.O. 970 dated the 6th May, 1989.
3. S.O. 2467 dated the 7th October, 1989
4. S.O. 899 dated the 14th April, 1990
5. S.O. 1454 dated the 26th May, 1990
6. S.O. 2329 dated the 8th September, 1990.

7. S.O. 3269 dated the 8th December, 1990.
8. S.O. 3270 dated the 8th December, 1990.
9. S.O. 3271 dated the 8th December, 1990.
10. S.O. 400 dated the 9th December, 1990.
11. S.O. 464 dated the 16th February, 1991.
12. S.O. 2287 dated the 7th September, 1991.
13. S.O. 2740 dated the 2nd November, 1991.
14. G.S.R. 677 dated the 7th December, 1991.
15. G.S.R. 799 dated the 1st February, 1992.
16. G.S.R. 55 dated the 15th February, 1992.
17. G.S.R. 570 dated the 19th December, 1992.
18. S.O. 258 dated the 13th February, 1993.
19. S.O. 1673 dated the 7th August, 1993.
20. G.S.R. 449 dated the 11th September, 1993.
21. S.O. 1984 dated the 25th September, 1993.
22. G.S.R. 389 (E) dated the 18th April, 1994.
23. S.O. 1775 dated the 19th July, 1997.
24. S.O. 259 dated the 30th January, 1999.
25. S.O. 904 (E) dated the 30th September, 2000.
26. S.O. 717 (E) dated the 27th May, 2001.
27. S.O. 4000 dated the 28th December, 2002.
28. S.O. 860 (E) dated the 28th July, 2003.
29. S.O. 1483 (E) dated the 30th December, 2003.
30. S.O. 1487 (E) dated the 14th October, 2005.