

No. 25013/14/77-Estt. (A)
Government of India
Ministry of Home Affairs
(Deptt. of Personnel & A.R.)

New Delhi, the -5th Jan., 1978.

OFFICE MEMORANDUM

Subject - Strengthening of administration - Premature retirement of Central Govt. servants - Issue of consolidated instructions regarding.

With a view to improving efficiency and strengthening administrative machinery at all levels, Government have the absolute power under Fundamental Rules, CCS (Pension) Rules, 1972 and Civil Service Regulations, to retire a government employee in the public interest, before his normal date of retirement, on attaining a specified age or on completing a specific length of service. However, in order to ensure that the power, conferred on the authorities empowered to retire a govt. employee prematurely is exercised fairly and impartially and not arbitrarily, instructions have been issued from time to time laying down the criteria and procedure to be followed before a govt. employee is retired prematurely. Further, a detailed procedure has also been laid down for consideration of representations from Govt. employees who are served with the order or notice of premature retirement. As the various instructions have been issued over a period of time, they have now been consolidated in the succeeding paragraphs of this Office Memorandum for the information and guidance of all the authorities concerned.

I Rules Position

(1) In accordance with the provisions of Fundamental Rule 56(j), the appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, any government employee as follows :-

- (i) If he is in Group A or B service or post and has entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;
- (ii) In any other case, after he has attained the age of 55 years provided that in the case of a Group D official, such action can be taken if he entered service after 23rd July, 1966.

In other words, a government servant belonging to Group A and B who has entered government service after attaining the age of 35 years, and officers belonging to Group C and D can be prematurely retired after they have attained the age of 55 years with the exception of Group D officials, who entered service on or before 23rd July, 1966.

(2) In addition, a government servant in Group C service or post who is not governed by any pension rules, can also be retired after he has completed thirty years' service, under FR 56(1).

(3) Identical provisions exist in Article 459 of the Civil Service Regulations.

(4) Provisions also exist in Rules 43 and 48 of the CCS(Pension) Rules, 1972, for the retirement of a government employee by giving him three months notice, if it is necessary to do so in public interest, after he has completed 25 years of qualifying service, if he is a pre-1938 entrant, and 30 years of qualifying service for pension if he is a post-1938 entrant. In other words, a government employee who is a post-1938 entrant and who may belong to Group A, B, C, or D can be prematurely retired, irrespective of the age at the appropriate time, after he has completed 30 years of qualifying service.

(A copy of the relevant rules is at Appendix I.)

(5) Provisions exist in the relevant rules which confer reciprocal right on government employee to seek voluntary retirement after he has attained the age of 50/55 years or has completed 30-years of service, as the case may be.

II Criteria Procedure and Guidelines

In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, it has been decided to lay down the procedures and guidelines for reviewing the cases of government employees covered under the various aforesaid rules as mentioned below :

(1) The cases of Government servants covered by FR 56(j) or FR 56 (1) or Rule 48 of the CCS(Pension) Rules, 1972 or CSR 459 (h) 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. (See Schedule in part IV(1))

(2) Committees shall be constituted in each Ministry/ Department/Office, as shown in Appendix II, to which all such cases shall be referred for recommendation as to whether the Officer concerned should be retired from service in the public interest or whether he should be retained in service.

Provided that :-

- (a) nothing in this clause shall apply to a Govt. servant referred to in the Clause (f) who entered Government service on or before 23rd July, 1966; and
- (b) it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire under this clause.

CENTRAL CIVIL SERVICES (PENSION) RULES, 1972.

43. Retirement on completion of 30 years or 25 years qualifying service -

(1) A retiring pension shall be granted to a Government servant who is permitted by the appointing authority to retire after completing qualifying service of thirty years.

(2) A Government servant who has completed twenty-five years qualifying service and who holds a service or post specified in clause (f) of Article 349 A of the Civil Service Regulations shall be entitled to a retiring pension if his resignation is accepted or if he is required by the Government to retire.

Note: The Government retains an absolute right to retire a Government servant governed by this sub-rule after he has completed twenty-five years qualifying service without giving any reasons and no claim to special compensation on this account shall be entertained. This right shall not be exercised except when it is in the public interest to dispense with the further services of Government servant.

(3) A Government servant, who has elected to retire under this rule and has given necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority.

Provided that the request for withdrawal shall be made within the intended date of his retirement.

48. Retirement on completion of 30 years' qualifying service.

(1) At any time after a Government servant has completed thirty years' qualifying service -

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- (a) he may retire from service, or
- (b) he may be required by the appointing authority to retire in the public interest.

and in the case of such retirement the Government servant shall be entitled to a retiring pension.

Provided that :

- (a) a Government servant shall give a notice in writing to the appointing authority at least three months before the date on which he wishes to retire; and
- (b) the appointing authority may also give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months pay and allowances in lieu of such notice,

(2) A Government servant, who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his selection subsequently except with the specific approval of such authority.

Provided that the request for withdrawal shall be within the intended date of his retirement.

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