

CONFIDENTIAL

No.F.33/13/61-Estt.(A)
Government of India
MINISTRY OF HOME AFFAIRS

New Delhi, the 23rd June, 1969.

OFFICE MEMORANDUM

Subject:- Strengthening of administration - Premature retirement of Central Government servants - criteria and procedure to be followed regarding - .

The undersigned is directed to invite the attention of the Ministry of Finance, etc. to the Paper on "Measures for Strengthening of Administration" which was laid on the Table of the Lok Sabha on the 10th August, 1961, and the Rajya Sabha on the 24th August, 1961, wherein various concrete recommendations had been made with a view to strengthening the administrative machinery by developing responsible and efficient workers at all levels and to introduce efficiency, economy and speed in the disposal of Government functions. The Committee on Prevention of Corruption had also made similar recommendations in their report. In pursuance of these recommendations, F.R. 56 and Article 459 of the C.S. Rs. have been amended to provide in the relevant rules for -

- (1) retirement of Central Government servants in Class I and II Services/posts, other than those the age-limit for the purpose of direct recruitment to which is 35 years and above, on attaining the age of 50 years, if it is necessary to do so in the public interest by giving three months' notice and to confer a corresponding right on such Government servants to so retire voluntarily;
- (2) retirement of Central Government servants in Class III services/posts who are not governed by any pension rules after they have completed thirty years of service, if it is necessary to do so in the public interest, by giving three months' notice and to confer a corresponding right on such Government servants to so retire voluntarily.

A copy of the relevant amendments to the rules is attached (Appendix I).

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2. In order to ensure that the powers vested in the "appropriate authority" are exercised fairly and impartially, it has been decided to lay down the following procedures and guidelines for reviewing the cases of Government servants covered under the amended rules, namely:-

- (1) the cases of all Government servants in Class I and Class II Service/post other than those mentioned in F.R. 56(J)(ii) should be reviewed six months before they attain the age of 50 years. Similarly, the cases of Government servants in Class III service/post should be reviewed six months before they complete 30 years of service.
- (2) Committees shall be constituted in each Ministry/Department/Office, as shown in Annexure II to this Office Memorandum 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. If in any particular Department, it is considered necessary to make suitable modification in the composition of the Committee referred to in item 2(b) of Annexure II in view of the special circumstances obtaining therein, such modification can be made by the Department concerned under intimation to this Ministry. However, it must be ensured that the Chairman of the Committee is the Head of the Department (as defined in the Fundamental and Supplementary rules) or the appropriate authority whichever is higher.
- (3) Further action on the recommendations of the Committee should be taken as indicated in column 2 of the Annexure II to this Office Memorandum.
- (4) The criteria to be followed by the Committee in making their recommendations would be as follows:-
 - (a) those Government servants whose integrity is doubtful will be retired;
 - (b) in locating others who are ineffective and who should be retired at that stage, the basic consideration should be the fitness/competence of the employee to continue in

PP Sec amendment
(contained in
OM No. 21/2/70-
G.M. (A) dated 23.10.71
1971

the post which he is holding. If, on the result of the review, it is considered that an officer although he had done well in a lower grade but is not adequate to the responsibilities of the post he occupies or will not be able to perform efficiently all the duties of the post he is likely to hold for the next few years, he should be retired.

- (5) The cases of Government servants in Class I/Class II service/post, the age-limit for the purpose of direct recruitment to which is 35 years and above, will also be reviewed in accordance with the procedure outlined above six months before they attain the age of 55 years.

3. Once a decision has been taken by the appropriate authority to retain a Government servant beyond the age of 50 years (in the case of employees referred to in F.R.56(j)(i), or beyond the age of 55 years (in the case of those referred to in sub-paragraph(5) of para 2 above) or beyond the date of completion of 30 years of service in the case of Government servants in Class III service/post, he would continue in service till he attains the age of superannuation, subject to review at the age of 55 years in accordance with M.H.A. O.M. No.33/15/66-Ests(A) dated the 10th November, 1966, in the case of those covered by F.R. 56(J)(i) and Government servants in Class III service or post. If, however, the "appropriate authority" considers at any time after a review aforesaid that the retention of the Government servant will/ necessary action to retire the officer by following the procedure laid down in the preceding paragraphs or that laid down in this Ministry's O.M. of 10th November, 1966, as the case may be.

/not be in
the public
interest, that
authority
may take

4. It has also been decided that cases of -

- (a) all Government servants in Class I/Class II service/post, - who are about to attain the age of 50 years (55 years in the case of those referred to in sub-para (5) of para 2 above);
- (b) all Government servants in Class III service/post who are about to complete 30 years of service;

within a period of six months from the date of issue of these orders or who have already attained the age of 50 years (or 55 years for those referred to in sub-para (5) of para 2 above), or completed 30 years of service, as

the case may be, should be reviewed immediately in accordance with the procedure laid down in this Office Memorandum, provided that no such review will be necessary in cases which have already been reviewed under the provisions of M.H.A. O.M. No.33/15/66-Ests(A), dated 10.11.1966, on their attaining the age of 55 years.

5. The notice of retirement served on a Government servant in pursuance of the amended rules will be as in the forms set out in Annexure III.

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

7. Nothing in this Office Memorandum shall apply to a member of the Indian Civil Service.

Sd/-
(S. SANTHANAM)
DEPUTY SECRETARY TO THE GOVT. OF INDIA

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