

IMMEDIATE

No.25013/5/76-Estt.(A)
Government of India/Bharat Sarkar
Cabinet Secretariat/Mantrimala Sachivalaya
Department of Personnel and Admn. Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

New Delhi, the 11th Oct., 1976.

OFFICE MEMORANDUM

Subject: Premature retirement - Consideration of
representations against - Procedure for

The undersigned is directed to say that in supersession of the marginally noted Office Memoranda, DP&AR OM No.25013/22/75-Estt.(A) dt. 23.1.76) the instructions
-do- dt. 12.5.76) contained in the
-do- dt. 20.7.76) succeeding paragraphs will regulate consideration of representations against order/notice of premature retirement, received from the individuals concerned.

2. These instructions shall apply to representations from Government servants who have been retired prematurely under FR 56(j) or (l) or Article 459(h) or (j) of the Civil Service Regulations or Rule 48 of the CCS (Pension) Rules, 1972, as the case may be.

3. A Government servant who has been given a notice of retirement under the provisions mentioned above, or who has been issued with an order of premature retirement by payment of pay and allowances in lieu of notice, should submit a representation within three weeks from the date of service of such notice/order. This provision may be strictly enforced after the lapse of a reasonable period to ensure that the employees are aware of this provision.

4. On receipt of a representation, the administrative Ministry/Department/Office should examine the same to see whether it contains any new facts or any new aspect of a fact already known but which was not taken into account at the time of issue of notice/order of premature retirement. This examination should be completed within two weeks from the date of receipt of the representation. After such examination, the case should be placed before the appropriate Committee for the purpose of considering the representations against premature retirement shall be as indicated in the Annexure to this Office Memorandum.

5. The Committee considering the representation shall make its recommendations on the representation within two weeks from the date of receipt of the

reference from the administrative authorities concerned. The authority which is empowered to pass final orders on the representation (as indicated in the Annexure) should pass its orders within two weeks from the date of receipt of the recommendations of the Committee on the representation.

6. If, in any case, it is decided to reinstate a prematurely retired Government servant in service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement may be regulated by the authority ordering reinstatement as duty, or as leave or as dies non, as the case may be, taking into account the merits of each case.

7. Representations from Government servants who have been served with a notice/order of premature retirement, but have obtained stay order(s) from a court against the order/notice of premature retirement, need not be considered by the administrative Ministry/Department or Office nor sent up to the Committee until the disposal of the court case. Thereafter, the cases may be examined as outlined above but also taking into account any material substantive decision that may have been given in the court judgement.

8. These instructions will not apply to cases of Government servants who have been prematurely retired in the past and whose earlier representations/petitions have already been rejected by the appropriate authority, where the decision to order premature retirement, was taken before the 10th July, 1975, the date of issue of the Department of Personnel and Administrative Reforms Office Memorandum No. 25013/6/75-Estt.(A).

9. Ministry of Finance, etc. are requested to note the above decisions for guidance, necessary action and communication to all concerned.

Sd/-

(R.C.GUPTA)
Under Secretary to the Govt. of India.

To

All Ministries/Departments of the Government of India including President's Secretariat, Vice-President's Secretariat, Prime Minister's Secretariat and the Planning Commission with usual number of spare copies.

...3/-

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7. AIS(II)/AIS(IV)/Trg. (I)/Trg. (II)/IES/ISS/AVD(II)/AVD(IV)/Est. (B)/CS(I)/CS(II)/O&M Sections and E.O's Office in the Department of Personnel and Administrative Reforms.
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Sd/-

(R.C.GUPTA)

Under Secretary to the Government of India.

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