

रक्षा लेखा महानियंत्रक
CONTROLLER GENERAL OF DEFENCE ACCOUNTS
उलान बटार मार्ग, पालम, दिल्ली कैंट -10
ULAN BATAR ROAD, PALAM DELHI CANTT-10

सं.प्रशा/XI/11206/एफआर-56(जे)/ति.सं-06/16

दिनांक : 17/06/2016

सेवा में,

सभी रक्षा लेखा प्रधान नियंत्रक/लेखा नियंत्रक
(र. ले. महानियंत्रक के वेबसाइट के माध्यम से)

विषय: Periodical review of performance of Government Servants as per provisions of FR 56(J) and Rule 48(1) of CCS (Pension) Rules 1972

A copy of MOD, D(lab) Branch ID No 26(1)/2015-D(Lab) dated 30/05/2016 on the above subject is enclosed herewith for compliance.

2. It is requested that compliance and action taken report may be sent to this office by 3rd of every month positively so that consolidated report may be submitted to Ministry in time.



(एस सी गुप्ता)

कृते र.ले.म.नियंत्रक

2/8

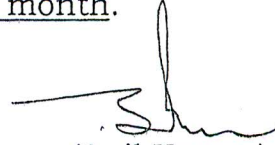
IMPORTANT
MOST IMMEDIATE

Government of India
Ministry of Defence
D(Lab) Branch

Subject:-Periodical review of performance of Government servants as per the provision of FR 56(j) and Rule 48(1) of CCS(Pension) Rules, 1972.

A consolidated instructions based on DoP&T's guidelines on the above subject is enclosed herewith for circulation amongst the all cadre controlling authorities in MoD and Organisations/ Lower formations of MoD for urgent action. It is requested that compliance and action taken report in this regard may be sent to this Ministry positively by first week of every month.

Encls: as above



(Anil Kumar)

Deputy Secretary to the Govt. of India
Telefax:-23011681

DGDE/ DGBR/ DGNCC/ Office of the JS(Trg) & CAO/ AG Branch [MP-4-Civ(a)]/ DGAFMS/ Dte. of PR/ Coast Guard HQ/ E-in-Cs Branch(For MES & Non-MES)/ IHQ(Navy)DCP(G) & (NG)/ IDS(Pers)/ Air HQs(PC-5)/ D(Mov) in r/o CSD/ D(Estt.1/Gp.II) & D(Estt.2/Gen-I) in r/o MoD officials.

MoD ID No.26(1)/2015-D(Lab) dated 30thMay, 2016

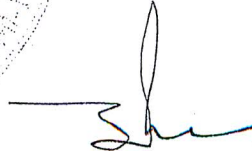
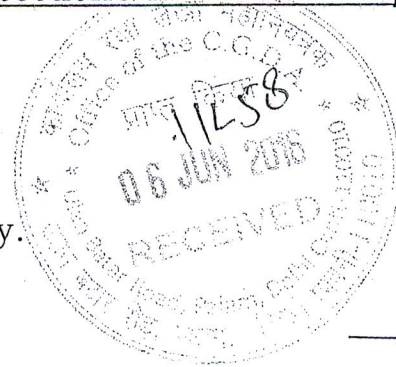
Copy to:-

1. D(Coord/DDP) – in respect of Organisations under DDP like OFB, DGQA, DGAQA, Defence PSUs etc.
- ✓ 2. O/o the CGDA - - in respect of Organisations/Offices under them.
3. DRDO(DOP) Pers/AA-3 - in respect of Organisations under DRDO

Also copy to:- All administrative sections in MoD in respect of above Organisations.

Copy for information to:-

- 1) SO/PPS to Defence Secretary.
- 2) PPS to AS(R)/AS(J)/AS(DP)
- 3) All Joint Secretaries in MoD



स्वच्छ रहेंगे, स्वस्थ रहेंगे, समृद्ध होंगे।

"It is Health that is real Wealth and not pieces of gold and silver", Gandhiji

CONSOLIDATED INSTRUCTIONS FOR

CARRYING OUT PERIODICAL REVIEW OF THE CASES OF GOVERNMENT SERVANTS AS REQUIRED UNDER FR 56(J)/FR56(I)/RULE 48(1)(6) OF CCS (PENSION) RULES, 1972.

Various instructions issued by the Government from time-to-time on the subject deal with compulsory retirement under the above mentioned provisions.

2. The Supreme Court has observed in the State of Gujarart Vs. Umedbhai M. Patel, 2001 (3) SCC 314, as follows:

- (i) Whenever the services of a public servant are no longer useful to the general administration, the officer can be **compulsorily retired** for the sake of public interest.
- (ii) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.
- (iii) "For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the officer."
- (iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
- (v) Even un-communicated entries in the confidential record can also be taken into consideration.
- (vi) The order of compulsory retirement shall not be passed as a short cut to avoid Departmental enquiry when such course is more desirable.
- (vii) If the officer was given a promotion despite adverse entries made in the confidential record that is a fact in favour of the officer.
- (viii) Compulsory retirement shall not be imposed as a punitive measure.

3. Accordingly, DOP&T has issued instructions vide their OM, dated 21.03.2014, 11.9.2015, 01.03.2016 for review & monitoring regularly such cases under FR 56(j) FR56(I)/RULE 48(1)(6) OF CCS (PENSION) RULES, 1972 , by all the offices under the central government and sending the reports periodically.

4. The following procedures may be adopted for carrying out the Review:-

- (i) Review of services of Government servants at **all levels** (Group 'A', 'B (Gazetted/Non- Gazetted) & Group 'C' including erstwhile Group 'D') on their attaining of **age of 50/55 years or completion of 30 years of qualifying service** whichever occurs earlier. Those who have already attained the age/qualifying service but have not been reviewed, should also be covered under this exercise **except if they are retiring within one year on attaining the age of superannuation.**
- (ii) The respective Review Committee(s) should be constituted to adjudge the suitability of the Government servant based on his/her past service and recommend for the **retention or compulsory retirement.**
- (iii) The Internal Committees should also be constituted for each level to assist the Review Committees. The Internal Committees will screen/assess the entire service record of eligible government servants and place their findings before the respective Screening Committees to take a final view in the matter.
- (iv) Secretaries of the Cadre Controlling Authorities/HODs will constitute Review Committees and Internal Committees consisting of **TWO (02) Members** at appropriate level. The approval of Defence Secretary for constitution of Review Committee/ Internal Committee, if required, may be processed through the Admn. Wing in MoD. Guidelines for constitution of Review Committees are given at **Annexure.**
(Ref.:DOPT's O.M.No.No.25013/01/2013-Estt.A-1-IV, dated 11.09.15)

5. SCHEDULE FOR PERIODICAL REVIEW (TO BE INITIATED 6 MONTHS BEFORE DUE)

- (i) The cases should be reviewed six months before he/she attains the age of 50/55 years, in cases covered by FR 56(j) and on completion of 30 years of qualifying service under FR 56(I)/Rule 48 of CCS (Pension) Rules, 1972 as per the following calendar:

Quarter in which review is to be made	Cases of employees who will be attaining the age of 50/55 years or completing 30 years of service qualifying for pension
January to March	July to September of the same year
April to June	October to December of the same year
July to September	January to March of the next year
October to December	April to June of the next year

- (ii) The Internal Committees will ensure that the service records of the employees being reviewed, along with a summary bringing out all relevant information, is submitted to the Cadre Authorities **at least three months before** the due date of review. However, no recommendation about retention or otherwise would be given by the Internal Committee. Only views/comments/findings on each case may be given.

6. GENERAL GUIDELINES FOR REVIEW:-

- (i) **Doubtful Integrity:** The officer would live by reputation built around him. If in any appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But **his/her conduct and reputation** is such that his/her continuance in service would be a menace to public service and injurious to public interest. Integrity of an employee, actions or decisions taken by the employee which do not appear to be above board, complaints received against him/her, or **suspicious property transactions**, for which there may not be sufficient evidence to initiate departmental proceedings, but such property transactions which give rise to suspicion about the bonafides of a government servant, may be taken into account. **Acquiring large assets and getting money from subordinates** can also be taken into consideration.

- (ii) Government employees who are found to be ineffective will also be retired. The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he/she is holding.
- (iii) Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest.
- (iv) "For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the officer."
- (v) Any adverse entries made in the confidential record or even uncommunicated remarks in the ACRs/APARs shall be taken note of and be given due weightage.
- (vi) Even un-communicated entries in the confidential record can also be taken into consideration.
- (vii) The order of compulsory retirement shall **NOT** be passed as a short cut to avoid Departmental enquiry when such course is more desirable.
- (viii) If the officer was given a promotion despite adverse entries made in the confidential record that is a fact in favour of the officer.
- (ix) In every review, the **entire service records** should be considered. The expression 'service record' will take in **all relevant records** and hence the review **should not be confined only to the consideration of the ACR / APAR dossier**. The **Personal File** of the officer may contain valuable material. Similarly, **the work and performance of the officer** could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. **Even uncommunicated remarks in the ACRs/APARs** may be taken into consideration.
- (x) **Reports of conduct unbecoming of a Government servant** that obstructs the efficiency in public services may also form basis for compulsory retirement. (for example: unauthorized proceeding on leave/failures in timely submission of IPR, criminal case/charges etc.).

- (xi) While the entire service record of an Officer should be considered at the time of review, no employee should ordinarily be retired on grounds of ineffectiveness if his/her service during the preceding 5 years or where he/she has been promoted to a higher post during that 5 year period, his/her service in the highest post, has been found satisfactory. It would be useful if all the data available about the officers are put together and a comprehensive brief is prepared by the Internal Committee for consideration by the Review Committee.
- (xii) In the case of those officers who have been promoted during the last five years, the previous entries in the ACRs may be taken into account if the officer was promoted on the basis of seniority cum fitness, and not on the basis of merit.
- (xiii) **Ordinarily, no employee should be retired on grounds of ineffectiveness if he is retiring on superannuation within a period of one year from the date of consideration of the case.** It is, however, clarified that in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an officer, it would be open to review his case for premature retirement.
- (xiv) **Compulsory retirement shall not be imposed as a punitive measure. Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.**
- (xv) The Supreme Court had not only upheld the validity of FR 56(j) but also held that **no show-cause notice need be issued to any Government servant before a notice of retirement is issued.**
- (xvi) However, a Notice of **three months or Three months' pay & allowances** in lieu thereof, for compulsory retirement, may be given.
- (xvii) The appropriate authority defined in Note 1 below FR 56 should bonafide form an opinion that is in the public interest to retire the Government servant in exercise of the powers conferred by that provision and this decision should not be an arbitrary decision or should not be based on collateral grounds.

Composition of REVIEW COMMITTEES to be constituted under FR 56(j)/Rule 48(1) of CCS (Pension) Rules, 1972

<i>Officers holding Group A posts (ACC Appointees)</i>	<i>Officers holding Group A posts (Non-ACC Appointees)</i>	<i>Group B (Gazetted) officers:</i>	<i>Non-Gazetted employees: in Centralized Cadres</i>	<i>Non-Gazetted employees in other than centralised cadres,</i>
To be headed by the Secretary of the concerned Ministry/ Department as Cadre Controlling Authority	Review Committee may be headed by Secretary of the Ministry/ Department. (Where Board/ Commission@ does not exist)	Additional Secretary/Joint Secretary level officer will head the Review Committee.	Officer of the level of Joint Secretary will head the Committee. If the Appointing Authority is lower in rank than a Joint Secretary, then an officer of the level of Director/Deputy Secretary will be the head	Head of Department/Head of the Organisation shall decide the composition of the Review Committee.
Another Member at appropriate level	Another Member at appropriate level	Another Member at appropriate level	Another Member at appropriate level	Another Member at appropriate level
CVO in the case of gazetted officers, or his representative in the case of non-gazetted officers, will be associated in case of record reflecting adversely on the integrity of any employee.				
@ Where there are Boards viz CBDT, CBEC, Railway Board, Postal Board, Telecom Commission, etc. the Review Committee may be headed by the Chairman of such Board.				
Internal Committees are to be constituted with the approval of Secretary concerned to assist the Review Committees in reviewing the cases. These Internal Committees will ensure that the service records of the employees being reviewed, along with a summary bringing out all relevant information, is submitted to the Cadre Authorities at least three months before the due date of review				
Constitution of Review Committee/ Internal Committee in respect of Group-A and Group-B(Gazetted) post may be made by the <u>concerned Administrative Wing/Division in the MoD</u> with the approval of Defence Secretary.				