

Chapter 16

Review of cases of ICAR employees for retention in service under FR 56 (J&K)

16.1. With a view to improving efficiency and strengthening administrative machinery at all level, Government have the absolute powers under Fundamental Rules, CCS (Pension) Rules, 1972, and Civil Service Regulations, to retire a government employee in the public interest, before his 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 government 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 government employee is retired prematurely. Further, a detailed procedure has also been laid down for consideration of representations from government 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 memorandum for the information and guidance of all the authorities concerned.

16.2. Rule Position

- 16.2.1 In accordance with the provisions of Fundamental Rule 56 (i), the appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, any government employee as follows: If he is in Group 'A' or 'B' service or post in a substantive, quasi permanent or temporary capacity and had entered government service before attaining the age of 35 years, after he has attained the age of 50 years.
- 16.2.3 In any other case, after he has attained the age of 55 years, provided that in the case of a Group 'D' official, such action can be taken if he entered service after 23rd July, 1966.
- 16.2.4 In other words, a government servant belonging to Groups 'A' and 'B' who has entered government service after attaining the age of 35 years, and officers belonging to Groups 'C' and 'D' can be prematurely retired after they have attained the age of 55 years with the exception of Group 'D' officials, who entered service on or before 23rd July, 1966.
- 16.2.5 In addition, a government servant in Group 'C' service or post who is not governed by any pension rules, can also be retired after he has completed thirty years service, under FR 56(I).
- 16.2.6 Identical provisions exist in Article 459 of the Civil Service Regulations.
- 16.2.7 Provisions also exist in Rule 48 of the CCS (Pension) Rules, 1972, for the retirement of a government employee 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 government employee who may belong to Groups 'A', 'B', 'C' or 'D' can be prematurely retired, irrespective of the age at the appropriate time, after he has completed 30 years of qualifying service.



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16.2.8 Provisions exist in the relevant rules which confer reciprocal right on government employee to seek voluntary retirement after he has attained the age of 50/55 years or has completed 30 years of qualifying service, as the case may be.

16.2.9 The detailed criteria, procedure and guidelines as contained in appendix 5 of the Swamy's pension compilation is at **Appendix-XXII**.

16.2.10 The ICAR follows these guidelines mutatis mutandis. However for review of the cases of officers/staff for whom the Director of the ICAR institute is the Appointing Authority, for their retention in service beyond the age of 50/55/58 years of age or after 30 years of service; is as follows:-

1. Director of the Institute : Chairman
2. Director (P)/DS or US dealing
with the Institute : Member
3. AO/SAO/CAO, if no officer
of this grade is available, : Member -Secy.
a Sr. Sci. or a Technical Officer
in the revised scale of Rs. 3700-5000
or above to be nominated by the Director

16.2.11 The review committee for retention of ARS Scientist under FR 56(i) will be as follows:-

1. DDG, ICAR : Chairman
2. Director of the Institute : Member
3. The concerned Under Secy : Member-Secy.

(ICAR No. 10-11/84-PerIV dated 25.4.1991)

(ICAR No. 1(1)/2002-PerII dated 21.1.2003)