

Restructuring/WS&I Cell, Corporate Office,
Room No 804, Harish Chandra Mathur Lane,
Janpath, New Delhi-110001.
Telephone No: 23329496 / 23734343
Fax: 23765191



भारत संचार निगम लिमिटेड
(भारत सरकार का उपक्रम)
Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise)

No 10-1/2016 WS&I

Dated: 15th January, 2016.

To,
All the CGMs, BSNL

Subject: Periodical review for ensuring probity and efficacy among employees of CPSEs- BSNL reg.

Sir,

In pursuance of DOT instruction issued under letter No. 17-70/2015-VM dated 5.1.2016 on above noted subject, kind attention is drawn to the instructions issued by DoPT vide OM No. 25013/01 12013-Estt.A-IV dated 11-09-2015 (Ann-I) and OM No. 25013/01 12013-Estt.A-IV dated 21-03-2014 (Ann-II). The above OMs reiterate the provisions on premature retirement with a view to ensuring probity and efficacy amongst the employees at all levels.

In this regard attention is also invited to the provisions of DPE letter DPE-GM-01/001/2015 GM-FTS-4857 dated 14.12.2015 (Annexure-III) referring government instructions contained in DoPT OM dated 11-09-2015 (Ann-I). In para 3 of the OM, DPE has advised CPSEs to carry out the exercise of periodical review of officials upon attaining specified years of age in terms of provisions under FR 56 (j)

To deal the matters of premature retirement, DOP&T has issued general guidelines in the past and same are available at (Index of the Circulars at Annexure-IV)

http://persmin.gov.in/DOPT_CP_Circular_Form2.asp?choice=1

Then click on Premature Retirement

In the context of BSNL employees, the desired action i.e. periodical review, has to be taken by all CGM of the field units and cadre controlling authorities (GM(Pers)/ GM(Estt.)/ GM(FP)/ PGM(BW/Elect/Arch.)/ GM (TF), BSNL Corporate Office) in accordance with Rules 55(ii)b of BSNL CDA Rules 2006.

2. The guidelines on the matter are as follows:

a	Broad Guidelines	Para 2 of DoPT OM dt 11-09-2015 (Ann-I)
b	Criteria	Para 3,4,5,6 of DoPT OM dt 11-09-2015 (Ann-I) Para 5 of Appendix of DoPT OM dt 21-03-2014 (Ann-II)
c	Internal Committee	Para 9 of DoPT OM dt 11-09-2015 (Ann-I)
d	Review Committee	Para 7 & 8 of DoPT OM dt 11-09-2015 (Ann-I). General Guidelines for Review Committee in BSNL given in para 4 below.
e	Calendar for review	Para 10 of DoPT OM dt 11-09-2015 (Ann-I)

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15/01/2016

3. **Broad Guidelines:** As mentioned in para 2 of DoPT OM dt 11-09-2015 (Ann-I) on premature retirement as observed by the Supreme Court in State of Gujarat Vs. Umedbhai M. Patel. 2001 (3) SCC 314 are 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.

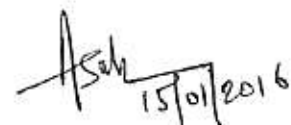
4. **Review / Internal Committees:**

- (i) The cases of employees covered by BSNL CDA Rule 55ii(b) shall be reviewed **six months** before they attain the prescribed age mentioned therein i.e. **55 years**. As per para 7 of DoPT vide OM dt 11-09-2015 (Ann-I) Cadre Controlling Authorities will constitute Review Committees consisting of two Members at appropriate level. Review committees at different levels for reviewing the cases of BSNL employees, who are covered by the aforesaid provisions of BSNL CDA Rules shall be as per Annexure V.
- (ii) CVO in the case of executives, or his representative in the case of non-executives, will be associated in case of record reflecting adversely on the integrity of any employee. In case any officer as shown in the committee is not available, an officer in the same rank shall be substituted.
- (iii) **Internal committees:** Internal committees [para 2(c) above] may be constituted to assist the Review Committees in reviewing the cases. These Committees will ensure that the service record 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.
- (iv) **Monitoring:** Formation of committees for screening/review shall be monitored by the respective Cadre Controlling Authorities, who in turn shall update the status to Restructuring Cell of Corporate Office for onward submission to DoT. The report shall be submitted fortnightly by the Circles indicating the status with first report to be submitted on **25th of January 2016**.

5. Further attention is invited to the provisions contained in para 6 of Appendix of DoPT vide OM dt 21-03-2014 (Ann-II):

"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.**"

Contd/-


15/01/2016

6. **Appropriate Authorities:** The appropriate authority as stipulated in para 5 above to retire an employee shall be as per Note 1 under FR-56 (j) i.e. the authority which has the power to make substantive appointments to the post or service from which the employee is required to retire.

7. **Notice Period:** The notice period of three months shall be computed as per Note 3 under FR-56. The date of service of the notice and date of its expiry shall be excluded.

8. **Government of India decisions:** Attention is invited to Rule 59 of BSNL CDA Rules 2006. Accordingly in case of any doubt in application of BSNL CDA Rule 55(ii)b relevant GOI decision, Fundamental Rules/Supplementary rules as amended/modified from time to time shall be referred, so long as they are not in contradiction with BSNL CDA Rules 2006. Therefore for the purpose of forms prescribed for retirement order, reviewing CR dossier and service record by review committee, relevant DoPT OMs issued from time to time shall be referred.

9. **Compliance:** It is requested to ensure strict compliance of the aforesaid instructions in a time bound manner as per the calendar for periodical review. Progress report shall be sent by the Circles in the Performa, as prescribed by DPE OM No.DPE-GM-01/0001/2015-GM-FTS-4857 dated 22-12-2015 (Ann-VI) to the Cadre Controlling Authorities, who in turn shall update the status to Restructuring Cell of Corporate Office. First report is to be submitted by 25th of January 2016 for onward submission to DoT.

10. This is issued with the approval of Competent Authority.

Encl:As Above

Yours faithfully


(A M Gupta)

GM(Corp Restg/WS&I)

Copy for information to:

1. All Directors/EDs, BSNL CO
2. CVO, BSNL
3. GM (Pers)/ GM(Estt.)/ GM(FP)/ PGM(BW/Elect/Arch.)/ GM (TF) with a request to take the action in respect of employees of Corporate Office, monitoring of formation of Committees as per para 4(iv) and submission of progress report as per para 9.

①
Immediate / Time Bound

No. 17-70/2015-VM

Government of India

Ministry of Communications & Information Technology

Department of Telecommunications

[V.M. Section]

910, Sanchar Bhavan, 20-Ashoka Road, New Delhi-110 001

Dated the 5th January, 2016.

To,

1. The CMD, MTNL/BSNL/BBNL/ITI/TCIL/C-DOT.
2. ED, C-DOT.
3. Sr. DDG (BW)/DDG(FEB)/DDG(Estt.)/JS(A), DoT.

Subject : Review of mechanism to ensure probity among Government Servants.

Sir,

I am directed to forward herewith the following instructions relating to the above mentioned subject issued by Department Public Enterprises (DPE) & Department of Personnel & Training DOP&T) with a request to **furnish** the requisite **information** in the prescribed proforma, wherever applicable, latest by **05.01.2016** for further submission of the consolidated information to DPE/DOP&T :-

Sl. No.	OM No. & date	Subject
1	DPE-GM-01/0001/2015-GM-FTS-4857; dated 22.12.2015 of DPE	Periodical review for ensuring probity among employees of CPSEs.
2	DPE-GM-01/001/2015-GM-FTS-4857; dated 14.12.2015 of DPE	Discontinuation of interview for recruitment to Non-executive posts in CPSEs - reg.
3	No. A.39020/1/2013-Estt.(B)-Part; dated 29.12.2015 of DoP&T	Discontinuation of interview at Junior Level posts in Government of India - recommendation of Committee of Secretaries.
4	No. 39020/01/2013-Estt.(B)-Part; dated 31.12.2015 of DoP&T	Discontinuation of interview at Junior Level posts in the Government of India - recommendation of Committee of Secretaries (CoS).

Yours faithfully,


[Deo Nath Sah]

Under Secretary to the Govt. of India
Tele No. 23327128/Fax No.23327127

Encl : As above

Copy to :-

1. JS (A)/DDG (SU), DoT - for taking needful action in respect of follow-up of DPC guidelines for the respective PSUs.
2. The CVO, MTNL/BSNL/BBNL/ITI/TCIL/C-DOT - for coordinating to ensure timely submission of report(s).

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

North Block, New Delhi
Dated 11th 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.

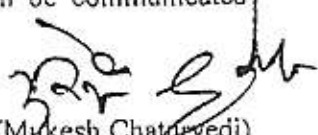
9. In addition to the above, the Secretary of the Ministry/Department is also empowered to constitute internal committees to assist the Review Committees in reviewing the cases. These Committees will ensure that the service record of the employees being reviewed, alongwith a summary bringing out all 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.

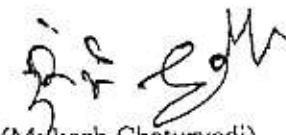

(Mukesh Chaturvedi)
Director (Establishment)
Tel: 23093176

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 (JCM), 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

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.

10/3
(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 5th
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.25013/38/85-
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	<p>FR 56 (j) Group 'A & B' officers:</p> <p>who entered service before 35 ears of age and have attained 50 years of age</p> <p>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.</p>	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 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.

F. No. DPE-GM-01/0001/2015-GM -FTS-4857
Government of India
Ministry of Heavy Industries & Public Enterprises
Department of Public Enterprises

Public Enterprises Bhavan,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi-110 003.
Dated: 14th December, 2015

OFFICE MEMORANDUM

Subject: Periodical review for ensuring probity and efficacy among employees of CPSEs.

In the matter of recruitment and personnel management in Central Public Sector Enterprises (CPSEs), the Government has in the past issued general guidelines in the form of model Recruitment Rules (RRs), Conduct, Discipline & Appeal (CDA) Rules / Service Rules for adoption by CPSEs. Based on such model guidelines/ rules, the concerned CPSEs have been drawing up RR, CDA and Service Rules applicable to their respective organisations. In this context and with a view to ensure probity and efficacy amongst the CPSEs employees, attention is invited to the government instructions issued recently by DoPT vide OM No. 25013/01/2013-Estt.A-IV dated 11-09-2015 (copy enclosed) in terms of provisions under FR 56 (j) prescribing review of Government employees upon completion of specified years of service or attaining specified years of age.

2. Keeping in view the Government instructions stated above, all the CPSEs are required to ensure that similar provisions as laid down under FR 56 (j) are incorporated in their respective CDA/Service Rules and implemented in the spirit of government instructions issued vide DoPT OM No. 25013/01/2013-Estt.A-IV dated 11-09-2015. In case of Board Level appointees of CPSEs, the extant instructions issued by PESB/DoPT from time to time including those issued vide letter no. 13/07/2010-PESB dt. 13-05-2011 and No.5/6/2010-PESB dt. 28-06-2011 (copies enclosed) regarding confirmation and extension of tenure etc. of Board level appointees of CPSEs will continue to be followed.

3. All the concerned Ministries / Departments are requested to advise the CPSEs under their administrative control to carry out the exercise of periodical review of officials of their respective organisation as provided in their CDA / Service Rules.

Encl. as above.


(J. N. Prasad)
Director

To:

All Administrative Ministries / Departments concerned with CPSEs and a copy each to:

- (i) Cabinet Secretariat in reference to communication no. 501/1/3/2015-C.A.V. dated 26.11.2015.
- (ii) Chief Executives of all CPSEs.
- (iii) NIC, Cell DPE with a request to upload a copy at DPE's web-site under the link Guidelines/Miscellaneous.
- (iv) Guard File.

DOPT O.M. Premature Retirement

S N	O.M. No. DATE	Subject
1	No. 25013/01/2013-Estt.A- IV 11-09-2015	Strengthening of administration-Periodical review under FR 56(i) and Rule 48 of CCS (Pension_ Rules, 1972.
2	No. 25013/1/2013-Estt (A) 21-03-2014	Strengthening of administration - Periodical review under FR 56 / Rule 48 of CCS(Pension) Rules.
3	No. 25013/11/87-Estt.(A) 04-08-1989	Premature retirement of Central Government employees - option to revert to lower post in lieu of premature retirement.
4	No.25013/11/87-Estt(A) 04-08-1989	Premature retirement of Central Government employees-option to revert to lower post in lieu of premature retirement.
5	No. 25013/11/87-Estt.(A) 11-05-1989	Fundamental (Second Amendment) Rules, 1989.
6	No.25013/15/86-Estt(A) 27-06-1986	Premature retirement of government servants- Review and Representation Committees for reviewing the cases of gazetted officers working in or under the Ministries/Departments, whose appointment are not referable to the Appointments Committee of the Cabinet, and for considering their representations against the orders of premature retirement-Composition of.
7	No.25013/38/85-Estt(A) 07-03-1986	Pre-mature retirement of Central goverment servants-Guidelines relating to action where the government servants is found ineffective.
8	No. 25013/38/85-Estt.(A) 07-03-1986	Pre-mature retirement of Central Government servants - Guidelines relating to action where the government servant is found ineffective.
9	No. 25013/30/85-Estt (A) 07-08-1985	Premature retirement of Central Government servants - Guidelines relating to action where integrity of the Government servant is doubtful -
10	No.25013/4/78-ESstt(A) 09-08-1978	Premature retirement of Central Government Servants-clarifications regarding.
11	25013/14/77-EStt(A) 05-01-1978	Strengthening of adamistration -Premature retirement of Central Govt. Servants Issue of consolidated Instructions regarding.
12	No. 25013/5/76-Estt.(A) 11-10-1976	Premature retirement - Consideration of representations against - Procedure for
13	No. 33/4/74-Estt. A 10-05-1974	Strengthening of administration-Premature retirement of Central Govt. Servants- Procedure to be followed - Gazetted officers holding posts initial appointment Committee of the Cabinet-Reference of cases to the EO to the Government of India.
14	No. 33/11/69-Estts(A) 23-10-1970	F.R. 56(j) - Judgement of the Supreme Court in regard to -
15	No. 33/13/61-Estt. (A) 23-06-1969	Strengthening of administration - Premature retirement of Central Government servants - criteria and procedure to be followed regarding -

Sl.No.	Cadre	Chairperson	Members	
			For Corporate Office	For Circles

(a) Telecom Operations

1	For GM to PGM	CMD	1 Director(HR) 2 Director(CM)	1 Director(HR) 2 Director(CM)
2	For DGM//Sr.PPS or equivalent	CMD	1 Director(HR) 2 Director(CM)	1 Director(HR) 2 Director(CM)
3	AGM/PPS or equivalent	Director(HR)	1 GM(Pers) 2 DGM(Pers)	1 GM(HR) 2 DGM(HR)
4	For SDE/PS or equivalent	GM(Pers) for C.O./ CGM in case of Circle	1 GM(Pers) 2 DGM(Pers)	1 GM(HR) 2 DGM(HR)
5	For JTO For PA or equivalent in field	GM(Estt) for C.O./ CGM in case of Circle	1 DGM(Estt) 2 AGM(Estt)	1 DGM(HR) * 2 AGM(HR) **
6	For Non-executives	DGM(Pers) for C.O./ DGM(HR) in case of Circle	1 DGM(Pers) 2 AGM(CSS)	1 DGM(HR) 2 AGM(HR)
7	For Non-executives (SSA cadre)	DGM of SSA / Business Area		AGM(HR) SDE(HR)

(b) Telecom Finance

1	For GM to PGM	CMD	1 Director(HR) 2 Director(Ent)	1 Director(HR) 2 Director(Ent)
2	For DGM or equivalent	CMD	1 Director(HR) 2 Director(Ent)	1 Director(HR) 2 Director(Ent)
3	AGM/PPS or equivalent	Director(HR)	1 GM(FP) 2 DGM(CA-I/II) / EF	1 GM(HR) 2 DGM(HR)
4	For AO or equivalent	GM(FP) for C.O./ CGM in case of Circle	1 DGM(CA-I/II) / EF 2 DGM(BFCI)	1 GM(HR) 2 DGM(HR)
5	For JAO or equivalent	GM(FP) for C.O./ CGM in case of Circle	1 DGM(CA-I/II) / EF 2 AGM(SEA)	1 DGM(HR) 2 AGM(HR)
6	For Non-executives	GM(FP) for C.O./ DGM(HR) in case of Circle	1 DGM(CA-I/II) / EF 2 AGM(SEA)	1 DGM(HR) 2 AGM(HR)
7	For Non-executives (SSA cadre)	DGM of SSA / Business Area	1 2	1 AGM(HR) 2 SDE(HR)

(c) Civil

1	For PGM(BW) / PCE / CE	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
2	For SE or equivalent	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
3	For EE or equivalent	Director(HR)	1 PGM(BW) 2 GM o/o PGM(BW)	1 PGM(BW) 2 PCE(Civil) / CE(Civil)
4	For SDE or equivalent	PGM(BW) for C.O./ PCE / CE in case of Circle	1 GM o/o PGM(BW) 2 DGM o/o PGM(BW)	1 SE(Civil) 2 SE(Elect)
5	For JTO or equivalent	GM o/o PGM(BW) for C.O./ PCE / CE in case of Circle	1 DGM o/o PGM(BW) 2 DGM o/o PGM(BW)	1 SE(Civil) 2 SE(Elect)
6	For Non-executives	DGM o/o PGM(BW) SE(Civil) in case of Circle	1 AGM o/o PGM(BW) 2 AGM o/o PGM(BW)	1 EE(Civil) 2 EE(Elect)

(d) Electrical

1	For PGM / PCE / CE	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
2	For SE or equivalent	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
3	For EE or equivalent	Director(HR)	1 PGM(Elect) 2 DGM(Elect) o/o	1 PGM(Elect) 2 CE(Elect)
4	For SDE or equivalent	PGM(Elect) for C.O./ PCE / CE in case of Circle	1 DGM(Elect) o/o 2 EE(Elect) o/o	1 SE(Elect) 2 SE(Civil)
5	For JTO or equivalent	PGM o/o PGM(Elect) for C.O./ PCE / CE in case of Circle	1 DGM o/o PGM(Elect) 2 EE(Elect) o/o PGM(Elect)	1 SE(Elect) 2 SE(Civil)
6	For Non-executives	DGM(Elect) o/o PGM(Elect) for C.O./ SE(Elect) in case of Circle	1 AGM(Elect) o/o PGM(Elect) 2 AGM(Elect) o/o PGM(Elect)	1 EE(Elect) 2 EE(Civil)

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Sl.No.	Cadre	Chairperson	Members	
			For Corporate Office	For Circles

(e) Architecture

1	For PGM(ARCH) / Sr Chief Architect / Chief	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
2	For Sr Architect or equivalent	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
3	For Architect or equivalent	Director(HR)	1 PGM(Arch) 2 DGM o/o PGM(Arch)	1 PGM(Arch) 2 Chief Arch./CE(Civil)
4	For SDE/AE or equivalent	PGM(Arch) for C.O./ CE in case of Circle	1 DGM o/o PGM(Arch) 2 DGM o/o	1 SE(Arch) 2 SE(Civil/Elect)
5	For JTO or equivalent	PGM o/o PGM(Arch) CE in case of Circle	1 DGM o/o PGM(Arch) 2 DGM o/o PGM(Elect/BW)	1 SE(Arch) 2 SE(Civil/Elect)
6	For Non-executives	DGM(Arch) o/o PGM(Arch) SE(Arch) in case of Circle	1 AGM(Arch) o/o PGM(Arch) 2 AGM o/o PGM(Elect/Civil)	1 EE(Arch) 2 EE(Civil/Elect)

(f) CSS/CSSS Streams

1	For DGM or equivalent	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
2	For AGM/CAO/PPS or equivalent	Director(HR)	1 GM(Pers) 2 DGM(Pers)	1 GM(HR) 2 DGM(HR)
3	For DM/PS or equivalent	GM(Pers) for C.O./ CGM in case of Circle	1 GM(Pers) 2 DGM(Pers)	1 GM(HR) 2 DGM(HR)
4	For AM/ AD(PR)/ Assistant/ PA/ Rajbhasha Adhikari or equivalent	GM(Pers) for C.O./ CGM in case of Circle	1 DGM(Pers) 2 AGM(CSS)	1 DGM(HR) 2 AGM(HR)
5	For Non-executives	DGM(Pers) for C.O./ DGM(HR) in case of Circle	1 DGM(Pers) 2 AGM(CSS)	1 DGM(HR) 2 AGM(HR)

(g) Telecom Factory

1	For GM to PGM	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
2	For DGM/Sr.PPS or equivalent	CMD	1 Director(HR) 2 Director(CFA)	1 Director(HR) 2 Director(CFA)
3	AGM/PPS or equivalent	Director(HR)	1 GM(TF) 2 DGM(TF)	1 GM(TF) 2 DGM(TF)
4	For SDE/PS or equivalent	GM(TF) for C.O./ CGM in case of Circle	1 GM(TF) 2 DGM(TF)	1 GM(TF) 2 DGM(TF)
5	For JTO/PA or equivalent	GM(TF) for C.O./ CGM in case of Circle	1 DGM(TF) 2 AGM(TF)	1 DGM(TF) 2 AGM(TF)
6	For Non-executives	DGM(TF) for C.O./ DGM(TF) in case of Circle	1 DGM(TF) 2 AGM(TF)	1 DGM(TF) 2 AGM(TF)

* DGM(HR) shall include the officer of the rank of DGM looking after HR issues of the Circle.

** AGM(HR) shall include the officer of the rank of AGM looking after HR issues of the Circle.

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15/01/2016.

Annexure-VI

Annexure-VI

Proforma for periodical review for ensuring probity and efficacy among employees

Calendar Year:

Sr.No.	Name of CPSE	Details of performance review for Ist and IInd quarters i.e. Jan-Mar & Apr-Jun (No. of Employees)	Details of performance review for IIIrd and VIth quarters i.e. Jul-Sep & Oct-Dec (No. of Employees)	Total for the year	No. of employees retained on the basis of review	No. of employees retired prematurely on the basis of review	Remarks
1	2	3	4	5 (3+4)	6	7	8