

भारत सरकार / GOVERNMENT OF INDIA
रेल मंत्रालय / MINISTRY OF RAILWAYS
(रेलवे बोर्ड / RAILWAY BOARD)

RBE No.143/2015

No. E(P&A)I-2015/RT-38

New Delhi dated 10-11-2015.

12

The General Managers,
All Indian Railways.

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.

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- (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 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 Government's 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 & 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."

12. Kindly acknowledge the receipt.

Anil Kumar
(Anil Kumar)
10/11/2015

Deputy Director E(P&A)I, Railway Board.

No. E(P&A)I-2015/RT-38

New Delhi dated 10-11-2015
12

Copy to: 1. FA & CAOs, All Indian Railways.

2. The Chief Commissioner of Railway Safety, 16, Ashok Road, Lucknow.

Anil Kumar
(Anil Kumar)
19/11/2015

Deputy Director E(P&A)I, Railway Board.

No. E(P&A)I-2015/RT-38

New Delhi dated 10-11-2015
12

Copy forwarded to:-

1. The General Secretary, AIRF (with 35 spares).


2. The General Secretary, NFIR (with 35 spares).

3. The Members of the National Council Departmental Council and Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi (with 90 spares).

4. The Secretary General FROA.

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5. The Secretary, RBSS, Group 'A' Officers' Association R.No.402, Rail Bhawan (with 5 spares).
6. The President, Railway Board Class II Officers' Association.
7. The Secretary General, IRPOF, Room No.341-C, Railway Board.
8. The President, Indian Railway Class II Officers' Association.
9. The Secretary, Railway Board Ministerial Staff Association.
10. The Secretary, Railway Board Class IV Staff Association
11. The Secretary General, AIRPF Association.
12. The General Secretary, All India SC/ST Railway Employees Association, R.No.8, Ground Floor, Rail Bhawan, New Delhi-110001.
13. The General Secretary, Retired Railway Employees Welfare Association (Regd.), 490A/16, Gurudwara Raod, Gurgaon.


for Secretary, Railway Board.

Copy to : PSOs/Sr.PPSs/PPSs/PSs/PAs to :- MSR(MR), MSR(K),MSR(A),

CRB, FC, ME, ML, MM, MS, MT, AM(B), AM(CE), AM(C), AM(C&IS), AM(Elec), AM(F), AM(Plg), AM(Projects), AM(Sig), AM(MS), AM(Mech.), AM(PU), AM(RS), AM(T&C), AM(Telecom), AM(T), AM(Vig), AM(Works), AM(Staff), Adv.(AR), Adv(F), Adv. (Safety), Adv(IR), DG/RHS, DG/RPF, Secretary., ED(Plg.), ED(A), EDF(BC), EDCE(B&S), EDCE(G), EDCE(Plg.), ED(Chg.), ED(CC), ED(C&IS), ED(E&R), EDEE(Dev.), EDEE(G), EDEE(RS), EDE,EDE(RRB), EDE(N), EDE(Res.), EDF(C), EDF(E), EDF(S), EDF(B), EDF(RM), EDF(X)I, EDF(X)II, ED(H), ED(LM), ED(MIS), EDE(GC), EDT(MPP), EDME(Chg.), EDME(FR), EDME(Tr.), EDME(TOT), EDME(Dev.), EDME(W), EDPC-I, EDPC-II, ED(PP), ED(Proj.), ED(Proj.)-DMRC, ED(RE), EDRE(S&T), EDRE(S), ED(Safety), ED(Sig.), ED(S&E), EDRS(C), EDRS(G), EDRS(P), EDRS(S), EDRS(W), ED(TD), EDTrack(M), EDTrack(MC), EDTrack(P), ED(T&C), ED(CP), ED(PM), ED(PG), EDT(R), EDTC(FM), EDTT(M), EDTT(FM), EDTT(S), EDV(A), EDV(E), EDV(S), EDV(T), ED(W), IG/RPF(HQs), IG/RS, JS, JS(C), JS(D), JS(E), JS(G), JS(P), DPC-I & II, DF(A/Cs), DE(G), DE(N), DPR, JDE(G), JDE(L), JDE(LL), JDE(W), JDF(B), JDE(N), JDE(Res.),DS(G), DS(Parl.), US(A), DDE(D&A), DDE(P&A), DDE(LR)I, DDF(E)I, DDF(E)II & III, DDE(Rep)I, DDE(Rep)II (with 2 spares), DDE(W), DDPC-VI, DDE(Trg.), PAO.

Branches : Accounts III (with 10 spares), Budget, Budget(Com)I, Cash- I, II, III, Chasing, C&IS, E(P&A) II, ERB-I, ERB-II, ERB-III, ERB -IV, ERB -V & ERB -VI, E(LR)I/II/III, E(RRB), E(Rep)I, E(Rep)II(2 Spares), E(Rep)III, E(MPP), E(W), E(G), E(NG)I & II, E(Coop), E(LL), E(Sports), E(ML), E(SCT)I, II, E(D&A), E(GC), E(GR)I & II E(O) I, II, III & E(O)III(CC), , F(E)-I, II & III, F(E) Spl, G(Pass), G(Acc.), Issue(D), M(L), Parl.), PC-III, IV & V, PC-VI, Project Cell, PR, Sec.(E) & Sec.(ABE), Sec. (Special) Railway Board.

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/5-1 dated 27.11.69 and reiterated further vide Shri D. B. Vohra's confidential letter No. E(P&A)I-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 in 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-(h)-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 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 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.II 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

CONFIDENTIAL

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

NO.E(P&A) I-57/RT/4

New Delhi, Dated: 17-10-89.

- The General Managers,
All Indian Railways, CLW, DLW, ICF, Metro Railway, Calcutta,
Wheel & Axle Plant, Bangalore.
- The General Managers(Const.), S.Railway, Bangalore, N.F.
Railway, Maligaon.
- The CAG(Const.), Central Railway, Bombay.
- The Director General, RDSO, Aligarh, Lucknow.
- The General Manager, Rail Coach Factor, Kapurthala,
BMC Chowk, Mahay Market, Jalandhar City, Punjab.
- The Chairman, Railway Recruitment Boards, Allahabad, Bombay,
Calcutta, Madras, Muzaffarpur, Secunderabad, Guwahati,
Bangalore, Patna, Trivandrum, Bhopal, Bhubaneswar, Chandigarh,
Ajmer, Ahmedabad, Jammu, Malda, Ranchi, Gorakhpur.
- The CAO(R), COFMOW, Railway Officers' Complex, Tilak Bridge,
New Delhi.
- The Addl. G.M., Railway Electrification, Allahabad.
- The Chief Project Managers, R.E., Kota, Mathura, Baroda,
Nagpur and Ranchi.
- The CAO(R), MTP(Railways), Delhi, Bombay, Madras.
- The Principal, IRIS, TE, Secunderabad.
- The Principal, IRIATT, Pune.
- The Principal, IRIM & EE, Jamalpur.
- The Principal, Railway Staff College, Vadodara.
- The Secretary, Railway Rates Tribunal, Madras.
- The Railway Liaison Officer, DGS&D Building, Parliament,
Street, New Delhi.
- The Director(Movement) Railways, 17, N.S.Road, Calcutta.
- The Managing Director, IRON & Steel, 3, Koilaghat Street,
Calcutta.
- The Joint Director, Rail Movement, Mughalsarai.
- The CAO(R), DCW, Patiala.
- The Chief Project Administrator, Central Organisation
for Operation Information System, Delhi Safdarjung Rly.
Station, Chanakyapuri, New Delhi.

.....2/-

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 the 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 by senior level 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/modifications are issued,

2. Some Railways 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 it 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 desire to point out that

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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 SAC/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.

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