



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAWAN: NEW DELHI

F. No. GAC-21-38/2015-CDN

Dated the 17th August, 2015

ENDORSEMENT

Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India, New Delhi has issued an O. M. No. 25013/01/2013-Estt(A) dated 3.8.2015 regarding strengthening of administration – periodical review under FR-56/Rule 48 of CCS (Pension) Rules. The above mentioned O.M. is being uploaded on the ICAR web-site www.icar.org.in and e-office for information and further necessary action.

(M.S. Barwa)

Under Secretary (CDN and R&D)

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भारतीय कृषि अनुसंधान परिषद

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
कृषि भवन, डॉ० राजेन्द्र प्रसाद मार्ग, नई दिल्ली-110 001
Krishi Bhawan, Dr. Rajendra Prasad Road, New Delhi 110 001

फा०सं० जीएसी 21-38/2015-सम०

दिनांक : 17 अगस्त, 2015

पृष्ठांकन

कार्मिक एवं प्रशिक्षण विभाग, कार्मिक, लोक शिकायत और पेंशन मंत्रालय, भारत सरकार, नई दिल्ली ने सीसीएस (पेंशन) नियमों के एफआर 56/नियम-48 के अंतर्गत प्रशासन के सुदृढीकरण-आवधिक समीक्षा के संबंध में दिनांक 3.8.2015 को का.ज्ञा.सं. 25013/01/2013-स्था० (क) जारी किया है। उपर्युक्त का. ज्ञा. को सूचना और आगे की आवश्यक कार्रवाई के लिए भा.कृ.अ.प. वेबसाइट www.icar.org.in और ई आफिस में अपलोड किया जा रहा है।

सु. बारवा

(एम.एस. बारवा)

अवर सचिव (समन्वय और आर एवं डी)

1. समस्त भाकृअप संस्थानों/राष्ट्रीय अनुसंधान केन्द्रों/समन्वित अनुसंधान परियोजनाओं/ब्यूरो के निदेशक/परियोजना निदेशक, सभी परियोजना समन्वयक/क्षेत्रीय परियोजना समन्वयक को सूचनार्थ।
2. महानिदेशक भाकृअप के वरिष्ठ प्रधान निजी सचिव, सचिव, भाकृअप के प्रधान निजी सचिव/वित्त सलाहकार (डेयर) के प्रधान निजी सचिव।
3. श्री हंसराज, आईएसओ (डीकेएमए) कृअभ-। को भाकृअप वेबसाइट में अपलोड करने के लिए।
4. भाकृअप, कृषि भवन, कृ.अ.भ. I व II, एनएएससी स्थित सभी अधिकारी/अनुभाग।
5. सचिव (कर्मचारी पक्ष) सीजेएससी, राष्ट्रीय मांस अनुसंधान केन्द्र, हैदराबाद 500039
6. सचिव (कर्मचारी पक्ष)-एचजेएससी, भाकृअप, कृषि अनुसंधान भवन-।।, पूसा, नई दिल्ली।
7. गार्ड फाइल/अतिरिक्त प्रतियां।

No. 25013/01/2013-Estt(A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-110001
Dated 03 August, 2015

Office Memorandum

Subject: Strengthening of administration – Periodical review under FR 56/Rule 48 of CCS (Pension) Rules – Regarding

Reference is invited to DOPT OM of even number dated 21/03/2014 wherein instructions on the need for periodical review of performance of Government servants with a view to ascertain whether the Government servant should be retained in service or retired from service in the public interest, as per the provisions contained in FR 56 (j), FR 56(i) and Rule 48 (1) (b) of CCS (Pension) Rules, 1972, were issued (copy enclosed).

2. All Ministries/ Departments/Cadre Controlling Authorities are requested to furnish the action taken by them, with respect to the said instructions to this Department urgently.

3. This issues with the approval of Secretary (P).


(M.P. Rama Rao)

Under Secretary to Government of India

Tel: 2304 0341

Encls: as above

To
The Secretaries of all Ministries / Departments, Government of India
(as per standard list)

(2)

No.25013/1/2013-Estt (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi-110 001
Dated :21st March, 2014

Office Memorandum

Subject : Strengthening of administration – Periodical review under FR 56 / Rule 48 of CCS(Pension) Rules

Instructions exist on the need for periodical review of performance of Government servants with a view to ascertain whether the Government servant should be retained in service or retired from service in the public interest. Provisions in this regard are contained in FR 56 (j), FR 56 (l) and Rule 48 (1) (b) of CCS(Pension) Rules, 1972.

2. As per these instructions the cases of Government servant covered by FR 56(j), 56(l) or Rule 48(1) (b) of CCS (Pension) Rules, 1972 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(l) / Rule 48 of CCS(Pension) Rules, 1972 as per the following time table:-

Sl. No.	Quarter in which review is to be made	Cases of employees who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter.
1.	January to March	July to September of the same year
2.	April to June	October to December of the same year
3.	July to September	January to March of the next year
4.	October to December	April to June of the next year

3. The procedure as prescribed from time to time has been consolidated and enclosed as Appendix to this O.M.

4. All Ministries / Departments are requested to follow these instructions and periodically review the cases of Govt. servants as required under FR 56(j)/FR56(l)/Rule 48(1)(b) of CCS (Pension) Rules, 1972.

(B.Bandyopadhyay)

Under Secretary to the Government of India
Tel.No.23040341

To

All Ministries / Departments Government of India as per standard list.

Subject : Periodical review under FR 56 (j)

The appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, a Government servant under FR 56(j), FR 56(l) or Rule 48 (1) (b) of CCS (Pension) Rules, 1972 as the case may be. The guidelines in this regard have been issued from time to time under the marginally noted office Memoranda which are available in this Ministry's website:www.persmin.nic.in The procedure has been summarized below:-

MHA, DPAR
O.M.No.33/13/61-Estt
(A) dated 23.6.1969

MHA, DPAR
O.M.No.33/11/69-Estt
(A) dated 23.10.1970

MHA, DPAR
O.M.No.25013/5/76-
Estt (A) dated
11.10.1976

MHA, DPAR
O.M.No.25013/13/77-
Estt (A) dated 8th
November, 1977.

MHA, DPAR
O.M.No.25013/14/77-
Estt (A) dated 15th
January, 1978.

MHA, DPAR
O.M.No.15013/9/80-
Estt (A) dated
22.6.1982.

DoPT
O.M.No.25013/30/85-
Estt (A) dated 7th
August, 1985.

DoPT
O.M.No.25013/39/85-
Estt (A) dated 7th
March, 1986.

DoPT
O.M.No.25013/15/86-
Estt (A) dated 27th
June, 1986.

	FR 56	Pension Rule 48(1)(b) of CCS (Pension) Rules, 1972
Category	FR 56 (j) Group 'A & B' officers: who entered service before 35 years of age and have attained 50 years of age Other cases: Attained 55 years of age <u>FR 56(l)</u> A Govt. Servant in Group 'C' post who is not governed by any Pension Rules, can also be retired after he has completed 30 years service.	All Government servants covered by CCS (Pension) Rules, 1972 who have completed 30 years of qualifying service.
Notice Period	3 months or 3 months pay allowances in lieu thereof	Three months or Three months pay and allowances in lieu thereof.

2. The cases of Government servant covered by FR 56(j) , 56(l) or Rule 48(1) (b) of CCS (Pension) Rules, 1972 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(l) Rule 48 of CCS(Pension) Rules, 1972. Time Schedule for review is as under:-

Sl. No.	Quarter in which review is to be made	Cases of employee who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter indicated below to be reviewed
1.	January to March	July to September of the same year
2.	April to June	October to December of the same year
3.	July to September	January to March of the next year
4.	October to December	April to June of the next year

A register of employees who are due to attain the age of 50/55 years or complete 30 years of service to be maintained. The register should be scrutinized at the beginning of every quarter by a senior officer in the Ministry / Department and the review undertaken according to the above schedule.

3. It may be noted that Compulsory Retirement as a penalty under CCS (CCA) Rules, 1965 is distinct from the above provisions.

4. In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, following procedures and guidelines have been prescribed for reviewing the cases of government employees covered under the aforesaid rules:

- The cases of Government servants covered by FR 56 (j) or FR 56 (l) or Rule 48(1)(b) of the CCS (Pension) Rules 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.
- Committees shall be constituted in each Ministry / Department / Office, to which all such cases shall be referred for recommendation as to whether the Officer concerned should be retained in service or retired from service in the public interest.

5. The criteria to be followed by the Committee in making their recommendations would be as follows:-

- (a) Government employees whose integrity is doubtful, will be retired.
- (b) 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.

Contd...

- (c) 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 service during the preceding 5 years or where he has been promoted to a higher post during that 5 year period, his service in the highest post, has been found satisfactory.

Consideration is ordinarily to be confined to the preceding 5 years or to the period in the higher post, in case of promotion within the period of 5 years, only when retirement is sought to be made on grounds of ineffectiveness. There is no such stipulation, however where the employee is to be retired on grounds of doubtful integrity.

- (d) No employee should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case

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 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.

The above instruction is relevant only when an employee is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity. The damage to public interest could be marginal if an old employee, in the last year of service, is found ineffective; but the damage may be incalculable if he is found corrupt and demands or obtains illegal gratification during the said period for the tasks he is duty bound to perform.

6. 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 to him under the aforesaid provisions. The appropriate authority defined in Note 1 below FR 58 should bona fide 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. Accordingly, in every case where it is proposed to retire a Government servant in exercise of the powers conferred by the said rule, the appropriate authority should record in the file its opinion that it is necessary to retire the Government servant in pursuance of the aforesaid rule in the public interest. The order to be served of the Government servant would of course be on the form prescribed for the purpose.

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7. Detailed instructions on the procedure, criteria for assessment, issue of notice etc. are contained in the Office Memoranda indicated at page 1 of this Appendix and may be referred to.

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