

No A-19015/Misc/2015/MF.CGA/Gr B/FR 56/175

Ministry of Finance  
Department of Expenditure  
Controller General of Accounts  
Lok Nayak Bhawan  
New Delhi-110003

Dated 20-5-2016

Office Memorandum

**Subject: Strengthening of administration-Periodical review under FR 56(j) and Rule 48 of CCS (Pension) Rules, 1972**

DoP&T vide their O.M. dated 11.09.2015 has directed all the Ministries/Departments to conduct periodical review under FR 56 (j) and Rule 48 of CCS (Pension) Rules to ascertain whether the Government servant should be retained in service or retired from Service in the Public interest.

1. FR 56 (j) and Rule 48 of CCS (Pension) Rules, 1972 provide as under:-

FR 56 (j) Notwithstanding anything contained in this rule, the Appropriate Authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice;

(i) If he is, in Group A or Group B service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) in any other case after he has attained the age of fifty-five years.

Under FR 56, the 'Appropriate authority' has been defined as the authority which has the power to make substantive appointments to the post or service.

Rule 48 of CCS (Pension) Rules

Retirement on completion of 30 years' qualifying service

(1) At any time after a Government servant has completed thirty years' qualifying service-

(a) he may retire from service, or

(b) he may be required by the Appointing Authority to retire in the public interest

2. The provisions under FR provide for retiring a Govt. Servant on completion of 50 years of age in the case of Group A and B officers and on completion of 55 years of age in the case of Group C officers. Rules 48 of CCS (Pension) Rules also provide for retiring a Govt. Servant on completion of 30 years of qualifying service.

3. DoP&T Establishment Division has been issuing instructions regularly on the need for carrying out review of the performance of Govt. Servants and take action against under FR 56 (j) or Rule 48 of CCS (Pension) Rules. In this connection, their last O.M. No. 25013/1/2013-Estt.(A) dated 21.03.2014 may be referred to.

4. In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily Establishment Division has also prescribed the following procedure:

(i) The cases of Governments servants covered by FR 56 (j) or FR 56 (I) or Rule 48 (1)(b) of the CCS (Pension) rules should be reviewed six months before they attain the age of 50/55 years of complete 30 years service / 30 years of qualifying service, whichever occurs earlier,

(ii) Committees shall be constituted in each Ministry/Department/Office, to which all such cases, shall be referred for recommendation as to whether the officers 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.

(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.

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.

The above instructions are 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 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. 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.

7. As per para 7 of DoP&T O.M. No. 25013/01/2013-Estt.A-IV dated 11.09.2015, Secretaries of the Cadre Controlling Authorities will constitute Review Committees consisting of two members at appropriate level. As per approval of competent authority, the Review Committee in the case of various levels of employees will be as under:-

(A) In case of Group B (Gazetted) Officers:

<b>Review Committee</b>	<p>Chairman - Pr. CCA/CCA/Jt. CGA (Group 'B')</p> <p>Two Members - to be co-opted by the Chairman (preferably one from administrative Ministry in the rank of DS and above).</p> <p>Final orders will be passed by the appropriate authority.</p>
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(B) Non - Gazetted employees:

(i) Employees working in O/o CGA:

<b>Review Committee</b>	<p>Chairman - Jt. CGA (Admn.)</p> <p>Two Members in the rank of Dy. CGA or ACGA.</p> <p>If action is proposed on the basis of lack of integrity CVO will be associated as a member.</p> <p>Final orders will be passed by the appropriate authority.</p>
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(ii) Non-Gazetted (Gr. B) & Gr. 'C' Employees working in field offices of the CCAS:-


Review Committee	Chairman - Pr. CCA/CCA/CA/Linked CA  Two Members to be co-opted by the Chairman (preferably one from administrative Ministry in the rank of DS and above).  If action is proposed on the basis of lack of integrity CVO will be associated as a member.  Final orders will be passed by the appropriate authority.
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8. In terms of DoPT's OM No. 25013/1/2013-E:stt(A) dated 21/03/2014 on the periodical review under Fundamental Rule 56 or Rule 48 of CCS (Pension) Rules, review of officers is broadly covered under the following guidelines:

- (i) If service of an officer is not useful one can be compulsorily retired in public interest;
- (ii) Review is after having due regard to the entire service record of the officer viz. ACR/APAR dossier, personal file, work and performance of the officer in files/reports prepared;
- (iii) Adverse entries including un-communicated entries in CRs should be taken note of and given due weightage;
- (iv) Integrity : Actions/decisions which do not appear to be above board; complaints received; suspicious property transactions – not sufficient evidence to initiate departmental proceedings;
- (v) Conduct unbecoming to the public interest or obstructs efficiency in public services;
- (vi) Not a short cut to avoid disciplinary proceedings and should not be resorted to as a punitive measure;
- (vii) Promotion despite adverse entries in ACRs is a fact in favour of the Officer.

All Pr. CCAs/CCAs/CAs are requested to examine the entire service records available with their office and furnish inputs as to the desirability to retain or to prematurely retire in respect of CCAS (Group B & C Officers) working under their jurisdiction. Statement showing Ministry wise break up of Sr.AOs/AOs and AAOs being affected under FR 56 (j) & Rule 48 of CCS (Pension) Rules is enclosed (Annexure I). The first review meeting should be done within 30 days of the issue of this O.M. in case the numbers of officers are less than 50 and 60 days where these are more than 50.

This issues with the approval of competent authority.

  
(Tripti P Ghosh)

Dy. Controller General of Accounts

To,  
All the Pr CCAs/CCAs/CAs

ITD Section: It is requested to upload aforesaid OM on official website of CGA.

**Details of Officers who have attained the age of 50 years and qualifying service of  
30 years - Review under FR 56(j) and Rule 48 of CCS (Pension) Rules, 1972**

No.	Ministry/Departments	Sr. AO/AO	AAO	Grant Total
1	Agriculture	8	1	9
2	CBOT	65	27	92
3	CBEC	56	25	81
4	CGA	12	2	14
5	Chemical & Fertilizers	3	2	5
6	Civil Aviation & Tourism	7	5	12
7	Coal	3	1	4
8	Commerce & Textile	13	4	17
9	Consumer Affairs, Food and Public Distribution	6	1	7
10	CPAO	10	5	15
11	DGS&D	6	3	9
12	Earth Sciences	5	2	7
13	Electronic & Information Technology	4	1	5
14	Environment and Forests	3	1	4
15	Finance	20	10	30
16	Food Processing Industries	2	0	2
17	Health & Family Welfare	19	4	23
18	Home Affairs	43	20	63
19	Human Resource Development	7	9	16
20	Industry	3	2	5
21	Informatin & Broadcasting	21	15	36
22	INGAF/RTC	1	0	1
23	Labour & Employment	9	1	10
24	Law & Justice	4	0	4
25	MEA	3	3	6
26	Mines	4	3	7
27	New & Renewable Energy	1	0	1
28	Panchayati Raj	1	0	1
29	Personnel, Public Grievances & Pension	4	3	7
30	Petrofeum & Natural Gas	2	0	2
31	PFMS	8	0	8
32	Planning, Statistics & P.I.	5	3	8
33	Power	4	1	5
34	President Sectt.	1	0	1
35	Rural Development	2	2	4
36	Science & Technology	5	2	7
37	Shipping, Road Transport & Highways	12	3	15
38	Skill Development	3	0	3
39	Steel	2	0	2
40	Urban Development	19	24	43
41	Water Resources	5	11	16
	<b>Total</b>	<b>411</b>	<b>196</b>	<b>607</b>