

No. 25013/11/87-Estt. (A)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi, the 4-8-89

OFFICE MEMORANDUM

Subject: Premature retirement of Central Government employees-
option to revert to lower post in lieu of premature
retirement.

The undersigned is directed to refer to Clause (j) of Rule 56 of the Fundamental Rules, which inter-alia gives an absolute right to the Government to retire a Government employee by giving him a notice of not less than 3 months in writing or 3 months pay and allowances in lieu thereof, if it is considered necessary to do so in the public interest, if he is in a Group 'A' or Group 'B' Service or post in a substantive, quasi-permanent or temporary capacity or in a Group 'C' post or service in a substantive capacity but holding a Group 'A' or Group 'B' post or service in an officiating capacity and has entered the service before attaining the age of 35 years, after he has attained the age of 50 years. The proviso to the rule made it obligatory on the part of the Government to offer a lower post to the Government employee who is in a Group 'C' post or service in a substantive capacity but is holding a Group 'A' or Group 'B' post or service in officiating capacity, if he is not found fit to continue in service in the higher post. In the light of various judicial pronouncements, the said rule has been amended vide notification S.O. 1226 dated the 27th May, 1989 wherein the aforesaid proviso has been deleted.

2. The existing instructions in the procedure and guidelines to be followed for reviewing the cases for premature retirement of Central Government employees, as contained in this Department's O.M. No. 25013/14/77-Estt. A dated 5.1.78 and 25013/4/78-dated 9.8.78, provide that if during review, a Government employee is found to be ineffective and, therefore, not fit to continue in the post which he is holding, his fitness/competence to continue in the next lower post, from which he had been promoted, should be considered. In case the appropriate authority comes to the conclusion that the employee could be retained in the next lower post from which he was promoted, a notice in the prescribed form should be served on him retiring him from service in pursuance of the provisions of the relevant rule.

Simultaneously, it may be explained to him ^{in a} covering letter that his continuance in service beyond the age of 50/55 years or after completion of 30 years of qualifying service, as the case may be, could be considered, if he is willing to revert to the lower post held by him previously. In case he indicates his willingness to work in the lower post and gives a written request for being so reverted, the notice may be withdrawn and he may be reverted and continued in the lower post. The instructions also provide that such an employee would be eligible for consideration for promotion along with the others, and in accordance with the normal rules, after he has put in a period of two years subsequent service in the lower post.

3. In the light of the amendment carried out to FR 56(j) the aforesaid instructions have been reviewed and it has now been decided, in consultation with the Staff Side, that if a Government servant is not found fit to continue in the post which he is holding either on grounds of ineffectiveness or because of doubtful integrity, he shall be retired forthwith from the service under the relevant rules. The provision regarding grant of an option to revert to the next lower post from which he was promoted accordingly stand rescinded.

4. In so far as the persons serving in the Indian Audit & Accounts Department are concerned, these orders have been issued in consultation with the Comptroller & Auditor General of India.

5. Ministry of Finance etc. are requested to bring the above decision to the notice of all the appropriate authorities concerned under their control.

No. 25013/11/87-Estt.(A)

(K. SARKAR)
DEPUTY SECRETARY TO THE GOVT. OF INDIA
New Delhi, the 4-2-89

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11. All Sections of the Ministry of personnel, P.G. and Pensions.

(K. SARKAR)
DEPUTY SECRETARY TO THE GOVT. OF INDIA

APPENDED II
CONSTITUTION OF COMMITTEES

Classification	Composition of Review Committee	Composition of a Representation Committee
<p>Gazetted Officers holding posts, initial Appointment to which is referable to the Appointments Committee of the Cabinet.</p>	<p>1. The Senior Selection Board in respect of officers of the rank of Joint Secy. or equivalent or the Central Establishment Board in respect of officers above the rank of Under Secy. but below the rank of J.S. or equivalent as the case may be will make its recommendations which will be placed before the appointments Committee of the Cabinet for orders. In respect of officers of the rank of Addl. Secy, Special Secy and Secy. to the Govt. of India, Cabinet Secy. will make his recommendation directly to the appointments Committee of the Cabinet for orders.</p> <p>Provided that in respect of officers of the Indian Foreign Service whose appointments are made on the recommendations of the Foreign Service Board, that Board will make its recommendations which will be placed before the A.C.C. for orders.</p>	<p>1. The Senior Selection Board shall make its recommendations to the appointments Committee of the Cabinet for orders. For this purpose, the representations of the officers concerned may be sent by the Cadre controlling Authority or the Administrative Ministry/ Department to the Office of the Establishment Officer in the Department of Personnel and A.R.</p>
<p>2. Other Gazetted Officers working in or under Ministry/Department.</p>	<p>2. Secretary of the Ministry/ Deptt. concerned as the Chairman and one other senior officer from another Deptt./Ministry nominated by the Cabinet Secy. as Member.</p>	<p>2. Secy. of Deptt./Ministry other than the one in which the officer is working and Officer of the rank of Additional Secretary/Joint Secy. of another Deptt./Min. as Cabinet Secretary's nominee.</p>

Final orders will be passed by the Minister concerned.

Where it is considered necessary, the Secretary may delegate his powers to the Additional Secy. to preside over the Committee considering representations of Group B Gazetted officers. Final orders will be passed by the Minister-in-charge of the Ministry/Deptt. concerned.

3. Non-gazetted Officers.

(i) Non-gazetted officers serving in the Headquarters of Ministry/Department.

3 (i) The Joint Secy. in charge of Administration or any other Joint Secy. as Chairman and another Senior officer as member. Where action is proposed to be taken on grounds of lack of integrity, the Chief Vigilance Officer of the Ministry/Deptt. will be associated as a member. Final orders will be passed by the appropriate authority.

3. (i) and (ii) A Committee of Officers of appropriate status unconnected with the original decision to retire the employee and prematurely should be constituted. Final orders shall be passed by the appropriate authority only after obtaining the approval of the Secretary in the Administrative Ministry/Department. Where, however, the order of premature retirement was issued by the President, final orders on the representation shall be passed by the Minister-in-charge of the Ministry/Department concerned. In the case of Indian Audit & Accounts Deptt. employees, final orders on such representation would be passed after approval by Dy.C&AG.

(ii) Non-gazetted officers serving under a Ministry/Deptt.

(ii) The Head of the Deptt. or the Appointing Authority whomever is higher would be the Chairman; another senior Officer nominated by an appropriately higher authority and who does not exercise direct immediate control or supervision over the officers being screened as member. If action is proposed to be taken on grounds of lack of integrity the Vigilance Officer concerned shall be associated as a third member. Final orders will be passed by the appropriate authority.

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4. Officers who are/were members of organised services.

4. Committees set up by the appropriate Cadre controlling authorities on the lines indicated for Sl.No.2 and 3 above. Final orders will be passed by the authority mentioned against Sl.No.2 and 3 above, as the case may be.

Note: In the case of gazetted and non-gazetted officers belonging to the organised Services, working in or under Ministry/Deptt., the review shall be done in the Ministry/Department which is the cadre controlling authority to which the officer belongs. The cadre controlling authorities should obtain the comments of the Ministry/Department in or under which the officer concerned is serving for the time being, and place the case before the appropriate review Committee.

APPENDIX-III
FORM I

/R. IRE

(TO BE USED WHERE THE PRESIDENT IS THE APPROPRIATE
AUTHORITY TO ~~ISSUE~~ A CENTRAL GOVERNMENT SERVANT)

ORDER

WHEREAS the President is of the opinion that it
is in the public interest to do so;

Now, THEREFORE, in exercise of the powers conferred
by clause* of rule 56 of the Fundamental
Rules @/ rules 48 of the Central Civil Services (Pension)
Rules 1972, the President hereby gives notice to (name)
_____ (designation) _____

that he having already attained the age of fifty/fifty-five
years or having completed thirty years of service qualifying
for pension on the _____ 19 _____, shall retire from
services ** on the forenoon of ** _____

on the forenoon of the day following the date of expiry
of three months computed from the date following the date
of service of this notice on him.

(Signature)
@@ Designation

To
Shri/Smt. _____

ACKNOWLEDGEMENT

I, _____, now holding the post of _____
hereby acknowledge the receipt of the original notice of
the order of retirement as aforesaid.

..... 2/-

COUNTERSIGNED:

sd/-

Name	Designation
Designation	Place
Place	Date
Date	

* Where state (j)(i) or (j) (ii) or (1) as the case may be

@ Strike off the portion not applicable.

** The date following the date on which he attains
the age of 50/55 years/completes 30 years' service
qualifying for pension.

" 1 Either of the two alternatives may be used according
to requirements.

@@ Any authority who is competent to authenticate
orders on behalf of the President can sign this order.

FORM II

RETIRE

TO BE USED WHERE ~~THE~~ AN AUTHORITY OTHER THAN THE PRESIDENT
TO THE APPROPRIATE AUTHORITY TO ~~RETIRE~~ A GOVERNMENT SERVANT)

O R D E R

WHEREAS the _____ @ (Appropriate
AUTHORITY) is of the opinion that it is in the public
interest to do so;

NOW, THEREFORE, in exercise of the powers conferred
by clause _____ * of rule 56 of the Fundamental Rules/
** rule 48 of the Central Civil Services (Pension) Rules, 1972,
the _____ @ (Appropriate authority) hereby

gives notice to _____ (name) _____
(Designation) _____ that he,

having already attained the age of fifty/fifty-five years
or having completed thirty years of service or thirty years
of service qualifying for pension on the _____ 19

shall retire from service on the forenoon of @@ _____
on the forenoon of the day following the date of expiry
of three months computed from the date following the date
of service of this notice on him.

(Signature)

Designation of the appropriate authority

To

Shri/Smt. _____

.....2/-

ACKNOWLEDGEMENT

I, _____, now holding the
post of _____, hereby acknowledge the receipt
of the original notice of the order of retirement as
aforesaid.

Sd/-

Countersigned.

Name	Designation
Designation	Place
Place	Date

Date.

@ As defined in FR 56

* Here state (j) (i), (j) (ii) or (1) as the case may be.

** strike off the portion not applicable.

@@ The date following the date on which he attains
the age of 50/55 years/completes 30 years service/
thirty years of service qualifying for pension.

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FORM III

(TO BE USED WHERE THE PRESIDENT IS THE APPROPRIATE
AUTHORITY TO ~~ISSUE~~ A CENTRAL GOVERNMENT SERVANT)

RETIRE

O R D E R

WHEREAS the President is of opinion that it is
in the public interest to do so.

Now, THEREFORE, in exercise of the powers conferred
by clause* of rule 56 of the Fundamental
Rules/@ rule, 48 of the Central Civil Services (Pension) Rules,
1972, the President hereby gives notice to _____
(name) _____ (designation) _____

that he on attaining the age of fifty/fifty-five years
or on completing thirty years of service qualifying for
pension on the _____, shall retire from service
on the _____ of ** _____ or on the
forenoon of the day following the date of expiry of three
months computed from the date following the date of service
of this notice on him, whichever is later.

fternoon

(Signature)
@@ Designation.

To

Shri/Smt. _____

ACKNOWLEDGEMENT

I, _____, now holding the post of
_____ hereby acknowledges the receipt of the
original notice of the order of retirement as aforesaid.

COUNTERSIGNED:

Sd/-

Name

Designation

Designation

Place

Place

Date

Date

Date.

* Here state (j) (i) or (j)(ii) or (1) as the case may be.

* Strike off the portion not applicable.

** The date following the date on which he attains the age of 50/55 years/completes 30 years' service qualifying for pension.

@@ Any authority who is competent to authenticate orders on behalf of the President can sign this order.

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FORM IV

(TO BE USED WHERE AN AUTHORITY ORDER THAT THE PRESIDENT
IS THE APPROPRIATE AUTHORITY TO RETIRE A GOVERNMENT SERVANT).

.....

ORDER

WHEREAS the _____ @ (Appropriate
Authority) is of the opinion that it is in the public
interest to do so;

Now, THEREFORE, in exercise of the powers conferred
by clause _____ * of rule 56 of the Fundamental Rules/
** rule 48 of the Central Civil Services (Pension) Rules,
1978, the _____ @ (Appropriate Authority)
hereby gives notice to _____ (name) _____
(designation) _____

that he on attaining the age of fifty/fifty-five years
or on completing thirty years of service or thirty years
of service qualifying for pension on the _____ 19
shall retire from service on the forenoon of @@ _____

_____ or on the forenoon of the day following the
date of expiry of three months computed from the date
following the date of service of this notice on him,
whichever is later.

(Signature)
Designation of the Appropriate authority

To

Shri/Smt. _____

.....2/-----

ACKNOWLEDGEMENT

I, _____, now holding the
post of _____, hereby acknowledge the receipt
of the original notice of the order of retirement as
aforesaid.

Countersigned:

Sd/-

Designation

Name

Place

Designation

Date

Place

Date

@ As defined in F.R.56

* Here state (j)(i), (j)(ii) or (1), as the case may be

** Strike off the portion not applicable.

@@ The date following the date on which he attains
the age of 50/55 years/completes thirty years service/
thirty years of service qualifying for pension.

11 Either of the two alternatives may be used
according to requirements.

TO BE USED WHERE THE PRESIDENT IS THE APPROPRIATE
AUTHORITY TO RETIRE A ~~MEMBER~~ CENTRAL GOVERNMENT SERVANT.

FORM V

ORDER

WHEREAS THE President is of the opinion that it is in the public interest to do so;

Now, THEREFORE, in exercise of the powers conferred by clause.....of rule 56 of the fundamental Rules or rule 48 of the Central Civil Services (Pension) Rules, 1972, the President hereby retires Shri/Smt./Kum..... with immediate effect, he/She having already attained the age of 50/55 years or having already completed or thirty years of service qualifying for pension on the..... The President also directs that Shri/Smt./Kum..... shall be paid a sum equivalent to the amount of his/her pay plus allowances for a period of three months calculated at the same rate at which he/she was drawing them immediately before his/her retirement.

(Signature)
* Designation of the Appropriate Authority

To
Shri/Smt./Kum.....
.....
.....

ACKNOWLEDGEMENT

I,now holding the post ofin the Ministry/Department of.....hereby acknowledge the receipt of the original of the order of retirement as aforesaid along with cash or crossed cheques, Rs..... dated.....for rupees..... (Rupees.....only).

/_No.

Countersigned	(Signature)
Name	Designation
Designation	Place
Place	Date
Date	

* Any authority who is competent to authenticate orders on behalf of the President can sign this order.

FORM VI

TO BE USED WHERE AN AUTHORITY OTHER THAN THE PRESIDENT IS THE APPROPRIATE AUTHORITY TO RETIRE A GOVERNMENT SERVANT.

ORDER

Whereas the * (Appropriate authority) is of the opinion that it is in the public interest to do so;

NOW, THEREFORE, in exercise of the powers conferred by clause of rule 56 of the fundamental Rules of rule 48 of the Central Civil Services (Pension) Rules, 1972, the (Appropriate authority) hereby retire Shri/ Smt./Kum..... with immediate effect, he/she/ having already attained the age of 50/55 years or having already completed 30 years of service/30 years of service qualifying for pension on the..... Shri/Smt./Kum..... shall be paid a sum equivalent to the amount of his/ her pay plus allowances for a period of three months calculated at the same rate at which he/she was drawing them immediately before his/her retirement.

(Signature)

** Designation of the Appropriate authority.

To

Shri/Smt./Kum.....
.....
.....

ACKNOWLEDGEMENT

I, now holding the post of in the Ministry/Department hereby acknowledge the receipt of the original of the order of retirement as aforesaid along with cash or crossed cheque/Rs..... dated for rupees..... (Rupees..... only)

/No.

Countersigned
Name
Designation
Place
Date.

Signature
Designation
Place
Date

* As defined in FR 56/rule 48 of CCS (Pension) Rules, 1972.