

STANDARD OPERATING PROCEDURE (SOP):
REVIEW OF PERFORMANCE OF GROUP ‘B’ NON GAZETTED AND
GROUP ‘C’ DGQA EMPLOYEES UNDER FR 56(J)/(L) AND RULE 48 OF
CCS (PENSION) RULES, 1972

1. **Introduction:** Enabling provisions for premature retirement of a Government servant were provided under Fundamental Rule (FR) 56(j), FR 56(l) or Rule 48(1) (b) of CCS (Pension) Rules 1972. The objective of the ibid rules is to strengthen the administrative machinery by developing responsible and efficient administration at all levels and to achieve efficiency, economy and speed in the disposal of Government functions.
2. Consolidated guidelines in this regard have been issued by DoP&T vide their OM No. 25013/03/2019-Estt A-IV dated 28 Aug, 2020 to assess the suitability of a Government servant for continuance in service or for retiring prematurely in public interest. In so far as the provisions which are not covered in ibid DoP&T OM dated 28 Aug 2020, the provisions in the earlier OMs shall continue to be applicable.
3. The procedure for Review of Government Employees under FR 56(j)/(l) and Rule 48 of CCS (Pension) Rules, 1972 is given as under:-

	<u>FR 56</u>	<u>Pension Rule 48(1)(b) of CCS (Pension) Rules, 1972</u>
Category	<p><u>FR 56 (j)</u> Group ‘A’ & ‘B’ Officers who entered service before 35 years of age and have attained 50 years of age</p> <p>Other cases including Gp ‘C’ officials :-</p> <p style="text-align: center;">Attained 55 years of age</p> <p><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 of service</p>	All Government servants (Group ‘A’, ‘B’ & ‘C’) covered by CCS(Pension) Rules, 1972 who have completed 30 years of qualifying service.
Notice period	3 months or 3 months pay and allowances in lieu thereof	Three months or Three months pay and allowances in lieu thereof.

4. **Scope:** Of late, it is observed that the relevant instructions are not being followed for review of cases by DGQA Establishments. In order to ensure that relevant instructions/guidelines are followed carefully and diligently, a Standard Operating Procedure (SOP) is being issued for consideration of Group ‘B’ Non Gazetted and Group ‘C’ Employees of DGQA under FR 56(j)/56(l)/CCS(Pension) Rules, 1972.

5. In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, the following procedures and guidelines have been prescribed for reviewing the cases of Group 'B' Non Gazetted and Group 'C' Employees of DGQA under the aforesaid rules, as outlined in succeeding paras are to be followed.

6. For Group 'B' Non Gazetted and Group 'C' officers, the Review Committees were constituted vide letter No. A/89855/II/Review/Policy/DGQA/Adm-7A dated 28 Sep 2012 as under:-

(A) **Group 'B' Non Gazetted Posts:**

- (i) Chairman - ADG concerned at DGQA HQ
- (ii) Member - Director concerned at DGQA HQ
- (iii) Member - JD/DD from DDG(HR)/Dir(Pers) Group at DGQA HQ

(B) **Group 'C' Posts:**

- (i) Chairman - Head of Establishment
- (ii) Members - Three Senior Officers of the Concerned Estt

7. **Time Schedule:** Time Schedule prescribed by DoP&T vide ibid OM dated 28 Aug 2020 to assess the suitability of a Government servant for continuance in service or for retiring prematurely in public interest under FR 56(j), FR- 56(l) or Rule 48(I)(b) of CCS(Pension) Rules 1972 is as under :-

S. 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 qualifying service, as the case may be, in the quarter indicated below
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

8. 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.**

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9. However, it is observed that in most of the cases the prescribed time schedule is not followed. Consolidated instructions issued by DoP&T vide aforesaid OM of 28 Aug 2020 provides for maintenance of a register of employees due for review. It is therefore imperative that a register is prepared well in advance say by 30 June of each year, showing the list of officials due for review in each quarterly period of following calendar year.

10. There is also no bar on the Government to review any such case again where it was decided earlier to retain the officer, but the Appropriate/Appointing Authority is of the opinion that it is expedient to undertake the review again on account of changed circumstances, in public interest. In such case, the Appropriate Authority is expected to demonstrate visible meticulousness as such Government servants have been found effective on earlier occasion for retention in service.

11. **Broad Criteria to be followed by the Review Committee:** - The broad criteria to be followed by the Review Committee while making its recommendations are as follows:

(a) Government employees whose integrity is doubtful shall be retired.

(b) Government employees who are found to be ineffective shall also be retired. The basic consideration in identifying such Government servants should be their fitness/competence to continue in the post held.

(c) No Government servant 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. However, in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of a Government servant, it would be open to review such a case also for premature retirement. The said instruction of not retiring the Government servant within one year on the ground of ineffectiveness except in case of sudden and steep fall in his performance is relevant only when he is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity.

(d) No Government servant should ordinarily be retired on ground 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. There is no such stipulation, however, where the Government servant is to be retired on grounds of doubtful integrity. In case of those Government servants who have been promoted during the last 5 years, the previous entries in the ACRs may be taken into account if he was promoted on the basis of seniority cum fitness, and not on the basis of merit.

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(e) The entire service record of a Government servant should be considered at the time of review. The expression 'service record' refers to all relevant records and therefore, the review should not be confined to the consideration of the ACR/APAR dossier. The personal file of the Government servant may contain valuable material. Similarly, his work and performance could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. It would be useful if the Establishment concerned put together all the data available about the Government servant and prepares a comprehensive brief for consideration by the Review Committee. Even uncommunicated remarks in the ACRs/APARs may be taken into consideration.

12. Principles crystallized from important judgments of Supreme Court: The following principles emerged from important judgments of Supreme Court:

- (a) 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.
- (b) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.
- (c) 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 entire service record of the officer.
- (d) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
- (e) Even un-communicated entries in the confidential record can also be taken into consideration.
- (f) The order of compulsory retirement shall not be passed as a short cut to avoid Departmental enquiry when such course is more desirable.
- (g) If the officer was given a promotion despite adverse entries made in the confidential record that is a fact in favour of the officer.
- (h) Compulsory retirement shall not be imposed as a punitive measure.
- (j) The opinion formed by the appropriate authority shall not be based on collateral grounds or arbitrary in nature.

(k) All material on record, including the actions or decisions taken by the employee which do not appear to be above board, complaints received against him, or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may also be taken into account.

(l) 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.).

13. Documents required for consideration of cases by Review Committee:

(a) Statement of case from the concerned Establishment in the format prescribed at Appendix 'I'.

(b) Additional Attributes from the Reporting officer in the format prescribed at Appendix 'II'.

(c) Vigilance Clearance

(d) APAR Gradings of last 5 years from concerned APAR Cell.

(e) Integrity certificate on the basis of APARs of last 5 years.

(f) Any other document(s) pertaining to adverse remarks in the service record, if any.

Note: It is imperative that the Statement of Case and additional attributes in respect of the Group 'B' Non Gazetted officers under consideration for Review are forwarded to concerned Technical Directorate at least 3 months prior to the due quarterly period.

14. Procedure to be adopted for consideration of Review Committee: While preparing the documents as indicated above, for consideration of the Review Committee, the following procedure may be adopted:

(a) The APARs of the last five years of the officer being reviewed are to be scrutinized for any adverse entries, warning letters and orders imposing penalties under CCS (CCA) Rules.

(b) The Service Book of the officer being reviewed is to be scrutinized for any suspension or other forms of interruption in service, events like stoppage of increment, etc.

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(c) The personal file of the officer being reviewed is to be scrutinized for any court decrees regarding attachment of pay, warning letters, orders imposing penalties under CCS (CCA) Rules or any other adverse entries viz; unauthorized absence from duty, advice/counseling given for improvement in discharge of duties, complaint received against the officer, suspicious property transaction, criminal case/charges etc, if any.

(d) Files dealt or any paper or report submitted by the officer being reviewed is to be scrutinized for any ineffectiveness or delay in disposal of work.

15. It is observed in one recent instance that the Review Committee had recommended for "Non Retention" of a Gp 'C' official based on two warning letters issued immediately before the Review Committee meeting and an assessment report submitted by his Reporting officer immediately prior to the said meeting and not on the basis of consideration of entire service record. The Representation Committee felt that there was no sufficient material on record to justify the premature retirement of the concerned official and recommended reinstatement of the official with immediate effect. It was also noted by the Representation Committee that there was inordinate delay of almost 21 months in issue of Premature Retirement order after issue of Minutes of the Review Committee meeting and there was also delay in placing the representation before the Representation Committee. Needless to say that decision of premature retirement is subject to judicial scrutiny and therefore the process followed in taking such decision should be seen as fair, impartial, cogent, evidence based and not arbitrary.

16. **Minutes of Review Committee:** In cases where it is decided for premature retirement of a Government servant, minutes of Review Committee should be self-speaking inter-alia including a statement of service records relied upon, and summarized reasons for the conclusion of premature retirement from service. Minutes should also clearly record that '**It is necessary to retire the Government servant in public interest.**'

16. **Approval of Appropriate/Appointing Authority:** After the Review Committee recommends an official for premature retirement, before issue of the notice/order of premature retirement, the recommendations of the Review Committee will be put up for consideration and approval of the Appropriate/Appointing Authority immediately. There should be no delay in this regard as was observed in the case cited above.

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Note (i): Appropriate authority, under FR 56, means the authority which has the power to make substantive appointments to the post or service from which Govt servant is required to retire.

Note (ii): Appointing Authority means the authority competent to make the first appointment to the grade which the Govt servant for the time being holds.

17. **Notice/ order of Premature Retirement:** Prescribed proformae for issue of notice/order under FR 56(j), FR 56(l) and Rule 48(1) (b) of CCS (Pension) Rules, 1972, (a) Where a Government employee has already attained the age of 50/55 years or completed 30 years of qualifying service/30 years of service, as the case may be; or (b) Where it is decided to serve the notice of retirement before a Government Servant actually attains the age of 50/55 years or completes 30 years of qualifying service/30 years of service, as the case may be; or (c) Where it is decided to dispense with the three months' notice are indicated at **Appendix III/IV/V** respectively.

18. Notice/ order of premature retirement can be given under both FR 56(j)/ FR 56 (l) and Rule 48 (1)(b) of CCS(Pension) Rules, 1972. Since a common proforma has been prescribed for issue of notice/order under both the provisions, it is often observed that notice/order issued by Establishments quote both the provisions. It is imperative that notice/order is issued by quoting only the relevant provision.

19. **Representation against premature retirement:** Representation against Notice/order of premature Retirement received, if, any, along with point wise comments on points put forth in the representation, all service records, which have been relied upon by the Review Committee in respect of Group 'B' Non Gazetted & 'C' civilian officers shall be forwarded to DGQA/Adm-10 through the concerned Technical Directorate within 15 days from receipt of such representation.

20. Adherence of prescribed time schedule is of paramount importance so that entire process from review to disposal of representation is concluded well before the due date of premature retirement.

21. The above procedure/guidelines are to be read in conjunction with DoP&T instructions on the subject issued from time to time.

CONFIDENTIAL

The case of Shri /Smt _____
Designation _____, whose particulars are furnished below has been considered for retention in service beyond 50/55 years of age or completion of 30 years of service:-

Sl No	Particulars	Details
1.	NAME & DESIGNATION	
2.	DATE OF BIRTH	
3.	DATE OF APPT. IN GOVT. SERVICE	
4.	LEVEL IN THE PAY MATRIX	
5.	ESTT. WHERE EMPLOYED	
6.	APPOINTMENT HELD DURING LAST THREE YEARS	
7.	WHETHER THE OFFICER WAS/IS UNDER OBLIGATION TO SERVE THE GOVT FOR ANY PERIOD. IF SO, THE DETAILS THEREOF	
8.	WHETHER THE INDIVIDUAL WAS TRAINED AT GOVT. EXPENSE DURING THE LAST FIVE YEARS	
9.	PERFORMANCE DURING THE LAST FIVE YEARS	
10.	THE RESUME OF APARs FOR THE LAST FIVE YEARS. ANY ADVERSE REMARKS, IF RECORDED IN THE LAST FIVE YEARS ARE TO BE HIGHLIGHTED.	

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11.	WHETHER THERE IS ANY VIGILANCE CASE PENDING/CONTEMPLATED AGAINST THE INDIVIDUAL. IF ANY, GIVE DETAILS	
12.	WHETHER AWARDED ANY PUNISHMENT AS A RESULT OF DEPARTMENTAL ACTION DURING THE LAST TEN YEARS. IF ANY, GIVE DETAILS	
13.	WHETHER ANNUAL IMMOVEABLE PROPERTY RETURN FOR THE YEAR ENDING 31 DEC (<i>of relevant year</i>) HAS BEEN SUBMITTED BY 31 JAN (<i>of the following year</i>).	
14.	CONDUCT AND GENERAL REPUTATION	
15.	DISPOSAL OF WORK/EFFICIENCY	
16.	PUNCTUALITY	
17.	WHETHER ANY COMPLAINT RECEIVED. IF ANY, GIVE DETAILS	
18.	INTEGRITY	

Signature : _____

Name : _____

Designation : _____

Tele : _____

Office Address : _____

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RECOMMENDATION OF THE HEAD OF THE ESTABLISHMENT

It is certified that after careful scrutiny of Service Book and Personal files of Shri/Smt _____ Designation _____ from the date of joining the service, till date, nothing objectionable has been found against him including all transactions in moveable/ immovable properties. A brief containing all the data available about the official with regard to SI No.09, SI No.14 & SI No.15 of Appendix-II is enclosed herewith.

The officer is Recommended / Not Recommended for retention in service beyond 50/55 years of age or completion of 30 years of service.

Date:

Signature of Head of the Establishment

Seal

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**ADDITIONAL ATTRIBUTES OF THE OFFICIAL DUE FOR REVIEW UNDER FR
56(J)/RULE 48(1)(B) OF CCS PENSION RULES, 1972**

Name of Officer:

Period of Assessment:

Date of Birth :

Designation & Present Estt.

Assessment of work output of the previous financial year.

Attributes		Remarks of Reporting Officer
I	Completion of assigned tasks as per given timelines	
II	Completion of Additional duties/work assigned from time to time	
III	Any adverse entries made in the Confidential Report (CR)	
IV	Un-communicated entries in the APARs, if any	
V	Unauthorised absence from duties, if any	
VI	Work performance from file dealt or any papers or reports prepared & submitted by the officer - whether effective & disposal done in timely manner	
VII	Advice/counselling given for improvement in discharge of duties, if any	
VIII	Efforts of officer towards economical measures	
IX	Warning/Advisory issued for delay in work disposal, if any	
X	Whether integrity is doubtful	
XI	Whether any complaint received against the official which is found to be true(though may not have sufficient evidence)	
XII	Whether any suspicious property transaction undertaken or any decision blatantly appeared to be not unbiased	
XIII	Overall recommendations of the organisation whether the officer is to be retained in service	
XIV	Displeasure shown against the officer in performance review meetings	
XV	Letter issued to the officer to ensure good performance and improve work	

Signature :

Name :

Designation :

Date :

ORDER

WHEREAS the _____³ (*appropriate authority*) is of the opinion that it is in the public interest to do so:

NOW THEREFORE, in exercise of the powers conferred by ⁴ clause⁵ of Rule 56 of Fundamental Rules/⁴Rule 48 of the Central Civil Service (Pension) Rules,1972, the _____³(*appropriate authority*) hereby gives notice to _____(*name*) _____(*designation*) that he, having already attained the age of fifty/fifty-five years or having completed thirty years of service or thirty years of service qualifying for pension on the _____20____, shall retire from service on the forenoon of ¹_____ or on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him.

(Signature)

Designation of the appropriate authority

To,

Shri/Smt _____

ACKNOWLEDGEMENT

I, Shri _____ now holding the post of _____ hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Countersigned:

Name

-Sd/-

Designation:

Designation:

Place

Place:

Date:

Date:

-
1. The date following the date on which he attains the age of 50/55 years/completes 30 years' service qualifying for pension. Either of the two alternatives may be used according to requirements.
 2. Any authority who is competent to authenticate orders on behalf of the President can sign this order.
 3. As defined in FR56.
 4. Strike off the portion not applicable.
 5. Here state (j) (i) or (j) (ii) or (l), as the case may be.

ORDER

WHEREAS the _____ ¹(*appropriate authority*) is of the opinion that it is in the public interest to do so:

NOW THEREFORE, in exercise of the powers conferred by _____ ² clause _____ ³ of Rule 56 of Fundamental Rules/²Rule 48 of the Central Civil Service (Pension) Rules,1972, the _____ ¹(*appropriate authority*) hereby give notice to _____ (*name*) _____ (*designation*) that he on attaining the age of fifty/fifty-five years or having completing thirty years of service or thirty years of service qualifying for pension on the _____ 20____, shall retire from service on the forenoon of ⁴ _____ or on the forenoon of the day following the date of expiry of three months computed from the date following the date of service of this notice on him, whichever is later.

(_____)
Designation of the appropriate authority¹

To,

Shri/Smt. _____

ACKNOWLEDGEMENT

I, Shri _____ now holding the post of _____ hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Countersigned:

Name

Designation:

Place

Date:

-Sd/-

Designation:

Place:

Date:

-
1. As defined in FR56.
 2. Strike off the portion not applicable.
 3. Here state (j) (i) or (j) (ii) or (l), as the case may be.
 4. The date following the date on which he attains the age of 50/55 years/completes 30 years' service/thirty year of p-1 X service qualifying for pension.

ORDER

WHEREAS the _____ ¹(appropriate authority) is of the opinion that it is in the public interest to do so;

NOW THEREFORE, in exercise of the powers conferred by ²clause _____ ³ of Rule 56 of Fundamental Rules/²Rule 48 of the Central Civil Service (Pension) Rules,1972, the _____ ¹(appropriate authority) hereby retires Shri/Smt/Kum _____ with immediate effect, he/she having already attained the age of fifty/fifty-five years or having completed thirty years of service or thirty years of service qualifying for pension on the ⁴ _____ Shri/Smt/Kum _____ shall be paid a sum equivalent to the amount of his/her pay plus allowances for a period of three months calculated at the same rate at which he/she was drawing the immediately before his/her retirement.

(_____)
Designation of the appropriate authority¹

To,

Shri/Smt. _____

ACKNOWLEDGEMENT

I, _____ now holding the post of _____ in the Ministry/ Department of _____ hereby acknowledge the receipt of the original of the order of retirement as aforesaid along with cash or crossed cheque No. _____ dated _____, for Rs _____ (Rupees _____ only).

Countersigned:

Name

Designation:

Place

Date:

Signature:

Designation:

Place:

Date:

-
1. As defined in FR56.
 2. Strike off the portion not applicable.
 3. Here state (j) (i) or (j) (ii) or (l), as the case may be.
 4. The date following the date on which he attains the age of 50/55 years/completes thirty years' service/thirty years of service qualifying for pension. Either of the two alternatives may be used according to requirement.