

राष्ट्रीय इलेक्ट्रॉनिकी एवं सूचना प्रौद्योगिकी संस्थान (रा.इ.सू.प्रौ.सं.) National Institute of Electronics and Information Technology (NIELIT) (An ISO/IEC 27001:2022 Certified Organisation)

इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्रालय, भारत सरकार Ministry of Electronics and Information Technology, Government of India

File No. I-11012/5/2023-O/o Registrar(E:3122420)/1047

Date: 06.11.2024

OFFICE ORDER

In pursuance of MeitY letter dated 11.10.2024, NIELIT has modified the Standard Operating Procedure (SOP)[attached] for the periodic review of services of employees of NIELIT under FR 56(J)/(L).

- 2. In line with the above mentioned SOP, all NIELIT Centres are directed to follow the said SOP for the periodic review of services of employees of NIELIT under FR 56(J)/(L).
- This issues with the approval of the Competent Authority.

(Dr. S.K. Dhurandher)
Executive Director

To,

The Executive Directors/Directors/Director-in-charge, all NIELIT Centres

Copy to:

- i. Establishment Section
- ii. Webmaster, NIELIT HQ- for uploading on NIELIT's website
- iii. Hindi Section- To provide Hindi translation of the Order
- iv. Guard File

Copy also for kind information to:

- i. Director General, NIELIT
- ii. CVO, NIELIT
- iii. Deputy Secretary, MeitY





STANDARD OPERATING PROCEDURE (SOP): REVIEW OF PERFORMANCE OF GROUP A, GROUP 'B' AND GROUP 'C' EMPLOYEES of NIELIT HQ AND NIELIT CENTRES UNDER FR 56(J)/(L)

- 1. **Introduction:** Enabling provisions for premature retirement of a Government servant were provided under Fundamental Rule (FR) 56(j), FR 56(l) or Rule 48(1) (b) of CCS (Pension) Rules 1972. The objective of the ibid rules is to strengthen the administrative machinery by developing responsible and efficient administration at all levels and to achieve efficiency, economy and speed in the disposal of Government functions.
- 2. Consolidated guidelines in this regard have been issued by DoP&T vide their OM No. 25013/03/2019-Estt A-IV dated 28 Aug, 2020 to assess the suitability of a Government servant for continuance in service or for retiring prematurely in public interest. In so far as the provisions which are not covered in ibid DoP&T OM dated 28 Aug 2020, the provisions in the earlier OMs shall continue to be applicable.
- 3. The procedure for Review of Government Employees under FR 56(j)/(l) and Rule 48 of CCS (Pension) Rules, 1972 is given as under: -

	FR 56	Pension Rule 48(1)(b) of CCS
		(Pension) Rules, 1972
Category	FR 56 (j)	All Government servants
	Group 'A' & 'B' Officers who	(Group 'A', 'B' & 'C') covered
	entered service before 35 years of	by CCS(Pension) Rules, 1972
	age and have attained 50 years of age	who have completed 30 years of
		qualifying service.
	Other cases including Gp 'C'	
	officials :-	
	Attained 55 years of age	
	FR 56(1)	
	A Govt. Servant in Group 'C' post	
	who is not governed by any Pension	
	Rules, can also be retired after he	
	has completed 30 years of service	
Notice period	3 months or 3 months' pay and	Three months or Three
	allowances in lieu thereof	months' pay and allowances in
		lieu thereof.

4. **Scope:** In order to ensure that relevant instructions/guidelines of DOP&T in this regard are followed carefully and diligently, a Standard Operating Procedure (SOP) is being issued for consideration of Group A, Group 'B' and Group 'C' Employees of NIELIT HQ and NIELIT Centres under FR 56(j)/56(l).

- 5. In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, the following procedures and guidelines have been prescribed for reviewing the cases of Group A, Group 'B' and Group 'C' Employees of NIELIT under the aforesaid rules, as outlined in succeeding paras are to be followed.
- 6. Review Committees and Internal Committees for review of cases under 56(J) have been constituted with the approval of the competent authority as under: -

Review Committee

Sr No	Group	Pay Level	Composition of the Review Committee	Final orders to be passed by
1	A	13A and above	i. Additional Secretary Chair MeitY	man Chairman, GC
			ii. Director General, NIELIT Meml	per
			iii. DG of another ABs MeitY Memb	
1	A	13	i. Director General, NIELIT Chai	Secretary MEITY &
			ii. Executive Director Mem	Chairman MB
			iii. Executive Director Men	
	A	10 to	HQ: i. Executive Director Chai	Director rman General
			ii. Registrar, NIELIT Men	
			iii. Any member not below the level-13 Mem (nominated by DG, NIELIT)	ber
			Centre: i. Executive Director of the Centre Chai (if not available ED level Officer (Level- 14 as per 7 th CPC) nominated by DG, NIELIT)	rman
			ii. Registrar, NIELIT Men	nber
			iii. An Officer not below the rank of level 13 Men nominated by the Chairman	nber
2	В	6 to 9	HQ: i. Director (a Level – 13 A Officer) Chai	Director rman General
			ii. Registrar or his Nominee (not below Men Level-12)	nber
			iii. Any member not below the level-11 Mem (nominated by Chairman)	nber
			Centre: i. Director in the Centre (Or Dir from HQ / any other Centre nominated by Registrar, NIELIT)	rman
			ii. Director/DIC of the Centre Men (or member nominated by the Chairman not below the level-12 from the concerned Centre or any other Centre)	nber

			iii. Admin/Finance Head of the concerned Centre not below the level-11 or nominated member from any other Centre/HQ	Member	
3	С	Below	HQ:		Executive
		level 6	i. Director (Skilling) (HQ)	Chairman	Director
			ii. Registrar or his Nominee (not below Level-12)	Member	
			iii. Any member not below the level-11 (nominated by Chairman)	Member	
			Centre:		
			 Director level Officer Nominated by Director General 	Chairman	
			ii. JD(Admin) of the Centre (If not available at the Centre, Chairman of the Committee may include JD(Admin) of other NIELIT Centre or seek nomination from HQ)	Member	
			iii. Any member not below the level-11 (nominated by Chairman)	Member	

Representation Committee

Group and Pay	Composition of the Representation C	Competent Authority	
Level			
	Secretary, MeitY or his nominee	Chairman	The Competent Authority
	AS/JS**, MeitY or his nominee	Member	to approve the
For all employees	One member nominated by	Member	recommendations of the
	Secretary, MeitY		Representation Committee
	Director General, NIELIT shall act as	shall be Hon'ble MEIT &	
	Convener to the above Representation	Chairman, Governing	
	** Member(s) of the Review Committee	Council, NIELIT.	
	repeated in the Representation Comm		

Internal Committee

Internal Committees comprising of at least three officers, as deemed fit, shall be constituted by the Competent Authority to assist the Review Committee. The Competent Authority for various levels is as under:

Sr No	Group	Competent Authority to constitute the Internal Committee
1	A	Director General
2	B and C	Executive Director (HQ) in case of employees of the HQ or
		ED/Dir /DIC in case of employees of the Centres

7. Time Schedule: Time Schedule prescribed by DoP&T vide ibid OM dated 28 Aug 2020 to assess the suitability of an employee for continuance in service or for retiring prematurely in public interest under FR 56(j), FR- 56(l) or Rule 48(I)(b) of CCS(Pension) Rules 1972 is as under: -

S. 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 qualifying service, as the case may be, in the quarter indicated below
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

- 8.The cases of employees covered by FR 56 (j) or FR 56(l) or Rule 48(1) (b) of the CCS (Pension) Rules should be reviewed six months before they attain the age of 50/55 years or complete 30 years' service/30 years of qualifying service, **whichever occurs earlier.**
- 9. Consolidated instructions issued by DoP&T vide aforesaid OM of 28 Aug 2020 provides for maintenance of a register of employees due for review. It is therefore imperative that a register is prepared well in advance say by 30 June of each year, showing the list of officials due for review in each quarterly period of following calendar year.
- 10. There is also no bar on the Organization to review any such case again where it was decided earlier to retain the officer, but the Appropriate/Appointing Authority is of the opinion that it is expedient to undertake the review again on account of changed circumstances, in public interest. In such case, the Appropriate Authority is expected to demonstrate visible meticulousness as such employees have been found effective on earlier occasion for retention in service.
- **11.Broad Criteria to be followed by the Review Committee**: The broad criteria to be followed by the Review Committee while making its recommendations are as follows:
 - (a) Employees whose integrity is doubtful shall be retired.
 - (b) Employees who are found to be ineffective shall also be retired. The basic consideration in identifying such employees should be their fitness/competence to continue in the post held.
 - (c) No employee should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case. However, in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an employee, it would be open to review such a case also for premature retirement. The said instruction of not retiring the employee within one year on the ground of ineffectiveness except in case of sudden and steep fall in his performance is relevant only when he is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity.
 - (d) No employee should ordinarily be retired on ground of ineffectiveness, if, his service during the preceding 5 years or where he has been promoted to a higher post during that 5-year period, his service in the highest post, has been

found satisfactory. There is no such stipulation, however, where the employee is to be retired on grounds of doubtful integrity. In case of those employees who have been promoted during the last 5 years, the previous entries in the ACRs may be taken into account if he was promoted on the basis of seniority cum fitness, and not on the basis of merit.

(e) The entire service record of an Employee should be considered at the time of review. The expression 'service record' refers to all relevant records and therefore, the review should not be confined to the consideration of the ACR/APAR dossier. The personal file of the employee may contain valuable material. Similarly, his work and performance could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. It would be useful if the Establishment concerned put together all the data available about the employee and prepares a comprehensive brief for consideration by the Review Committee. Even uncommunicated remarks in the ACRs/APARs may be taken into consideration.

12.Principles crystallized from important judgments of Supreme Court: The following principles emerged from important judgments of Supreme Court:

- (a) 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.
- (b) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.
- (c) For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to entire service record of the officer.
- (d) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.
- (e) Even un-communicated entries in the confidential record can also be taken into consideration.
- (f) The order of compulsory retirement shall not be passed as a short cut to avoid Departmental enquiry when such course is more desirable.
- (g) If the officer was given a promotion despite adverse entries made in the confidential record that is a fact in favour of the officer.
- (h) Compulsory retirement shall not be imposed as a punitive measure.
- (j) The opinion formed by the appropriate authority shall not be based on collateral grounds or arbitrary in nature.
- (k) All material on record, including the 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 also be taken into account.

(l) Reports of conduct unbecoming of a Government Servant that obstructs the efficiency in public services may also form basis for compulsory retirement (for example: unauthorized proceeding on leave/failures in timely submission of IPR, criminal case/charges etc.).

13.Documents required for consideration of cases by Review Committee:

- (a) Statement of case from the concerned Establishment in the format prescribed at Appendix 'I'.
- (b) Additional Attributes from the Reporting officer in the format prescribed at Appendix 'II'.
- (c) Vigilance Clearance
- (d) APAR Gradings of last 5 years from concerned APAR Cell.
- (e) Integrity certificate on the basis of APARs of last 5 years.
- (f) Any other document(s) pertaining to adverse remarks in the service record, if any.

<u>Note</u>: It is imperative that documents mentioned above and additional attributes in respect of the employees under consideration for Review are forwarded to concerned Admin at least 3 months prior to the due quarterly period.

- **14. Procedure to be adopted for consideration of Review Committee:** While preparing the documents as indicated above, for consideration of the Review Committee, the following procedure may be adopted:
 - (a) The APARs of the last five years of the officer being reviewed are to be scrutinized for any adverse entries, warning letters and orders imposing penalties under CCS (CCA) Rules.
 - (b) The Service Book of the officer being reviewed is to be scrutinized for any suspension or other forms of interruption in service, events like stoppage of increment, etc.
 - (c) The personal file of the officer being reviewed is to be scrutinized for any court decrees regarding attachment of pay, warning letters, orders imposing penalties under CCS (CCA) Rules or any other adverse entries viz; unauthorized absence from duty, advice/counseling given for improvement in discharge of duties, complaint received against the officer, suspicious property transaction, criminal case/charges etc, if any.
 - (d) Files dealt or any paper or report submitted by the officer being reviewed is to be scrutinized for any ineffectiveness or delay in disposal of work.
- **15.** Needless to say that decision of premature retirement is subject to judicial scrutiny and therefore the process followed in taking such decision should be seen as fair,

impartial, cogent, evidence based and not arbitrary.

- **16. Minutes of Review Committee:** In cases where it is decided for premature retirement of an Employee, minutes of Review Committee should be self- speaking inter-alia including a statement of service records relied upon, and summarized reasons for the conclusion of premature retirement from service. Minutes should also clearly record that 'It is necessary to retire the Employee in public interest.'
- **17. Approval of Appropriate/Appointing Authority:** After the Review Committee recommends an official for premature retirement, before issue of the notice/order of premature retirement, the recommendations of the Review Committee will be put up for consideration and approval of the Appropriate/Appointing Authority immediately. There should be no delay in this regard.
 - **Note (i):** Appropriate authority, under FR 56, means the authority which has the power to make substantive appointments to the post or service from which Govt servant is required to retire.
 - **Note (ii):** Appointing Authority means the authority competent to make the first appointment to the grade which the Govt servant for the time being holds.
 - **18. Notice/ order of Premature Retirement**: Prescribed proformae for issue of notice/order under FR 56(j), FR 56(l) and Rule 48(1) (b) of CCS (Pension) Rules, 1972, (a) Where a Government 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; or (b) Where it is decided to serve the notice of retirement before an 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; or (c) Where it is decided to dispense with the three months' notice are indicated at **Appendix III/IV/V** respectively.
 - 19. Notice/order of premature retirement can be given under both FR 56(j)/ FR 56 (l) and Rule 48 (1)(b) of CCS(Pension) Rules, 1972. Since a common proforma has been prescribed for issue of notice/order under both the provisions, it is often observed that notice/order issued by Establishments quote both the provisions. It is imperative that notice/order is issued by quoting only the relevant provision.
 - **20. Representation against premature retirement:** Representation against Notice/order of premature Retirement received, if, any, along with point wise comments on points put forth in the representation, all service records, which have been relied upon by the Review Committee shall be forwarded to the Representation Committee through the concerned Admin within 15 days from receipt of such representation.
 - 21. Adherence of prescribed time schedule is of paramount importance so that entire process from review to disposal of representation is concluded well before the due date of premature retirement.
 - 22. The above procedure/guidelines are to be read in conjunction with DoP&T instructions on the subject issued from time to time.

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The	case	of	Mr./Mrs./Ms.
Designation			_, whose particulars are furnished below has been
considered	for retentior	n in se	rvice beyond 50/55 years of age or completion of 30 years
of service:-			

SI No	Particulars	Details
1.	NAME & DESIGNATION	
2.	DATE OF BIRTH	
3.	DATE OF APPT. IN NIELIT	
4.	LEVEL IN THE PAY MATRIX	
5.	ESTT. WHERE EMPLOYED	
6.	APPOINTMENT HELD DURING LAST THREE YEARS	
7.	WHETHER THE OFFICER WAS/IS UNDER OBLIGATION TO SERVE THE NIELIT FOR ANY PERIOD. IF SO, THE DETAILS THEREOF	
8.	WHETHER THE INDIVIDUAL WAS TRAINED AT NIELIT EXPENSE DURING THE LAST FIVE YEARS	
9.	PERFORMANCE DURING THE LAST FIVE YEARS	
10.	THE RESUME OF APARS FOR THE LAST FIVE YEARS. ANY ADVERSE REMARKS, IF RECORDED IN THE LAST FIVE YEARS ARE TO BE HIGHLIGHTED.	

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11.	WHETHER THERE IS ANY VIGILANCE CASE PENDING/CONTEMPLATED AGAINST THE INDIVIDUAL. IF ANY, GIVE DETAILS		
12.	WHETHER AWARDED ANY PUNISHMENT AS A RESULT OF DEPARTMENTAL ACTION DURING THE LAST TEN YEARS. IF ANY, GIVE DETAILS		
13.	WHETHER ANNUAL IMMOVEABLE PROPERTY RETURN FOR THE YEAR ENDING 31 DEC (of relevant year) HAS BEEN SUBMITTED BY 31 JAN (of the following year).		
14.	CONDUCT AND GENERAL REPUTATION		
15.	DISPOSAL OF WORK/EFFICIENCY		
16.	PUNCTUALITY		
17.	WHETHER ANY COMPLAINT RECEIVED. IF ANY, GIVE DETAILS		
18.	INTEGRITY		
	Nar		
	Tele	e :	
	Office Add	ress :	
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RECOMMENDATION OF THE HEAD OF THE ESTABLISHEMENT

It is certified that after careful	scrutiny of Service Book	and Personal files of
Mr./Mrs./Ms.	Designation	from
the date of joining the service, till date,	nothing objectionable has l	been found against him
including all transactions in moveable/	immoveable properties. A	brief containing all the
data available about the official with reg	gard to SI No.09, SI No.14 &	& SI No.15 of Appendix-
II is enclosed herewith.		
The officer is Recommended / N	Not Recommended for rete	ntion in service beyond
50/55 years of age or completion of 30	years of service.	
Deter	Ciamatuma at I a a d at th	o Catabliabas ant
Date:	Signature of Head of th	e Establishment
	Se	al

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<u>ADDITIONAL ATTRIBUTES OF THE OFFICIAL DUE FOR REVIEW UNDER FR</u> <u>56(J)/RULE 48(1)(B) OF CCS PENSION RULES, 1972</u>

Name of Officer:	Period of Assessment:
Date of Birth:	Designation & Present Estt

Assessment of work output of the previous financial year.

	Attributes	Remarks of Reporting Officer
I	Completion of assigned tasks as per given timelines	
II	Completion of Additional duties/work assigned from time to time	
III	Any adverse entries made in the Confidential Report (CR)	
IV	Un-communicated entries in the APARs, if any	
V	Unauthorised absence from duties, if any	
VI	Work performance from file dealt or any papers or	
	reports prepared & submitted by the officer - whether effective & disposal done in timely manner	
VII	Advice/counselling given for improvement in discharge of duties, if any	
VIII	Efforts of officer towards economical measures	
IX	Warning/Advisory issued for delay in work disposal, if any	
X	Whether integrity is doubtful	
XI	Whether any complaint received against the official which is found to be true(though may not have sufficient evidence)	
XII	Whether any suspicious property transaction undertaken or any decision blatantly appeared to be not unbiased	
XIII	Overall recommendations of the organisation whether the officer is to be retained in service	
XIV	Displeasure shown against the officer in performance review meetings	
XV	Letter issued to the officer to ensure good performance and improve work	

Signature	•
Name	:
Designation	:
Date	

ORDER

WHEREAS the of the opinion that it is in the public intere	st to do so:				
Rule 56 of Fundamental Rules/ ⁴ Rule 4 Rules,1972, the(name) the age of fifty/fifty-five years or having coof service qualifying for pension on the retire from service on the forenoon of ¹	Sthe powers conferred by ⁴ clause ⁵ of the Central Civil Service (Pension) priate authority) hereby gives notice to (designation) that he, having already attained empleted thirty years of service or thirty years				
(Signature) Designation of the appropriate authority					
To, Shri/Smt					
ACKNOWLEDGEMENT					
I,now	holding the post ofhereby				
acknowledge the receipt of the original no	tice of the order of retirement as aforesaid.				
Countersigned:					
Name	-Sd/-				
Designation:	Designation:				
Place	Place:				
Date:	Date:				
1. 1. The date following the date on which he atta qualifying for pension. Either of the two alternatives m 2. Any authority who is competent to authenticate or 3. As defined in FR56.					

4. Strike off the portion not applicable.

5. Here state (j) (i) or (j) (ii) or (l), as the case may be.

WHEREAS the		(appropriate authority) is
of the opinion that it is in the	e public interest to do so:	
clause 3 of Rule 56 or (Pension) Rules,1972, the to (name) of fifty/fifty-five years or has service qualifying for pensions service on the forenoon of	f., in exercise of the powers confirmed from the following completing thirty years of three months computed from the first whichever is later.	of the Central Civil Service (thority) hereby give notice hat he on attaining the age of service or thirty years of 20, shall retire from the forenoon of the day
	1	,
	Designation of the	appropriate authority ¹
To,	Ç	
Shri/Smt		
	<u>ACKNOWLEDGEMENT</u>	
Ι,	now holding the post of	hereby
	he original notice of the order o	
	<i>5</i>	
Countersigned:		
Name		-Sd/-
Designation:		Designation:
Place		Place:
Date:		Date:

- 1. As defined in FR56.
- 2. Strike off the portion not applicable.
- 3. Here state (j) (i) or (j) (ii) or (l), as the case may be.
- 4. The date following the date on which he attains the age of 50/55 years/completes 30 years' service/thirty year of p-1 X service qualifying for pension.

WHEREAS	the (appropriate authority) is
of the opinion that	is in the public interest to do so;
of Rule 56 of Fur Rules,1972, the_ Shri/Smt/Kum_ attained the age of thirty years of Shri/Smt/Kum_ pay plus allowance	EFORE, in exercise of the powers conferred by ² clause ³ lamental Rules/ ² Rule 48 of the Central Civil Service (Pension) ¹ (appropriate authority) hereby retires with immediate effect, he/she having already fifty/fifty-five years or having completed thirty years of service or service qualifying for pension on the shall be paid a sum equivalent to the amount of his/her for a period of three months calculated at the same rate at which the immediately before his/her retirement.
То,	() Designation of the appropriate authority ¹
Shri/Smt	
	<u>ACKNOWLEDGEMENT</u>
Ι,	now holding the post ofin the Ministry/
Department of	hereby acknowledge the receipt of the original of the order of
retirement as afores	aid along with cash or crossed cheque Nodated, for Rs
(Rupeesonly)	
Countersigned:	Çi an atıma
Name Designation:	Signature: Designation:
Place	Place:
Date:	Date:
1. As defined in FR56.	and another la
2. Strike off the portion3. Here state (j) (i) or (j)	(ii) or (I), as the case may be.

4. The date following the date on which he attains the age of 50/55 years/completes thirty years' service/thirty years of service qualifying for pension. Either of the two alternatives may be used according to requirement.

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