

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI  
SERVICES DEPARTMENT: SERVICES - I BRANCH  
DELHI SECRETARIAT: 7<sup>TH</sup> LEVEL: B-WING  
I.P. ESTATE: NEW DELHI  
<http://services.delhigovt.nic.in>  
(Tel:011 - 23392038)

No.F.30/03/2016/S.I/Pt-I/3044

Dated: 07/08/2019

Circular

**Sub: Review of mechanism to ensure probity of Government servants- Strengthening of administration - periodical review under FR 56 (j)/FR 56(l) and Rule 48 of CCS (Pension) Rule, 1972.**

Attention is invited to this Department's Circulars dated 09.07.2019, 10.07.2019 and 12.07.2019 regarding periodical review of Officers/Officials of Govt. of NCT of Delhi under FR-56 (j) and Rule 48 of CCS (Pension) Rules, 1972.

2. All HODs were requested to submit particulars of DANICS and DASS/Steno cadre officers/ officials in the proforma attached with the Circulars, for further consideration by the Review Committee/Sub Committee.

3. It has been observed that the officers/officials while drawing salary from one department are physically working in some other department. In some cases, the officers are working on deputation in Autonomous Bodies and other organizations.

4. It is clarified that the above said proforma has to be filled up by both departments i.e. where the officer/official is physically working as well as the department where he/she is posted for salary purpose. The information as sought at point nos. 1 to 5 and 10 to 17 shall be provided by the department where the officer/official's service record is available i.e. the department where he/she is posted for salary purpose. The information as sought at point nos. 6 to 10, 18 & 19 will be provided by the department where the officers/officials are physically working in diverted capacity or on deputation. It is highlighted here that information as sought at point no. 10 shall be provided by both the departments.

5. The Cadre Controlling Authority may also prepare its independent report in the given proforma over and above what is provided by the departments. They may take into account overall record of the officers, including APARs, that may be available with the Cadre Controlling Authority.

6. Considering the large number of officers due for review, the departments, in the first instance, may forward the inputs, on officers who in the opinion of the department should be considered under provisions of FR 56(j), 56 (l) and Rule 48 of CCS Pension Rules 1972. The Inputs/Report for remaining officers may be forwarded subsequently. The following may be kept in view while furnishing the Reports:

- (i) The inputs/information over and above what is available in APARs may also be provided.
- (ii) Documents, if any, in support of the inputs provided may be furnished.
- (iii) No column in the format should be left blank.
- (iv) It is further clarified that prescribed proforma need not be signed by the Head of Department as stipulated earlier. The Report in prescribed format may be furnished under the signature and stamp of an officer of Head of Office or an equivalent rank and the same may be issued with the approval of Principal Secretary/Secretary of concerned department (in case of Group-A and B officers) and with the approval of Head of Department concerned (in case of Group-C/D officials). (Copy of the modified proforma enclosed).



7.. All HODs are accordingly requested to arrange to forward the particulars in prescribed Proforma keeping in view the instructions at point 6 (iv) above, in r/o Group-A and Group-B Officers of organized Cadres i.e. DASS, Steno, IT, Accounts and Planning & Statistical, including those who are working in diverted capacity, and are covered under FR 56(j)/Fr 56 (l) and Rule 48 of CCS (Pension) Rules, to the concerned Cadre Controlling Departments.

8. This may be treated as 'Most Urgent' and the information as sought above may be provided at the earliest, for placing the same before the Review Committee/Sub-Committee constituted for further consideration.

9. Similar modalities, as recorded above, shall be adopted for all other Ex Cadre Posts (Other than DANICS/DASS/Steno/IT/Accounts/Planning and Statistical), under the Government of NCT Delhi while reviewing the working of officers/officials under FR 56(j)/FR 56(l) and Rule 48 of CCS (Pension) Rules 1972.

10. Copy of DoPT OMs dated 21.03.2014 and 11.09.2015 on the subject is enclosed herewith for further reference.

11. This issues with the approval of Competent Authority.

  
(ASHWANI KUMAR MEHTA)  
DEPUTY SECRETARY-I (SERVICES)

All Pr. Secretaries/Secretaries/Head of  
Departments, Corporations, Boards, PSUs  
and Autonomous Bodies of Govt. of NCT of Delhi.

**Copy to:**

1. Principal Secretary to Lt. Governor, Delhi.
2. Additional Secretary to Chief Minister, Govt. of NCT of Delhi.
3. Secretary to Dy. Chief Minister, Govt. of NCT of Delhi.
4. Secretary to Speaker, Delhi Vidhan Sabha, Delhi.
5. Secretary to Deputy Speaker, Delhi Vidhan Sabha.
6. Secretaries to all Ministers, Govt. of NCT of Delhi.
7. OSD to Leader of Opposition, Govt. of NCT of Delhi.
8. OSD to Chief Secretary, Govt. of NCT of Delhi.
9. Additional Chief Secretary (Finance/Home/Planning), Govt. of NCT of Delhi.
10. Principal Secretary (AR), Govt. of NCT of Delhi.
11. Secretary (Services), Govt. of NCT of Delhi.
12. Secretary (Vigilance), Govt. of NCT of Delhi.
13. Special Secretary (Services), Govt. of NCT of Delhi.
14. Special Secretary (Vigilance), Govt. of NCT of Delhi.
15. Special Secretary (AR), Govt. of NCT of Delhi.
16. All Pr. Secretaries / Secretaries / Spl. Secretaries / Addl. Secretaries, GNCTD.
17. Section officer (Coordination), Services Department, Govt. of NCT of Delhi - *with the request to upload this order on website of Services Department.*
18. Guard file/Personal file.

**Copy forwarded for information to: -**

1. Under Secretary (Establishment), Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi.
2. Under Secretary (UTS.II), Govt. of India, Ministry of Home Affairs, North Block, New Delhi.

Proforma to review the performance in respect of officers/officials of GNCTD.

1. Name and Designation of the Officer/official:
2. Grade/Pay Band/Grade Pay:
3. Date of Birth: Age as on 01.07.2019.
4. Date of Joining in Govt. Service:
5. Leave availed during the past five years (from the service book)  
(please provide break up as well as the total period)
6. State of health:
7. Whether the health of the officer/official has a bearing on discharge of his duties (Yes/No):  
(If yes, please elaborate)
8. Whether services of the officer are considered useful to the Govt. (Yes/No):  
(If no, please provide reasons)
9. Whether the officer/official is considered competent and effective and fit to continue to hold the post occupied by him or to continue in Cadre(Yes/No):  
(If no, please provide reasons)
10. Status of Integrity:
11. Is there any reason to doubt the integrity viz. Complaints of suspicious transaction in property, corruption, informal feedback etc.(Yes/No):  
(If yes, Please specify)
12. Details of Penalties, if any, imposed on the officer/official during the entire career:



13. ACR/APAR grading during entire career. If there are any adverse entries, please specify.

Sl. No.	Year	ACR/APAR Grading	Remarks, if any

14. Please specify whether the officer/official has initiated his ACRs/APARs timely in last 5 years:

Sl. No.	Year	Date of initiation	Whether initiated timely or not/Remarks, if any

15. No. of promotions obtained:

16. Whether the officer/official has got timely promotions along with his batch mates  
(Yes/No):  
(If no, please provide details)

17. Any promotion during the last 05 years(Yes/No):  
(If yes, please provide details of the promotions)

18. Overall conduct of the officer/official and remarks, if any:

19. Recommendations:

No.25013/01 /2013-Estt.A-IV  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
Establishment A-IV Desk  
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North Block, New Delhi  
Dated 11<sup>th</sup> September, 2015

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's OM No. 25013/1/2013-Estt(A) dated 21/03/2014 on the periodical review under Fundamental Rule 56 or Rule 48 of CCS (Pension) Rules.

2. Various instructions issued on the subject deal with compulsory retirement under the above mentioned provisions. The Supreme Court has observed in *State of Gujarat 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. 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 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. It would be useful if the Ministry/Department puts together all the data available about the officers and prepares a comprehensive brief for consideration by the Review Committee. Even uncommunicated remarks in the ACRs/APARs may be taken into consideration.

4. 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.

5. As far as integrity is considered, the following observations of the Hon'ble Supreme Court may, while upholding compulsory retirement in a case, may be kept in view:

The officer would live by reputation built around him. In an appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But his conduct and reputation is such that his continuance in service would be a menace to public service and injurious to public interest.

*S. Ramachandra Raju vs. State of Orissa*

[(1994) 3 SCC 424]

Thus while considering integrity of an employee, 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 be taken into account. Judgement of the Apex Court in the case of Shri K. Kandaswamy, I.P.S. (TN:1966) in *K. Kandaswamy vs Union Of India & Anr*, 1996 AIR 277, 1995 SCC (6) 162 is relevant here. There were persistent reports of Shri Kandaswamy acquiring large assets and of his getting money from his subordinates. He also indulged in property transactions which gave rise to suspicion about his bonafides. The Hon'ble Supreme Court upheld his compulsory retirement under provisions of the relevant Rules.

6. Similarly, reports of conduct unbecoming of a Government servant may also form basis for compulsory retirement. As per the Hon'ble Supreme Court in *State Of U.P. And Others vs Vijay Kumar Jain*, Appeal (civil) 2083 of 2002:

If conduct of a government employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the government has an absolute right to compulsorily retire such an employee in public interest.

7. Many changes in the nomenclature and in the areas of responsibility of various departments/Ministries have taken place. In order to simplify and speed up the procedure of review, a need is felt to reconstitute the Review Committees. In partial modification of the OM 25013/15/86-Estt (A) dated 27/06/1986, it has been decided that the Secretaries of the Cadre Controlling Authorities will constitute Review Committees consisting of two Members at appropriate level. The Review Committees in the case of various levels of employees will be as under:

- (A) In case of officers holding Group A posts:

- (a) In r/o ACC appointees:

Review Committee may be headed by the Secretary of the concerned Ministry/Department as Cadre Controlling Authority.

- (b) In r/o Non-ACC appointees:

- (i) 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.



- (ii) Where no such Boards/Commissions exist, the Review Committee may be headed by Secretary of the Ministry/Department.

(B) In case of Group B (Gazetted) officers:

Additional Secretary/Joint Secretary level officer will head the Review Committee.

(C) In the case of Non-Gazetted employees:

- (i) An officer of the level of Joint Secretary will head the Committee. However in case 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.
- (ii) In the case of Non-Gazetted employees in other than centralised cadres, Head of Department/Head of the Organisation shall decide the composition of the Review Committee.

8. 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.

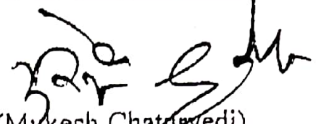
9. In addition to the above, the Secretary of the Ministry/Department is also empowered to constitute internal committees to assist the Review Committees in reviewing the cases. These Committees will ensure that the service record of the employees being reviewed, alongwith a summary bringing out all relevant information, is submitted to the Cadre Authorities at least three months before the due date of review.

10. The procedure as prescribed from time to time has been consolidated and enclosed as Appendix to the OM issued by this Department on 21/03/2014. As per these instructions the cases of Government servant covered by FR 56(j), FR 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 calendar:

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

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

12. Instructions on composition of the Representation Committees will be communicated separately.

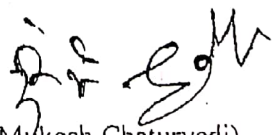
  
(Mukesh Chaturvedi)  
Director (Establishment)  
Tel: 23093176

To

The Secretaries of All Ministries/Departments  
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (ICM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. ADG (M&C), Press Information Bureau, DoP&T
- ✓ 16. NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OMs & Orders → Establishment → Premature Retirement.
17. Hindi Section, DoP&T

  
(Mukesh Chaturvedi)  
Director (Establishment)  
Tel: 23093176



14/c

No.25013/1/2013-Estt (A)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
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North Block, New Delhi-110 001  
Dated :21<sup>st</sup> 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.

10/11/14  
(B.Bandyopadhyay)  
Under Secretary to the Government of India  
Tel.No.23040341

To

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

DoPT O.M.No.25013/1/2013-Estt (A) dated March, 2014

**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](http://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 8<sup>th</sup>  
November, 1977.

MHA, DPAR  
O.M.No.25013/14/77-  
Estt (A) dated 5<sup>th</sup>  
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 7<sup>th</sup>  
August, 1985.

DoPT  
O.M.No.25013/38/85-  
Estt (A) dated 7<sup>th</sup>  
March, 1986.

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

	FR 56	Pension Rule 48(1)(b) of CCS (Pension) Rules, 1972
<b>Category</b>	<b>FR 56 (j)</b> Group 'A & B' officers:  who entered service before 35 ears of age and have attained 50 years of age  Other cases: Attained 55 years of age <u>FR56(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.
<b>Notice Period</b>	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 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. The order to be served of the Government servant would of course be on the form prescribed for the purpose.

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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