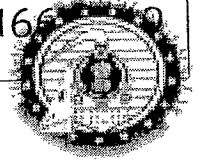


RBE No.130/2019

PCPO's Sl.No.166

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No. E/235/O/ECR/HJP

Dated:-18.09.2019

1. CAO (Con.)/ उत्तर एवं दक्षिण /पटना।
2. सभी PHOD/CHOD, पू.म.रे, हाजीपुर।
3. DRM/ पू.म.रे/ मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
4. मुख्य कार्मिक अधिकारी/ प्रशासन/ पू.म.रे/ हाजीपुर।
5. मुख्यालय के सभी कार्मिक अधिकारी।
6. CWM/ पीडी/ मुगलसराय, यांत्रिक कारखाना/ समस्तीपुर/ हरनौत।
7. Sr.DPO/ पू.म.रे/ मुगलसराय, दानापुर, धनबाद, सोनपुर एवं समस्तीपुर।
8. उप महाप्रबंधक/ विधि/ पटना।
9. प्राचार्य/ क्षेत्रीय रेल प्रशिक्षण संस्थान/ मुजफ्फरपुर एवं भूली।
10. सभी मुकार्याधी/ कार्याधी/ पू.म.रे/ हाजीपुर।

विषय : Reiteration of salient points regarding strengthening of administration by periodic review under Rule 1802(a)/1803(a)/1804(a)-R.H.1987 Edition.

संदर्भ : Railway's Boards Lt.No.E(P&A)/2019/RT-21 Dated: 8.08.2019

विषयांकित से संबंधित संदर्भित पत्र की छायाप्रति सूचना, मार्गदर्शन एवं अग्रेतर आवश्यक कार्रवाई हेतु प्रेषित की जा रही है।

A copy of above referred letter on the subject matter is being forwarded herewith for information guidance and needful onward action please.

संलग्नक : यथोपरि।

DA : As above.


(सौरभ सावर्णी)

8.9.2019

वकाधि/ ई.एस.एम

कृते महाप्रबंधक (कार्मिक)/ हाजीपुर

प्रतिलिपि सूचनार्थ, मार्गदर्शन एवं आवश्यक कार्रवाई हेतु प्रेषित :-

1. महासचिव/ ईसीआरकेयू/ पू.म.रे/ हाजीपुर।
2. महासचिव/ एस0.सी0./ एस0.टी0./ एशोसिएशन/ पू.म.रे/ हाजीपुर।
3. सकाधि (एम.पी.पी.) पू.म.रे/ हाजीपुर। कृपया इसे नेट पर अपलोड कराने की व्यवस्था करें।
4. महासचिव/ ओ.बी.सी.एशोसिएशन/ पू.म.रे/ हाजीपुर।

Premature Retirement of Railway Servants: Periodic review

Salient Points

1. With a view to improving efficiency and strengthening administrative machinery at all levels, Government has the absolute power under Rule 1802(a), 1803(a), 1804(a) of IREC Vol-II 1987 and Rule 66(b) of RSPR 1993 to retire a Railway employee in public interest, before his normal date of retirement, on attaining a specified age or on completing a specific length of service on the grounds of (i) inefficiency/ ineffectiveness, or (ii) doubtful integrity, or (iii) for conduct unbecoming of a Railway Servant. Criteria and procedure have been laid down to ensure that power is exercised fairly and impartially and not arbitrarily.

2. Instructions in this regard have been circulated from time to time, both by Department of Personnel and Training (DoP&T) and the Ministry of Railways (Railway Board). The following codal provisions and instructions contain all the relevant instructions on the subject.

- 1) Railway Board's instructions vide PC-68/RT/5 dated 08.09.1969;
- 2) Railway Board's instructions vide E(O)I-69 SR10/13 dated 12.12.1969;
- 3) Consolidated instructions of RB issued vide letter No. E(P&A)I-77/RT-53 dated 15.11.1979;
- 4) RB's instructions vide E(P&A)I-87/RT-4 dated 17.10.1989;
- 5) DoP&T's instructions vide OM No. 25013/1/2013-Estt(A) dated 21.03.2014;
- 6) DoP&T's instructions vide OM No. 25013/1/2013-Estt.A-IV dated 11.09.2015;
- 7) RB's instructions vide (P&A)I-2015/RT/38 dated 10/12.11.2015;
- 8) Provisions under FR 56(j), 56(l) or Rule 48(1)(b) of CCS (Pension) Rules, 1972; Corresponding provisions in IREC, Vol.II, 1987 - Rule 1802(a)/1803(a)/1804(a).

3. An attempt has been made to bring the main elements of these instructions together in one document. However, this is only to improve clarity and understanding. This summary has to be read with all relevant instructions already issued on the subject.

4. Criteria for review of Services:

a) Age and Service rendered:

- 1) Group A and B: After attaining 50 years (if entered service before age 35);
- 2) Group A and B: After attaining 55 years (if entered service after age 35);
- 3) Group C: After attaining 55 years of age;
- 4) Group C: After completion of 30 years of service, if not governed by any pension rules, under Rule 1804(a).
- 5) Group D: In pensionable cases, can be done after completion of 30 years of pensionable service.
(Reference: Rule 2046 R.II (old), Letter No. PC-68/RT/5-I dated 27.11.1976, E(P&A)-76/RT/38 dated 24.07.1976. Now 1803(a) of R-II, 2005 Edition)
- 6) Any employee, irrespective of age, can be retired prematurely by giving him three month's notice after he has completed 30 years of qualifying service.
(Reference: E.48-CPC/208 dated 08.07.1950 as amended vide F(E)III 69 PN-I/15 dated 27.08.1969 incorporated as para 620 of Manual of Railway Pension Rules, 1950.)

b) Service Records:

The entire service records should be considered in every review. Based on the service records, a comprehensive brief is to be prepared for consideration of the 'Review Committee'. 'Service records' would take into account the following:

- 1) ACR/APAR dossiers;
- 2) Personal file;

PHOD or GM where he is appointing authority as Chairman, PCPO.

(b) For Personnel branch official:

PCPO to be Chairman, GM to nominate an SAG Officer to be member.

If GM is Chairman, he may nominate a PHOD as a member.

Additional PHOD may act as Chairman if he is higher in rank than that of appointing authority.

SDGM/Dy GM who is in charge of the Vigilance Department shall be associated as a Third Member of the Committee.

(ii) At Division Level:

(a) Other than Personnel Department:

1. One JAG officer of the employee's department;
2. One JAG officer of another department;
3. Sr DPO/DPO

Where DRM is the appointing authority, Committee will consist of ADRM as Chairman, Sr DPO/SPO and another JAG officer as members.

(b) Personnel Department:

1. Sr DPO/DPO
2. Two JAG officers of other Departments
3. In case of doubtful integrity, papers are to be transmitted to Headquarters for SDGM to record his views before final orders are passed by appropriate authority.

(iii) Workshop Level:

Review to be done at the Workshop level itself where the Workshop is headed by an SAG/SG/JAG officer. If workshop is headed by an officer of the rank of Sr Scale or below, the review of the Workshop staff would be done by the Headquarters.

Board have also decided that the Divisional, HQ or Workshop Review/ Representation Committee of the appropriate level should not be drawn from the same division/ workshop/HQs 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 JAG/Senior scale of the Division/Workshop/HQ etc. itself. In cases of doubtful integrity, since all records are available only with the SDGM/CVO of the Reviewing Organisation, he will continue to be associated with it.

(iv) Group A & B : Railway Board

For all Railway Servants in Group A and B service/post and for Group C staff in Board's office, Railway Recruitment Boards, NAIR and Centralised Training Institutes, review will be done in Board's office. Following procedure is to be followed:

- (i) List of Group A and B officers who come under review to be prepared sufficiently in advance, ensuring that there are no omissions.

d) Composition of the Review Committee will be as under:

(i) For ACC Appointees and non-ACC Appointees (i.e., all Group A Gazetted officers including those of RBSS, RBSSS and Miscellaneous/ ex-cadres):

The Committee will be headed by CRB and would comprise of the functional Board Member of the department (to which the officer whose service is being reviewed) and Member Staff. In case, the officer belongs to Personnel Department or RBSS/RBSSS or IRMS, Member (Traction) would be the other Member.

PD/Vigilance (as CVO of the Ministry) is to be associated in the said review.

Internal Committee to assist the Review Committee will be headed by Secretary, Railway Board and would comprise JS(Confidential) and JS(Establishment). ED/Vigilance (or Director/Vigilance in case of no ED is available) shall be associated.

(ii) For Group B officers in Railway Board (RBSS/RBSSS/Miscellaneous/ex-cadres):

a) AM(Staff) as Head of Review Committee;

b) JS(G) and JS(E) as members of Review Committee;

DV(Intelligence) is to be associated in the said review.

Internal Committee to assist the Review Committee would be headed by EDE(GC) and would comprise Director (GA) and DS(E). JD/Vigilance (Confidential) shall be associated.

(iii) For non-Gazetted officials of Railway Board including those of RBSS, RBSSS and Miscellaneous/ ex-cadres:

a) JS as Head of Review Committee;

b) EDE(N) and JS(D) as members of Review Committee;

DV(Intelligence) is to be associated in the said review.

Internal Committee to assist the Review Committee to comprise Dir (A) and Director (GA). JD/Vigilance (Confidential) shall be associated.

(iv) For Group B officers/ officials in Railways:

The Committee will be headed by the General Manager of the Railway and would comprise PCPO and PHOD (of the department to which the officer belongs). In case of an officer from Personnel department, another PHOD in addition to the PCPO would be nominated by the General Manager.

SDGM of the Railway is to be associated in the said review.

Internal Committee to assist the Review Committee to be headed by AGM of the Railway. Composition of the Committee may be decided by the General Manager of the Railway.

(v) For Group C officials of Railways: The following are the instructions issued by Board. However, the General Managers, may make any modification which they deem fit in administrative interest. Composition of the Internal Committees may also be decided by the respective General Managers of the Railways. In respect of RDSO and NAIR, the respective DGs can constitute the Committees.

(i) At Head Quarter Level:

(a) For non-Personnel official

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- (ii) The confidential reports/ files of officers whose confidential reports are not maintained in Board's office and whose cases are to be reviewed should be brought up to date in all respects and sent to Secretary Railway Board along with the above list through a responsible member of the staff. Half yearly time table has been prescribed for the same. (This has been revised to quarterly vide DoP&T's circular dated 21.03.2014 mentioned at para 2 above.)

(Ref: E(O)I-69/SR IV/13 dated 12.12.1969)

- f) Complete bio-data particulars of the employee who is to be reviewed should be circulated to the members of the Review/ Representation Committees as per the prescribed proforma (Annexure-1 to this letter). Proforma is to be carefully and meticulously filled and should be free from all errors. Findings of Review/ Representation Committees/SDGMs in 'doubtful integrity' cases should be entered in the proforma itself.
- g) Rule relating to premature retirement should not be used:
- (i) To retire on ground of specific misconduct as a short-cut to initiating formal disciplinary proceedings. (CAT/PB/New Delhi in O.A No. 1827/2017, in the matter of Sangeeta Rao vs, UOI vide order dated 18.09.2018, dismissed the plea of the government servant who was compulsorily retired under 56(J) for habitual late coming); or
- (ii) For reduction of surplus staff on ground of effecting general economy without following rules of retrenchment.
- h) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
- i) Even un-communicated entries in the confidential record can also be taken into consideration.
- j) If the officer was given a promotion despite adverse entries made in the confidential record, that is a fact in favour of the officer. (Ref: (Reference: E(P&A)I-2015/RT/38 dated 10/12.11.2015)
- k) Once a decision has been taken by appropriate authority to retain an employee beyond the age of 50 years after review, he would ordinarily continue in service till he attains the age of retirement. If however, the appropriate authority considers at any time after review that retention would not be in public interest, that authority may take necessary action to retire as per the laid down procedure.
- l) If the 'appropriate authority' decides to differ with the recommendation of the Review Committee, he may remit the papers to the next higher authority for a final decision.
- m) A notice longer than 3 months can be given, but the date from which he is required to retire as specified in the notice should not be before he attains the age of 50/55 years or before he completes 30 years of service.
- n) While computing the notice period of 'not less than 3 months', the date of service of notice and the date of expiry shall be excluded. The date of premature retirement 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.
- o) If the Railway employee refuses to accept the notice or order of retirement, it should be ensured that the 'refusal' is witnessed by two gazetted officers. In such a case, the

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notice/order should be sent under registered post with AD. In such a case, the date of effect of notice of retirement/ order of retirement would be the forenoon of the date following the date of refusal.

6. Procedure for Consideration of Representation (Reference: E(P&A)I-77/RT-53 dated 15.11.1979 and E(P&A)I-2015/RT/38 dated 10/12.11.2015):

a) A Railway employee, who has been served with a notice/order of premature retirement, may submit a representation within 3 weeks from the date of service or such notice/order.

b) On receipt of the representation, the administration would examine the same to see if it contains any new facts or any aspect not hitherto taken into consideration. Examination to be completed within 2 weeks from the date of receipt. Thereafter, it should be placed before the appropriate Committee for consideration.

c) Composition of the Representation Committee (Reference: E(P&A)I-87/RT/4 dated 17.10.1989):

Same as the Review Committee with the modification that it should include at least one member of the appropriate status who was not in the said Committee earlier.

d) Final order on representation against premature retirement: To 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 shall be issued by President, final orders on the representations shall be passed by the Minister-in-charge of the Ministry/ Department concerned.

(Railway Board's Decision: A decision on the recommendation of the Representation Committee, considering the appeal of the compulsorily retired employee may be taken by the Additional General Manager. Papers to be put up to GM only in cases where the AGM differs from the findings of the Committee. If AGM/GM confirms the decision of the Representations Committee to retire the employee was correctly taken, papers in original should be submitted to Board within the prescribed time schedule.) (Reference: E(P&A)I-87/RT/4 dated 17.10.1989)

e) The Representations Committee shall make its recommendation within two weeks from the date of receipt of reference from the administrative authorities concerned.

f) Authority which is empowered to make final orders on the representation should pass its orders within two weeks from the date of receipt of the recommendation of the Committee provided that approval of the Ministry of Railways would be necessary before passing final orders in cases where the appropriate authority proposes to reject the representation/ appeal against the premature retirement.

g) If decided to reinstate, the intervening period would be treated as duty or as leave or as dies-non depending on the merits of each case. (If Review Representation Committee finds that premature retirement was on account of political or personal victimization, it would be 'duty' with full pay and allowances. In other cases, it would be leave or dies-non, as the authority may decide).

h) In case the employee gets a stay order from court, representation is not to be considered by the administration, nor sent up to the Committee until disposal of the court case. Thereafter, the cases may be examined taking into account any material of substantive nature that may feature in court's judgement.

i) As and when fresh representations are received against such rejection and also against premature retirement relating to period of emergency, these should be examined by appropriate 'Representation' Committees which shall take special care to see that over-

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rigorous standards were not applied or done out of over-zealousness or out of political or personal victimization at the time of the original review.

7. Time Schedule for Review (Reference: DoP&T's OM 25013/1/2013-Estt(A) dated 21.03.2014:

- (i) Suitable register(s) of employees under their control to be maintained by Railway Administrations who are due to attain the age of 50/55 years or would complete 30 years of service. Subordinate offices to be instructed to take similar action too.
- (ii) Register should be scrutinized at the beginning of every quarter by a Senior Officer in the Administration and in Subordinate offices.

Schedule:

Sl No. Quarter in which review to be made Cases of employees who would be attaining the Age of 50/55 years or completing requisite service 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 subsequent year

4. October to December

April to June of the subsequent year

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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.

1. 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 service (in case of P.F. optee)	Date of completion of 30 years qualifying service (in case of pension optee)	Break in service caused, 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 Designation From To	P. F. /Pension of optee	Designating of appointing authority
8	9	10	11	12	13

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II. ASSESSMENT

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

(To be recorded by an officer not 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			
	(c)	His punctuality	Good	Poor	
	(d)	Does he deal with correspondence promptly?	Good	Poor	
	(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	
			Yes	No	

i) Integrity:
 ii) General conduct:
 iii) Performances during 5 years:

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

Signature:
 Name:
 Designation:

III. RECORD OF SERVICE DURING HIS ENTIRE CAREER

Appreciation of good work
done, if any

Particulars of penalties imposed, if any with reasons

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/MIGLANCE CASES PENDING, IF ANY

SPEAKING ORDERS OF THE REVIEW COMMITTEE

20.

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)

*(SDGM/CVO)

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

SIGNATURE:

NAME:

DATE:

*(In case of 'doubtful integrity')