

दक्षिण पूर्व रेलवे
SOUTH EASTERN RAILWAY

मुख्य कार्मिक अधिकारी का कार्यालय
CPO's Office/GRC

स्था.क्र.सं./ Estt.Srl.No.175/2015

आरबीई सं./ RBE No.143/2015

सं./No.SER/P-HQ/Ruling/O/954/1

दिनांक/ Dated: 20.11.2015

सेवा में :सर्व संबंधित

To: All concerned

विषय/ Sub: **Strengthening of Administration - Premature retirement of Railway servants -Periodical review under rule 1802 (a)/1803 (a)/ 1804 (a) - R.II, 1987 edition - Regarding**

रेलवे बोर्ड का पत्र सं./Railway Board's letter No.E(P&A)I-2015/RT-38
दिनांक/dated 10/12.11.2015 (आरबीई सं./RBE No.143/2015) को सूचना,
मार्गदर्शन एवं आवश्यक कार्रवाई के लिए अग्रेषित किया जाता है। is forwarded for
information, guidance and necessary action.

संलग्न/ Enclo :यथोक्त As above

(B N Soren)
Dy.Chief Personnel Officer (IR)
कृते मुख्य कार्मिक अधिकारी
for Chief Personnel Officer

रेलवे बोर्ड का पत्र सं./Railway Board's letter No.E(P&A)-2015/RT-38
दिनांक/dated 10/12.11.2015 (आरबीई सं./RBE No.143/2015) निम्नानुसार है/
is as under :-

विषय/ Sub: Strengthening of Administration - Premature retirement of Railway servants -Periodical review under rule 1802 (a)/1803 (a)/ 1804 (a) - R.II, 1987 edition - Regarding

DOP&T vide their OM No. 25013/1/2013-Estt (A) dated 21.03.2014 and 25013/01/2013-Estt.A-IV dated 11.09.2015 have reiterated the instructions on Compulsory Retirement under FR 56(j), 56(l) or Rule 48(1) (b) of CCS (Pension) Rules, 1972 with a view to improve efficiency and strengthening of the administrative machinery at all levels. They have asked to follow these instructions strictly and to review the performance of Govt. servants periodically 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), 56(l) or Rule 48(1) (b) of CCS (Pension) Rules, 1972. The corresponding rules in railways are Rule 1802 (a)/1803 (a)/ 1804 (a) of IREC, Vol-II, 1987 edition.

2. DOP&T has also drawn attention to the observation made by Hon'ble Supreme Court in State of Gujarat Vs Umedbhai M. Patel, 2001 (3) SCC 314, which 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 compulsorily retirement can be passed after having due regard to the entire service record of the officers."
- (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 ga 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 order to ensure that the power, conferred on the authorities empowered to retire a railway employee prematurely is exercised fairly and impartially and not arbitrarily, consolidated instructions relating to premature retirement of railway servants with a view to strengthening of administration were issued under the Board's letter No. E(P&A)I-77/RT-53 dated 15.11.1979. These guidelines have, however, not been adequately followed by the Appointing Authorities. With the Governments commitment to provide clean administration, it is essential that the power for premature retirement in public interest is availed of to weed out all those employees whose integrity is doubtful, with due regard to the appropriate procedure laid down for action for premature retirement.

4. The entire service records should be considered in every review. Here Service record will take in all relevant records viz. ACR/APAR dossier along with personal file of the officer containing 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. All these data along with a comprehensive ,brief should be prepared for consideration by the Review Committee. Even un-communicated remarks in the ACRs/APARs may be taken into consideration also. In 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, while upholding compulsory retirement in the case of S. Ramachandra Raju Vs State of Orissa, 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 services would be a menace to public service and injurious to public interest."

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. Judgment of the Apex Court in the case of Shri K. Kandaswamy, I.P.S (TN:1966) in K. Kandaswamy vs Union Of India dl 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. Further, 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.

8. In addition to above, internal committees 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.

9. In view of DOP&T's present guidelines, the Board's letters No. E(P&A)I-77/RT-53 dated 15.11.1979 and E(P&A)I-87/RT-4 dated 17.10.89 containing the provisions on Premature Retirement under Rule 1802 (a)/1803(a)/1804(a) - IREC, Vol-II, 1987 edition are enclosed for guidance. In addition to this, instructions issued by Board from time to time on the subject may also be linked while deciding such matters. Further, all Zonal railways are requested to follow the above instructions and periodically review the cases of railway servants as required under Rule 1802 (a)/1803(a)/1804(a) - IREC, Vol. II, 1987 edition. The quarterly data in enclosed proforma in respect of reviewing the cases of retirement under the aforesaid provisions during the period from 01.04.2014 to 31.03.2015 may be furnished immediately.

10. As per the latest guidelines of DOP&T's OM dated 21.03.2014, para II 3 (c) & (d) of the Board's enclosed letter dated 15.11.1979 should be read as under:

"(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/her service during the preceding 5 years or where he/she has been promoted to a higher post during that 5 year period, his/her 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, if compulsory retirement is sought to be made on grounds of ineffectiveness. There is no such stipulation, however where the employees 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/she would be retiring on superannuation within a period of one year from the date of consideration of his/her 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 to be corrupt and demands or obtains illegal gratification during the said period for the tasks he is duty bound to perform."

11. The first sentence of para 4 of Board's letter dated 15.11.1979 should be added as under:

"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."

Copy of Railway Board's letter No. E(P&A)I-77/RT-53 dated 15.11.1979.

Sub:- Strengthening of Administration - Premature retirement of Railway servants -Issue of consolidated instructions regarding.

With a view to improving efficiency and strengthening administrative machinery at all levels, Government have the absolute powers under Rule 2046 - R.II and para 2(2) of Section I of Railway Ministry' letter No. E. 48-CPC/208 dated 8.7.50 incorporated as para 620 of the Manual of Railway Pension Rules to retire a railway employee in the public interest, before his/her normal date of retirement, on attaining a specified age or on completing a specific length of service. However, in order to ensure that the power, conferred on the authorities empowered to retire a railway employee prematurely is exercised fairly and impartially and not arbitrarily, instructions have been issued from time to time laying down the criteria and procedure to be followed before a railway employee is retired prematurely. Further, a detailed procedure has also been laid down for consideration of representations from Railway employees who are served with the order or notice of premature retirement. As the various instructions have been issued over a period of time, they have now been consolidated in the succeeding paragraphs of this letter for the information and guidance of all the authorities concerned. However, in case of any doubt, relevant original orders may please be referred to.

I. Rule Position

(1) In accordance with the provisions of Rule 2046(h) - R.II, the appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, any railway employee as follows:-

(i) If he/she is in Group A or B service or post and has entered Railway service before attaining the age of 35 years, after he/she has attained the age of 50 years;

(ii) In any other case, after he/she has attained the age of 55 years;

In other words, a railway servant belonging to Group A or B, who has entered railway service after attaining the age of 35 years, and railway servants belonging to Group C can be prematurely retired after they have attained the age of 55 years.

(iii) Cases of Class-IV Railway servants are not at all to be reviewed under the provisions of Rule 2046 R.II as already clarified vide item (v) of Railway Board's confidential letter No.PC-68/RT/5-I dated 27.11.69 and reiterated further vide Shri D. B. Vohra's confidential letter No. E(P&A)-76/RT-38 dated 24.07.1976. This will however, be without prejudice to the review under the Pension Rules in respect of pensionable class IV Railway servants after they have completed 30 years' qualifying service for pension.

(2) In addition, a Railway servant in Group C post, who is not governed by any pension rules, can also be retired after he has completed 30 years service, under Rule 2046 (k).

(3) Provisions also exists in para 2(2) of section I of Railway Ministry's letter' No. E.48-CPC/208 dated 08.07.50 as amended under Board's letter No. F(E)III 69 PN-I/15 dated 27.8.69 incorporated as para 620 of the Manual of Railway Pension Rules, 1950, for the retirement of a railway servant by giving him three months notice, if it is necessary to do so in public interest, after he has completed 30 years of qualifying service for pension. In other words, a railway employee can be prematurely retired, irrespective of the age at the appropriate time, after he has completed 30 years of qualifying service, as explained above.

(4) Provisions exist in the relevant rules which confer reciprocal right on railway employee to seek voluntary retirement after he/she has

attained the age of 50/55 years or has completed 30 years of service, as the case may be.

II. Criteria, Procedure and Guidelines.

In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, it has been decided to lay down the procedures and guidelines for reviewing the cases of railway employees covered under the aforesaid rules as mentioned below: _

(1) The cases of Railway servants covered under Rule 2046(h) ~ R.II or Rule 2046(k) - R.II or para 2(2) of Section I of Railway Ministry' letter No. E. 48-CPC/208 dated 8.7.50 as amended under Board's letter No. F(E)III 69 PN-I/15 dated 27.8.69 incorporated as para 620 of the Manual of Railway Pension Rules, 1950 should be reviewed six months before any railway employee attains the age of 50/55 years or on completion of 30 years of service/30 years of qualifying service, whichever occurs earlier.

(2) Committee shall be constituted for each(Department on each Zonal Railway administration as shown in Annexure-I to which all such cases shall be referred for recommendation as to whether the officer concerned should be retired from service in the public interest or whether he/she should be retained in service.

(3) The criteria to be followed by the Committee in making their recommendations would be as follows:-

- (a) An officer whose integrity is doubtful will be retired.
- (b) Officers who are found to be ineffective will also be retired. The basic consideration in identifying such officer should be the fitness/competence of the employee to continue in the post which he/she is holding. If he is not found fit to continue in his present post, his/her fitness/competence to continue in the lower post, from where he had been previously promoted, should be considered.
- (c) While the entire service record of an officer should be considered at the time of review, no officer should ordinarily be retired on grounds of ineffectiveness if his/her service during the preceding 5 years or where he/she has been promoted to a higher post

during that 5 year period, his/her service in the highest post, has been found satisfactory.

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

(4) The appropriate authority shall take further action on the recommendations of the committee. In every case where it is proposed to retire a railway servant in exercise of the powers conferred by the said rules(s), the appropriate authority should record in the file that it has formed its opinion that it is necessary to retire the railway servant in pursuance of the aforesaid rule(s) in the public interest. In the case of Union of India Vs J. N. Sinha, the Supreme Court had observed that “the appropriate authority should bonafide form an opinion that it is in public interest to retire the officer 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.”

(5) The rule relating to premature retirement should not be used:-

- (a) to retire a railway servant on grounds of specific acts of misconduct, as a short-out to initiating formal disciplinary proceedings; or
- (b) for reduction of surplus staff or as a measure of effecting general economy without following the rules and instructions relating to retrenchment.

(6) Once a decision has been taken by the appropriate authority to retain a railway employee beyond the age of 50 years ip the case of employee referred to in Rule 2046 (h)-(i)-R.II or beyond the age of 55 years in the case of others or beyond the date of completion of 30 years service under Rule 2046 (k) or 30 years of qualifying service for pension under para 2(2) of Section I of Railway Ministry’s letter No. E.48-CPC/208 dated 8.7.50 as amended under Board’s letter No. F(E)III 69 PN-I/15 dt. 27.8.69 incorporated as para 620 of Manual of Railway Pension Rules, 1950, he would ordinarily continue in service till he attains the age of retirement. If; however, the ‘appropriate authority’ considers at any time after a review aforesaid that the retention of the railway employee will not be in the public interest, that authority may take necessary action to retire the officer by following the procedure laid down in this letter.

(7) When the appropriate authority has come to the conclusion that a railway employee may be prematurely retired, the three months notice, referred to in Rule 2046-(li)-R.II and Rule 2046(k)-R.II may be given before the railway servant attains the specified age or has completed 30 years of service, as the case may be. But, the retirement should take place after the railway servant has attained the relevant age or has completed 30 years of service as the case may be. In this connection, attention is invited to Note 2 under Rule 2046-R.II. Accordingly, a notice even longer than three months or before the railway servant attains the age of 50/55 years/completes 30 years service could be given; but the date on which he is required to retire as specified in the notice should not be before he attains the age of 50/55 years, or completes 30 years service, as the case may be. Similarly, in cases of retirement under para 2(2) or Section-I of Railway Ministry's letter No. E.48-CPC/208 dated 8.7.50 as amended under Board's letter No. F(E)III 69 PN-I/15 dt. 27.8.69 while the notice of such retirement could be given before the railway servant actually completes 30 years of service qualifying for pension, the date of expiry of the notice on which the railway servant's retirement would be effective should be one falling on or after the date of his completing 30 years of service, qualifying for pension. Orders requiring a railway employee to retire after completing 30 years qualifying service should, as a rule, not be issued until after the fact that the railway employee has indeed completed, or would be completing on the date of retirement qualifying service of 30 years, has been verified, in consultation with the Account Officer concerned.

(8) While computing the notice period of 'not less than three months' referred to in Clauses (h), (i) or (o) or (1) of Rule 2046-R.H or in para 2(2) of Section I of Railway Ministry's letter No. E-48-CPC/208 dated 8.7. 50 as amended under Board's letter No. F(E)III 69 PN-I/ 15 dt. 27.8.69, the date of service of the notice and the date of its expiry shall be excluded. The date of premature retirement of a railway servant should be on the forenoon of the day (which should be treated as a non-working day) following the day of expiry of the notice.

(9) The notice of retirement served on a railway employee in pursuance of the aforesaid rules will be as in the forms set out in Annexure-III. While Forms I and II may be used to serve the notice of retirement in a case where a railway 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, Forms III or IV may be used in a case where it is decided to serve the notice of retirement before a railway

employee actually attains 'the age of 50/55 years or completes 30 years of qualifying service/30 years of service, as the case may be. The proforma for ordering retirement in the public interest forthwith under Rule 2046(h)-R.II or Rule 2046(k)-R.II or in terms of para 2(2) of Section I of Railway Ministry's letter No. E-48-CPC/208 dated 8.7. 50 as amended under Board's letter No. F(E)III 69 PN-I/15 dt. 27.8.69 where it is decided to dispense with the three months notice, will be as in Forms V and VI.

(10) In a case where a railway employee refuses to accept his/her service of notice of retirement or order of retirement along with cheque/cash equivalent to three months pay and allowances, it should be ensured that the 'refusal' of the railway employee is witnessed by two gazetted officers. In such a case, a copy of the notice/order of retirement may be sent under registered post with acknowledgement due to the individual concerned at the last officially known address, with a covering letter, stating that the original notice/order of retirement was taken by such and such for delivery to him/her on such and such date and that he/she refused to accept the same and in the said circumstances, its copy is being sent by registered post for his/her record. In such a case, the date of effect of the notice of retirement/order of retirement would be from the forenoon of the date following the date of refusal by the individual (witnesses by two gazetted officers). Where the person concerned has refused to accept the cheque/cash equivalent to three months pay and allowances, the same procedure that is followed in case where a railway employee has failed to accept his/her dues from railway may be followed, in so far as its disbursement is concerned.

III **Procedure for consideration of Representations** :

(1) A railway employee who has been served with a notice/order of premature retirement under the provisions mentioned above, may submit a representation within three weeks from the date of service or such notice/order.

(2) On receipt of a representation, the administration should examine the same to see whether it contains any new facts or any aspect of a fact already known but which was not taken into account at the time of issue of notice/order of premature retirement. This examination should be completed within two weeks from the date of receipt of the representation. After such examination, the case should be placed before the appropriate Committee for consideration. The composition of the

Committee for the purpose of considering the representations against premature retirement shall be as indicated in Annexure-II.

(3) The Committee considering the representation shall make its recommendations on the representation within two weeks from the date of receipt of the reference from the administrative authorities concerned. The authority which is empowered to pass final orders on the representation should pass its orders within two weeks from the date of receipt of the recommendations of the Committee on the representation provided that approval of Ministry of Railways will be necessary before passing final orders in cases where the appropriate authority purposes to reject the representation/appeal against the premature retirement.

(4) If, in any case, it is decided to reinstate a prematurely retired railway employee in service after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement as duty, or as leave or as dies-non as the case may be, taking into account the merits of each case.

(5) Where the review representation Committee records a definitive finding that the premature retirement of the railway servant was on account of political or personal victimization, the intervening period should be treated as duty with full pay and allowances. In other case, it would not be appropriate to treat the period 'during which the employee had not worked, on duty and allow him the duty pay for the same. In such' cases, the period may hitherto be treated as leave due and admissible or dies-on, as the authority ordering reinstatement may decide. .

(6) In the cases of employees who had been prematurely retired on grounds of inefficiency and by the time the Committee to consider the representations against such premature retirement came to the conclusion that premature retirement was unjustified, the date of superannuation of the employee has already arrived or had passed, it has been decided that the authorities empowered to pass final orders may at their discretion reinstate the superannuated railway servants notionally with effect from the date of compulsory retirement and treat the period upto the date of superannuation, as duty, leave or dies-non as may be considered appropriate by the competent authority.

(7) Representations from railway employees who have been served with a notice/order of premature retirement, but have obtained stay

order(s) from a court against the order/notice of premature retirement, need not be considered by the administration, nor sent up to the Committee until the disposal of the court case. Thereafter, the cases may be examined as outlined above, also taking into account any material of a substantive nature that may feature in the court's judgment.

(8) As and when representations are received from affected employees against the orders of premature retirement relating to the period of emergency or on receipt of a fresh representation against the premature retirement had' already been considered by the appropriate committee and rejected, they should be examined by the appropriate 'Representation' committees which shall take special care to see that:-

- (a) Over-rigorous standards were not applied at the time of original review in the matter of judging ineffectiveness of the employee on account of a mistaken sense of over-zealousness;and
- (b) Premature retirement was not resorted to as a means of political or personal victimization.

(9) It should be ensured that review of cases of the employees prematurely retired during the emergency is conducted by a Committee of Officers of appropriate status unconnected with the original decision to retire the employee prematurely.

IV. Time Schedule for Review

In order to ensure that the review is undertaken regularly and in due time, Railway Administrations are requested to maintain a suitable register (or registers) of employees under their control or who belong to cadres/services controlled by them, who are due to attain the age of 50/55 years or complete 30 years of service, as the case may be, and also to instruct their subordinate offices to take similar action. This register should be scrutinized at the beginning of every quarter by a Senior Officer in the Administration and in Subordinate offices, and the review undertaken according to the following schedule:

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 the 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

Copy of Railway Board's letter No.E(P&A)I-87/RT/4 dated 17.10.89

Sub : Guidelines for compulsory retirement under Rules 1802, 1803 and 1804 – R.II and Para 620(ii) of Manual of Railway Pension Rules – Review in the light of Railway references – regarding.

The Railways have been writing to the Board from time to time suggesting changes in the guidelines for compulsory retirement under the rules referred to regarding constitution of the Review/Representation Committees, policy, procedures, etc. Suggestions have also been made for delegating powers for conducting reviews to Units such as Workshops which are now headed to Units officers. Board have now reviewed the guidelines for compulsory retirement contained in their letter No.E(P&A)I-77/RT/53 dated 15-11-1979 as amended / modified from time to time and following clarifications / modification are issued.

2. Some Railway have raised a hypothetical possibility of the 'appointing' authority differing with the findings of the Review Committee. Para II(4) of the guidelines of 15-11-1979 refer to 'appropriate' authority, who shall 'take further action' on the recommendations of the Committee ; the 'appropriate authority, who may be the appointing authority itself, should record in the file that it has formed its opinion that is necessary to retire the railway servant in pursuance of the aforesaid rule (s) in the public interest. The 'appropriate' authority should bonafide form its opinion that it is in the public interest to retire the officer, in exercise of the powers conferred by that provision and that this decision should not be an arbitrary decision or based on collateral grounds. The Board desires to point out that there is no conflict between the guidelines and the role of the 'appropriate' authority, who will be expected to see whether the Committee has acted objectively, arrived at a bonafide conclusion within the framework of the guidelines, and, thereafter, take 'further action' on the recommendations of the Committee. If for any reason the 'appropriate' authority who has to take action on the recommendations of the Committee would like to differ from the findings of the Committee, he may remit the papers to the next higher authority for a final decision on the recommendations of the Committee.

3. Several suggestions have been made that in cases of appeal against compulsory retirement, it is not necessary for the General Manager to record his findings on the recommendations of the Representation Committee which considers the appeal. The Board have

accepted the suggestion and have decided that a decision on the recommendations of the Representation Committee, considering the appeal of the compulsorily retired employee, may be taken by the Additional General Manager. Papers may be put up to the General Manager only in cases where the General Manager differs from the findings of the Committee, for a final decision. As at present, if the Additional General Manager / General Manager decides to confirm that the findings of the Representation Committee that the decision of the Review Committee to retire the employee was correctly taken, papers in original should be submitted to the Board within the prescribed time-schedule for Board's final orders. The Board have very carefully considered the suggestion received from the Railways that in appeal cases the final decision should stop at the General Manager's level, in consultation with the Deptt. of Personnel, the nodal Ministry for this purpose. Since the guidelines for compulsory retirement prescribed by the nodal Ministry are commonly applicable throughout the Central Government and in all other Ministries/ Departments the concerned Secretary to the Government is expected to finally decide the cases, the Board have not found it feasible to leave the appeal cases to be decided at the GM's level, in cases where the appeals are rejected.

4. The Board have accepted some of the suggestions for changes in the guidelines received from the Zonal Railways. Accordingly, the Board have decided that the review of Workshop Group 'C' staff may be done at the Workshop level itself, where the Workshop is headed by a SAG/SG/JAG officer. If the Workshop is headed by an officer of the rank of senior scale or below, the review of the Workshop staff will continue to be done by the Committee appointed for the purpose by the headquarters.

5. The Board have also decided to modify the composition of the Review Committees at the divisional level, in view of the fact that all divisions have at least two SAG officers in DRM/ADRM. Accordingly, the Review Committee at the divisional level will consist of a JAG officer of the department to which the employee belongs, a JAG officer from another department and the Sr.DPO/SPO. In the case of staff of Personnel Deptt., the Sr.DPO/SPO will be the departmental representative in the committee, the other two being JAG officers of the other departments. However, where the DRM is the 'appointing' authority, the Committee will consist of ADRM as Chairman, Sr.DPO/DPO and another JAG officer as members. (If employees of 'doubtful integrity' are to be reviewed, concerned papers will be transmitted to the HQrs, as at

present, for the SDGM to record his views, before final orders are passed by the 'appropriate authority'. The delegation of powers for review at the divisional level will, as at present, be confined only to Group 'C' and Group 'D' staff. Existing procedures and orders in respect of Group 'A' and Group 'B' staff remain unchanged. (It may be noted carefully that while Group 'D' staff are not to be reviewed under Rule 1802 and 1804 – R.II, there is no prohibition at all on review of Group 'D' staff whose performance is inefficient and whose integrity is doubtful, under the provisions of rule 1803 (a)-R.II read with Para 620 (ii) of the Manual of Railway Pension Rules. Accordingly, if there are any Group 'D' staff required to be reviewed with a view to their being compulsorily retired, such reviews may be conducted at the divisional, workshop and headquarters' level in terms of Rule 1803(a)-R.II read with Para 620(ii) of MRPR). The composition of the Review Committee for HQrs staff under extant orders remains unchanged.

6. In so far as the Headquarters' Representation Committee for considering appeal cases is concerned, there is no change in the composition of the committee which will consist of 3 SAG officers, one of whom will be from the concerned department and the other from the Personnel Deptt.; the third member will be a SAG officer from another department. However, in case of 'doubtful integrity' SDGM will also be associated as the fourth member of the Representation Committee.

7. Keeping in view certain Court / CAT judgements as well as procedure followed by the Deptt. of Personnel, Board have decided that the Divisional, Headquarters are Workshop Review/Representation Committees of the appropriate level, as prescribed above, should not be drawn from the same division/workshop/ HQrs but from the adjacent division, railway establishment, zone, workshop, production unit, etc. as the case may be, except for the departmental representative who will be of the appropriate rank in JAG/senior scale of the Division/Workshop/HQrs. etc. itself. Similarly, in cases of 'doubtful integrity' since all the records are available only with the SDGM/CVO of the Reviewing Organisation, the review of Group 'C' and 'D' staff on Bombay Division of the Central Railway should be conducted by a committee of officers of appropriate level from either the HQrs of Central or W.Rly. or any of the other divisions of C.Railway or W.Railway except that the departmental representative (including Sr.DPO/DPO in the case of staff of the Personnel Department being reviewed) and the SDGM/CVO will be from the Central Railway itself. Similarly, for the Representation Committee constituted at the Hqrs' level for consider appeal cases of Central

Railway employees ; two officers of SAG level will be drawn from the Western Railway while the departmental representative of SAG rank (and the SDGM-cum-CVO in cases of doubtful integrity) will be from the Central Railway itself. The Board desire that this should be very strictly followed without any deviations to avoid any adverse Court judgement. The Board do not envisage any problems or difficulties in constituting Reviews/Representation Committees in the above manner as, usually, a railway establishment should be in a position to draw on the resources of the adjacent railway establishments on a mutual exchange basis. This should be absolutely essential to ensure a measure of objectivity and detachment, while reviewing employees with a view to compulsorily retiring them under the provisions of the above rules.

8. The Board have had occasions to observe that the Review / Representation Committees are not being properly and adequately briefed for their tasks. The Board have, therefore, decided that complete bio-data particulars about the employee who is to be reviewed should be circulated to the members of the Review / Representation committees as in the proforma annexed as Annexure-I. This proforma should be carefully and meticulously filled and should be free from all errors. The findings of the Review / Representation Committees/SDGM in the case of 'doubtful integrity', the orders of the 'appropriate' authority and the final orders of the 'appropriate' authority and the final orders of the Additional General Manager / General Manager, wherever necessary, should be recorded in the proforma itself. It may be ensured that members of the Committees are fully and adequately briefed about the existing rules and orders on the subject and the role expected of them in the Committees.

9. The Board have also updated the forms of notice, keeping in view the recent changes in the rules and certain other factors. The forms of notice attached as Annexure-II to VIII (Form I to Form VI) should be used for service of notice, in supersession of all existing forms. It should be ensured that the notice is properly.

Constitution of Committees for each Department on Zonal Railways to review cases of railway servants

Classification	Composition of Committee
Class III Railway servants	<p>Heads of the Department concerned or the General Manger where he is the 'appointing authority' in respect of certain class III staff as the Chairman and the CPO or one of the two Dy. CPO nominated by the General Mange as Member.</p> <p>In respect of staff of the Personnel Department, however, the CPO will be Chairman and the General Manager may nominate any Administrative Officer (other than Dy. CPOs) to serve as Member. Where the General Manager is the Chairman of the Committee, he may nominate any Head of the Department to serve as member of that Committee. Additional Head of the Department may also act as Chairman of the 'Review Committee' provided the Additional Head of Department is higher in rank than that of the appointing authority of the railway servant whose case is proposed to be taken on ground of lack of integrity, the Senior Dy. General Manager/ Dy. General Manager who is in charge of the Vigilance Department shall be associated as a Third Member of the Committee.</p>

Note:- The Committee for the purpose of all Railway servants in class I and class II service/post and for class III staff of Board's Office, RDSO, RLO, Railway Service Commissions, Staff College, Advance Permanent Way Training School, S&T School, Secunderabad will be constituted in the Railway Board's Office. To enable the Board to conduct the review of such staff, procedure laid down in Ministry of Railway's letter No. E(O)-69/SR 10/13 dated 12.12.1969 should be followed.

Constitution of Committees to consider representations from prematurely retired railway servants

Classification	Composition of Committee
Non-gazetted officers who are/were working in or under Ministry/Departmen	Same as the Committee which earlier considered the case of the officer representing against his premature retirement, with the modification that it should include at least one member of appropriate status who was not in the said Committee earlier. Final order on representations against premature retirement should be passed by the authority superior to the authority which issued order of premature retirement only after obtaining approval of the Ministry of Railways. Where, however, the order of premature retirement was issued by the President, final orders on the representations shall be passed by the Minister-in-charge of the Ministry/Department concerned.

**(TO BE USED WHERE THE PRESIDENT IS THE APPROPRIATE
AUTHORITY TO RETIRE A RAILWAY SERVANT)**

ORDER

Whereas the President is of the opinion that it is in the public interest to do so;

Now, THEREFORE, in exercise of the powers conferred by clauses _____ * of Rule 1802 (a)/1803 (a) read with para 620(ii) of Manual of Pension Rules 1950/1804 (a) of IREC, Vol. II the President hereby gives notice to + (name) _____ (designation) _____ that he/she having already attained the age of fifty/fifty-five years/having completed 30 years of service/30 years of service qualifying for pension on the _____, shall retire from service on the forenoon of ** _____ 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. If he so desires, he may represent in writing to & within 3 weeks from the date this notice is served on him/her.

(Signature)
@ Designation

To
Shri/Smt. _____

ACKNOWLEDGEMENT

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

Countersigned

Sd/ -

Name

Designation

Designation

Place

Place

Date

Date

- * Strike off the portion not applicable.
- ** The date following the date on which he/she attains the age of 50/55 years/completes 30 years' service qualifying for pension.
- + Instructions contained in Para 3 of Board's Letter No. E(P&A)-89/RT-20 dated 03.07.1989 should be carefully perused before filling this.
- @ Any authority who is competent to authenticate orders on behalf of the President can sign this order.
- & Please indicate here the head of the organization to whom the appeal is to be submitted.

**(TO BE USED WHERE AN AUTHORITY OTHER THAN THE
PRESIDENT IS THE APPROPRIATE AUTHORITY TO RETIRE A
RAILWAY SERVANT)
ORDER**

WHAERAS the @ (appropriate authority) is of the opinion that it is in the public interest to do so;

NOW, THERFORE, in exercise of the powers conferred by clauses * Rule 1802 (a)/1803 (a) read with para 620 (ii) of Manual of Pension Rules 1950/1804 (a) of IREC, Vol. II the @ (Appropriate Authority) hereby gives notice ++ to (name) (designation) that he/she having already attained the age of fifty/fifty-five years/having completed 30 years of service/30 years of service qualifying for pension on the , shall retire from service on the forenoon of @@..... /on the forenoon of the day following the date of expiry of three months computed form the date following the date of service of this notice on him. If he so desires, he may represent in writing to & within 3 weeks from the date this notice is served on him/her.

**(Signature)
Designation of the appropriate authority**

To
Shri/Smt. _____

ACKNOWLEDGEMENT

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

Countersigned

Sd/ -

Name

Designation

Designation

Place

Place

Date

Date

@ Same as on Form IV.

* Strike off the portion not applicable.

@@ The date following the date on which he/she attains the age of 50/55 years/completes 30 years' service qualifying for pension.

& Please indicate here the head of the organization to whom the appeal is to be submitted.

++ Instructions contained in Para 3 of Board's Letter No. E(P&A)-89/RT-20 dated 03.07.1989 should be carefully perused before filling this.

**(TO BE USED WHERE THE PRESIDENT IS THE APPROPRIATE
AUTHORITY TO RETIRE A RAILWAY SERVANT)**

ORDER

WHAERAS the President is of the opinion that it is in the public interest to do so;

NOW, THERFORE, in exercise of the powers conferred by clauses _____ * Rule 1802 (a)/1803 (a) read with para 620 (ii) of Manual of Pension Rules 1950/1804 (a) of IREC, Vol. II, the President hereby gives notice to (name) (designation) that he/she on attaining the age of fifty/fifty-five years/on completing 30 years of service/30 years of service qualifying for pension on the, shall retire from service on the forenoon of **..... on the forenoon of the day following the date of expiry of three months computed form the date following the date of service of this notice on him, whichever is later. If he so desires, he may represent in writing to & within 3 weeks from the date this notice is served on him/her.

**(Signature)
@@ Designation**

To
Shri/Smt. _____

ACKNOWLEDGEMENT

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

Countersigned

Sd/ -

Name

Designation

Designation

Place

Place

Date

Date

- * Strike off the portion not applicable.
- ** The date following the date on which he/she attains the age of 50/55 years/completes 30 years' service qualifying for pension.
- @@ Any authority who is competent to authenticate orders on behalf of the President can sign this order
- & Please indicate here the head of the organization to whom the appeal is to be submitted.

**(TO BE USED WHERE AN AUTHORITY OTHER THAN THE
PRESIDENT IS THE APPROPRIATE AUTHORITY TO RETIRE A
RAILWAY SERVANT)**

ORDER

WHAERAS the _____ @ (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 clauses _____ * Rule 1802 (a)/1803 (a) read with para 620 (ii) of Manual of Pension Rules 1950/1804 (a) of IREC, Vol. II, the _____ @ hereby gives notice to (name) (designation) that he/she on attaining the age of fifty/fifty-five years/on completing 30 years of service/30 years of service qualifying for pension on the, shall retire from service on the forenoon of @@..... or on the forenoon of the day following the date of expiry of three months computed from the date following the date following the date of service of this notice on him, whichever is later. If he so desires, he may represent in writing to & within 3 weeks from the date this notice is served on him/her.

(Signature)

Designation of the appropriate authority

To
Shri/Smt. _____

ACKNOWLEDGEMENT

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

Countersigned

Sd/ -

Name

Designation

Designation

Place

Place

Date

Date

@ As defined in Note 1 under Rule 1805(2) of Indian Railway Establishment Code Vol.II/Para 2(2) of Sec.I of Railway Ministry's letter No.E48CP/208 dated 8.7.50 as amended under Board's letter No.F(E)III 69 PN-I/15 dated 27.8.69

* Strike off the portion not applicable.

@@ The date following the date on which he/she attains the age of 50/55 years/completes 30 years' service qualifying for pension.

& Please indicate here the head of the organization to whom the appeal is to be submitted.

**(TO BE USED WHERE THE PRESIDENT IS THE APPROPRIATE
AUTHORITY TO RETIRE A RAILWAY SERVANT)**

ORDER

WHAERAS the President is of the opinion that it is in the public interest to do so;

NOW, THERFORE, in exercise of the powers conferred by clauses _____ of * Rule 1802 (a)/1803 (a) read with para 620 (ii) of Manual of Pension Rules 1950/1804 (a) of IREC, Vol. II, the President hereby retires Shri/Smt./Kum. with immediate effect, he/she having already attained the age of fifty/fifty-five years/having already completed 30 years of service/30 years of service qualifying for pension on the The President also directs that 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 them immediately before his/her retirement. If he so desires, he may represent in writing to & within 3 weeks from the date this notice is served on him/her.

(Signature)

**** Designation of the appropriate authority**

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. _____ date _____ for Rupees _____ (Rupee _____ only)

Countersigned

Signature

Name

Designation

Designation

Place

Place

Date

Date

** Any authority who is competent to authenticate orders on behalf of the President can sign this order

* Strike off the portion not applicable.

& Please indicate here the head of the organization to whom the appeal is to be submitted.

**(TO BE USED WHERE AN AUTHORITY OTHER THAN THE
PRESIDENT IS THE APPROPRIATE AUTHORITY TO RETIRE A
RAILWAY SERVANT)**

ORDER

WHAERAS the _____ * (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 clauses _____ of ** Rule 1802 (a)/1803 (a) read with para 620 (ii) of Manual of Pension Rules 1950/1804 (a) of IREC, Vol. II, _____ (Appropriate authority) hereby retires Shri/Smt./Kum. with immediate effect, he/she having already attained the age of fifty/fifty-five years/having already completed 30 years of service/30 years of service qualifying for pension on the Shri/Smt./Kum. _____ will 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 them immediately before his/her retirement. If he so desires, he may represent in writing to & within 3 weeks from the date this notice is served on him/her.

(Signature)

*** Designation of the appropriate authority**

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. _____ date _____ for Rupees _____ (Rupee _____ only)

Countersigned

Signature

Name

Designation

Designation

Place

Place

Date

Date

* As defined in Note 1 under Rule 1805(2) of Indian Railway Establishment Code Vol.II/Para 2(2) of Section I of Railway Ministry's letter No.E48CP/208 dated 8.7.50 as amended under Board's letter No.F(E)III 69 PN-I/15 dated 27.8.69

** Strike off the portion not applicable.

& Please indicate here the head of the organization to whom the appeal is to be submitted.

CONFIDENTIAL

PROFORMA FOR COMPULSORY RETIREMENT OF NON-GAZETTED STAFF UNDER THE PROVISIONS OF RULE 1802 (a)/1803 (a)/ 1804 (3) OF IREC, VOL-II (6th EDITION, 1987) READ WITH PARA 620 (ii) OF MRPR

- I. IMPORTANT: This should be accompanied by
 - (i) Full service file/record; and
 - (ii) Confidential reposts for five years preceding retirement in respect of categories for which CRs are required to be written.

- II. IMPORTANT: Committee's Chairman and Members should go through this carefully as well as the total service record and CRs. Committee members should independently go through the total service record and these documents before coming to an independent, bona-fide conclusion.

- III. IMPORTANT: Committee members should fully familiarize themselves with rules, orders and guidelines.

PROFORMA FOR REVIEW OF SERVICE OF GR.'C' & 'D' STAFF FOR RETENTION OR OTHERWISE IN SERVICE BEYOND 55 YEARS OF AGE/30 YEARS OF SERVICE/33 YEARS OF QUALIFYING SERVICE

I. BIO-DATA

OFFICE :

FILE NO.:

DATE FORWARDED :

Name	Date of birth	Date of appointment in service	Date of completion of 55 years of age	Date of completion of 30 years (in case of P.F.optee)	Date of completion of 30 years qualifying service (in case of pension optee)	Break in service cause, if any
1	2	3	4	5	6	7

Present designation	Present grade Rs.	Station now employed	Details of posts held during last 5 years			P.F./Pension of optee	Designation of appointing authority
			Designation	From	To		
8	9	10	11			12	13

II. ASSESSMENT

PERFORMANCE REPORT OF THE CONTROLLING OFFICER ON THE BASIS OF LAST FIVE YEARS SERVICE

(To be recorded by an officer now lower than a Senior Scale Officer)

- | | | | | | |
|-----|-----|--|------|------|---------------------------------|
| 14. | (a) | Is he physically and mentally fit to discharge duties effectively, if continued in service ? | Yes | No | Comments on his : |
| | (b) | His attendance | Good | Poor | i) Integrity : |
| | (c) | His punctuality | Good | Poor | ii) General Conduct : |
| | (d) | Does he deal with correspondence promptly ? | Yes | No | iii) Performance during 5 years |
| | (e) | Does he take decision ? | Yes | No | |
| | (f) | Are his inspections sound and fruitful ? | Yes | No | |
| | (g) | Is he cost conscious ? | Yes | No | |
| | (h) | Can he maintain discipline amongst subordinate ? | Yes | No | |

Signature :

Name :

Designation :

* This should be reflected by particulars recorded in Col.No.18

III. RECORD OF SERVICE DURING HIS ENTIRE CAREER

Appreciation of good work done, if any	<u>Particulars of penalties imposed, if any with reasons</u>		
15	Nature of penalty imposed	No. of times imposed	Reasons
15		16	

17	REMARKS RECORDED IN THE CONFIDENTIAL REPORT, DURING THE LAST 5 YEARS, IF MAINTAINED (CRs IN ORIGINAL SHOULD BE ENCLOSED)				
	Year	Year	Year	Year	Year
(A) Classification					
(B) Remarks about integrity					
(C) Adverse remarks, if any					
(D) Whether adverse remarks were communicated to employee					

18	ATTENDANCE PARTICULARS FOR PREVIOUS FIVE YEARS				
	Year	Year	Year	Year	Year
1. Sick Leave					
(i) Full Pay :					
(ii) Half Pay :					
2. Leave not Due :					
3. Leave without pay :					

19. PARTICULARS OF DAR/SPE/VIGILANCE CASES PENDING, IF ANY

20. **SPEAKING ORDERS OF THE REVIEW COMMITTEE**

File No.

Signature :

Name :

Designation :

Date :

(CHAIRMAN)

(MEMBER)

(MEMBER)

21. In cases of retirement on grounds of 'doubtful integrity' only, the remarks/recommendations of the SDGM:-

NAME :

DATE :

22. (IN CASE OF APPEAL) :-

The Speaking orders of the Representation Committee at the Head Quarters

Signature :

Name :

Designation :

Date :

(CHAIRMAN)

(MEMBER)

(MEMBER)

23. SPEAKING ORDERS OF THE AGM/G.M.'s ON THE RECOMMENDATIONS OF THE REPRESENTATION COMMITTEE :

SIGNATURE :

NAME :

DATE :

* (in case of 'doubtful integrity')

PROFORMA

RETURN OF ACTION TAKEN FOR RETIRING RAILWAY SERVANTS
WHO HAVE OUTLIVED THEIR UTILITY OR WHOSE INTEGRITY IS
DOUBTFUL FOR THE QUARTER _____ YEAR _____
IN RESPECT OF NON-GAZETTED RAILWAY EMPLOYEES

OFFICE : _____ DEPARTMENT : _____

QUARTER ENDING

Quarter in which review is to be made	No. of cases to be reviewed	No. of cases actually reviewed	No. of cases in which it had been decided to	
			Retire in public interest	Revert to lower substantive post

N.B. Even where information is NIL, a report should be sent