

**HARYANA GOVERNMENT  
GENERAL ADMINISTRATION DEPARTMENT  
CHIEF SECRETARY'S OFFICE**

**No. 32/06/2018-4GS1**

To

1. All the Administrative Secretaries to Government Haryana.
2. All the Heads of the Departments of Haryana.
3. The Registrar (General) Punjab & Haryana High Court.
4. All the Divisional Commissioners in Haryana.
5. All the Deputy Commissioners of Haryana.

Dated Chandigarh, the 05<sup>th</sup> February, 2019.

**Subject: Premature Retirement on attaining the age of 50/55 years or on completion of 25 years qualifying service – Revised Policy/Guidelines regarding.**

\*\*\*\*\*

Sir/Madam,

I am directed to invite your attention to the subject noted above and say that a policy regarding premature retirement has been in existence since 1953 which was made applicable with a view to provide clean administration, improving efficiency and strengthening administrative machinery at all levels, and to weed out the dead wood and those employees whose integrity is doubtful. Higher the level reached by a Govt. employee, the higher are the responsibilities entrusted to him and, therefore, higher are the expectations of Government that the responsibilities are discharged with competence, efficiency and effectiveness.

2. At present, provision in this regard exists in Rules 144 & 145 of Haryana Civil Services (General) Rules, 2016. Earlier the provisions were partly in Pb. CSR Volume-I, Part-I and partly in Pb. CSR Volume-II in addition to large number of instructions issued from time to time by this Department. Many points raised by various Departments still required clarification. It has therefore been decided to issue revised policy/guidelines thereof, which is as under:-

**I. Provisions in Haryana Civil Services Rules:-**

The provision which exists in the Haryana Civil Services (General) Rules, 2016 are reproduced below:-

**8(68) "premature retirement"** means the retirement of a Government employee from service in public interest on or after attaining the age or completing the qualifying service, as the case may be, prescribed for the purpose;

**"Rule 144 : Premature retirement after attaining the prescribed age or qualifying service.—**

The appointing authority shall, in public interest, have the absolute right to retire prematurely a Government employee of any Group, other than of Group D, on account of inefficiency after attaining the prescribed age irrespective of his length of service or after

completion of twenty years' qualifying service irrespective of his age, by giving him a notice of not less than three months in writing or pay and allowances in lieu of notice period. The minimum age prescribed for the purpose, except in case of twenty years' qualifying service, is—

- (i) 50 years for the Government employees who are working on a post of Group 'A' or 'B' and joined service on any post before attaining the age of thirty five years;
- (ii) 55 years for the Government employees who are working on a post of Group 'A' or 'B' and joined service on any post after attaining the age of thirty five years; and
- (iii) 55 years for Government employees working on Group C posts :

Provided that in the case of Judicial Officer, the case for retention in service beyond the age of fifty-eight years shall be considered by the competent authority before he attains such age, irrespective of his date of entry into Government service.

**Note 1.** — (i) *The provision of this rule may be initiated against a Government employee whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency or who has ceased to be fully efficient (i.e. when a Government employee's value is clearly incommensurate with the pay which he draws) but not to such a degree as to warrant his retirement on a compassionate ground. It is not the intension to use the provisions of this rule as a financial weapon, that is to say, the provision shall be used only in the case of Government employees who are considered unfit for retention on personal as opposed to financial grounds; and*

- (ii) *in cases where reputation for corruption, dishonesty or infamous conduct is clearly established even though no specific instance is likely to be proved under the Haryana Civil Services (Punishment and Appeal) Rules, 2016 or the Public Servants (Inquiries) Act, 1850 (37 of 1850).*

**Note 2.**— *Authority competent to retire under this rule shall carefully examine the record of the Government employee whether he has completed prescribed age or qualifying service, as the case may be, with particular reference to his integrity or otherwise; and if it is desirable in the public interest that he should be retired, action shall be taken accordingly.*

**Note 3.**— *The Government employee shall be given a reasonable opportunity to show cause against the proposed premature retirement under this rule. In case of gazetted Government employee, approval of Council of Ministers shall be obtained and in the case of non-gazetted Government employee the Head of Departments shall effect such retirement with the previous approval of the Administrative*



*Department. In all cases of such retirement the Haryana Public Service Commission or Haryana Staff Selection Commission, as the case may be, shall be consulted.*

**Note 4.**— *Heads of Departments shall report to Government in each quarter, the action taken under this rule.*

**Rule 145: Three months' notice or pay and allowances in lieu of notice period on premature retirement.—**

A Government employee shall stand retired immediately on expiry of three months' notice or from the date of payment of three months' pay and allowances in lieu of the notice period and shall not be in service thereafter, therefore, he shall not be entitled to any increment or counting of any period subsequent to the date of such retirement for the purpose of pension etc. He shall be entitled to pension, if admissible under the rules, from the next date of such retirement and the pension shall not be deferred till the expiry of the period of three months for which he is paid pay and allowances.

**Note 1.**— *Pay and allowances in lieu of three months' notice shall include basic pay in the [level/pay scale], special pay in lieu of higher time scale, personal pay, dearness allowance and house rent allowance only. As the pay and allowances paid in lieu of notice period are, "Salary" and therefore, income tax shall be deducted at source.*

**Note 2.**— *The payment of pay and allowances in lieu of the notice period shall be made simultaneously with the order of retirement.*

**II. Object of the provision of Premature Retirement:-**

The main object of this policy decision is to provide clean administration, improving efficiency and strengthening administrative machinery at all levels, and to weed out dead wood and to all those employees whose integrity is doubtful. The Government expects that higher the level reached by a Govt. employee, he should be more responsible, discharge his duties with exemplary competence, efficiency and effectiveness.

Hon'ble Appex Court has also observed that the provisions contribute towards maintenance of the highest efficiency in administration, obviously desirable in the public interest. While interpreting the scope of the provisions of Rule 16 (3) of the All India Services (Death-cum-Retirement Benefits) Rules, 1958, which is analogous to Rule 144 of Haryana Civil Services (General) Rules, 2016, the Supreme Court observed in the case titled, Union of India v/s M.E. Reddy and another (AIR 1980 se 563).

*"The object of the Rule is to weed out the dead wood in order to maintain a high standard of efficiency and initiative in the State Services. It is not necessary that a good officer may*

*continue to be efficient for all time to come. It may be that there may be some officers who may possess a better administrative and higher standard of efficiency and if given chance the work of the Government might show marked improvement. In such a case premature retirement of an officer/official who fulfils the conditions of Rule 16(3) is undoubtedly in public interest and is not passed by way of punishment."*

*Premature retirement contemplated by the aforesaid rule is designed to infuse the administration with initiative ..... so as to meet the expanding needs of the nation which require exploration of 'fields and pastures anew'. Such a retirement involves no strain or stigma nor does it entail any penalty or civil consequences. In fact, the rule merely seeks to strike a just balance between the termination of the completed career of a retired employee and maintenance of top efficiency in the diverse activities of administration."*

In another case titled, *Baikuntha Nath Dass and another versus Chief District Medical Officer, Mayurbhanj (Orissa)* the Supreme Court observed that the order of premature retirement should be based on the following principles :-

- (i) *An order of premature retirement is not a punishment. It implies no stigma nor any suggestion of misbehaviour.*
- (ii) *The order has to be passed by the government on forming the opinion that it is in the public interest to retire a Government servant prematurely. The order is passed on the subjective satisfaction of the Government.*
- (iii) *Principles of natural justice have no place in the context of an order of premature retirement. This does not mean that judicial scrutiny is excluded altogether. While the High Court or this Court would not examine the matter as an appellate court, they may interfere if they are satisfied that the order is passed (a) mala fide or (b) that it is based on no evidence or (c) that it is arbitrary - in the sense that no reasonable person would form the requisite opinion on the given material; in short, if it is found to be a perverse order.*
- (iv) *The Government or the Review Committee, as the case may be, shall have to consider the entire record of service before taking a decision in the matter - of course attaching more importance to record of and performance during the later years. The record to be so considered would naturally include the entries in the confidential records/character rolls, both favourable and adverse. If a government servant is promoted to a higher post notwithstanding the adverse remarks, such remarks lose their sting, more so, if the promotion is based upon merit (selection) and not upon seniority.*
- (v) *An order of premature retirement is not liable to be quashed by a Court merely on the showing that while passing it uncommunicated adverse remarks were also taken into*



*consideration. That circumstance by itself cannot be a basis for interference. Interference is permissible only on the grounds mentioned in (iii) above.*

It will thus be seen that the judicial pronouncements are clearly to the effect that premature retirement is not a punishment, does not involve a stain or stigma and that it is in the public interest.

### **III. Parameters for premature retirement or continuing in service:-**

It is not possible to specify the guidelines and manner in which the performance of a Government employee is to be assessed, since the requirements of a particular position occupied by a Government employee will only be known better to the Department concerned and these requirements will vary from one position to another. However, the parameters to be following by the competent authority based on the pronouncements of Supreme Court and High Courts are as under:-

- (a) The competent authority must apply its mind independently to the record of the employee and form an opinion about the suitability and the desirability of continuing an employee/officer in the service after completing prescribed age or qualifying service.
- (b) The competent authority is required to make an objective assessment/evaluation of the work, conduct and performance of the employee, as reflected in his service record, in order to determine whether he should be retired before the age of superannuation.
- (c) Service record of last 10 years should be taken into account and out of this 50% ACR in case of retention beyond 50 years and 70% ACRs in case of retention beyond 55 years or on completion of 25 years qualifying service, should be 'Good' or above.
- (d) A Government employee against whom disciplinary proceedings were pending but now decision has been taken and now no departmental/Vigilance enquiry is pending against him, may be considered for extension in service.
- (d) A Government employee whose integrity has been doubted during last ten years of service will be retired prematurely, however, the doubtful integrity during the period of service before last 10 years will be ignored.
- (e) No employee should ordinarily be retired on the grounds of ineffectiveness if his service during the preceding 5 years, or where he has been promoted to a higher post during that 5 years' period, his service in the promotional post, has been found satisfactory.
- (f) Government employee, who is found to be ineffective may be considered for premature retirement. The basic consideration in identifying such employee should be the fitness/competence of the employee to continue in the post which he is holding.
- (g) No employee should ordinarily be retired prematurely if he would be retiring on superannuation within a period of one year from the date of consideration of his case. This provision is relevant only when an employee is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity. 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 for the competent authority to review his case for premature retirement during the last year of superannuation. The damage to public interest could be marginal if an old employee, in the last year of his service, is found ineffective; but the damage may be incalculable if he is found corrupt and demands or obtains illegal gratification during the said period for the tasks he is duty bound to perform.

- (h) When an officer/official is considered to have good reputation for integrity and honesty, the HOD or Administrative Secretary concerned should furnish the following certificate of integrity :-

*"Having scrutinized in character roll and personal file of Shri/Smt./Kumari \_\_\_\_\_ and having taken into account all other relevant available information, I certify that he/she has a good reputation for integrity and honesty.*

- (i) In every case, where it is proposed to retire a Government employee under Rule 144 of HCS (General) Rules, 2016, the HOD/ Administrative Secretary concerned should record in the case that he is of the opinion that it is necessary to retire the Government employee in pursuance of the aforesaid rule(s) in the public interest. In case of Union of India *versus* Col. J.N. Sinha, the Supreme Court had observed that the appropriate authority should bona fide 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.
- (j) The rules relating to premature retirement should not be used—
- (i) to retire a Government employee on grounds of specific acts of misconduct, as a short-cut to initiating formal disciplinary proceeding; or
  - (ii) for reduction of surplus staff or as a measure of effecting general economy without following the rules and instructions relating to retrenchment.

#### **IV. Perusal of entire Service Record:-**

The entire service record of an officer should be considered at the time of review. The term 'service record' is all-embracing and review should not hence be confined to the consideration of only the Annual Confidential Reports. In some of the Departments, Officers take action for concluding contracts, settling claims, assessing taxes, etc. Doubts may have arisen relating to the bona fide nature of action taken by the officer, but on account of inadequate proof, it may not have been possible to initiate action for a regular departmental inquiry, leading finally to a punishment of the nature that may find entry in the ACRs of the officer/official. The personal file of the officer/official may have details of the nature of doubt that arose regarding the integrity of the officer and the result of the preliminary investigation that was carried out. Matters found on the personal file of the officer can and should also,



therefore, be placed before the Administrative Department/Officers' Committee and not only the ACRs of the officer/official concerned.

It is likely that each allegation that comes to notice against the integrity of the officer may have been handled on a separate file and that details thereof may not be available on the personal file of the officer, which is confined only to establishment matters, like increments, promotions, grant of benefit of ACP etc. In such a situation, well ahead of the meeting of the Officers' Committee, the Administrative Department will have to compile together all the data available in the separate files and prepare a comprehensive brief for the consideration of the Officers' Committee.

There are a number of judicial pronouncements in support of the above provision that a total assessment of the performance of the Government employee can be made. There have also been observations that have approved any measure by which the assessment by superiors, with an opportunity to watch the work and conduct of an officer, is taken into account while deciding premature retirement. In a case titled, Union of India v/s M.E. Reddy and another (AIR 1980 SC 563) the Supreme Court observed—

*"It will indeed be difficult, if not impossible to prove by positive evidence that a particular officer is dishonest, but those who have had the opportunity to watch the performance of the said officer in close quarters are in a position to know the nature and character not only on his performance but also of the reputation that he enjoys."*

In another case titled, R.L. Butail v/s Union of India and another (1971) 2 SCR 55, the observation was—

*"It may well be that in spite of the work of the appellant being satisfactory, as he claimed it was, there may have been other relevant factors, such as the history of the appellant's entire service and confidential reports throughout the period of the service, upon which the appropriate authority may still decide to order appellant's retirement under FR 56 (j)."*

#### **V. Cases of Border-line or consistent improvement:-**

The competent authority should ensure the application of mind to the record of the employee for making an objective analysis evaluation and assessment with a view to find out whether the employee is fit to be continued in service and his extension in service is in public interest after he has attained the age of 55 years or completed 25 years qualifying service. The border-line cases or the employees who had shown consistent improvement in their work and

performance may be considered for an extension of one year provided they have not earned adverse remarks casting reflection their integrity. An illustration is also being given below:-

Mr. X and Y belonging to Group C Service. Both have attained the age of 55 years or completed 25 years qualifying service. Through out their service career, neither of them has earned adverse remarks casting reflection their integrity. In the annual confidential reports of the last 10 years they have earned following remarks:-

ACR of the year	X	Y
2005-06	Average	Very Good
2006-07	Average	Good
2007-08	Average	Good
2008-09	Average	Good
2009-10	Very Good	Good
2010-11	Very Good	Good
2011-12	Very Good	Good
2012-13	Very Good	Average
2013-14	Very Good	Average
2014-15	Outstanding	Average

Mr. 'X' who has earned 4 Average and 6 Very Good/Outstanding reports may not be retired prematurely only on the ground of non-completion of 70% Good or Very Good ACRs if he is otherwise fit for extension and his integrity and honesty was not doubtful throughout the service career because he has been consistently improving his efficiency as clarified from the ACRs of last six years so he may be given an extension of one year by Administrative Department and thereafter his case should be re-considered and decision should be taken keeping in view the performance of that year.

Similarly, another employee Mr. Y, whose first 7 reports are Good/Very Good and last 3 reports are Average, and is at border line. He may also not be considered for premature retirement due to border line if otherwise fit for extension and his integrity and honesty was not doubtful throughout the service career. He may be given an extension of one year by the Administrative Department and thereafter his case should be re-considered and decision should be taken keeping in view the performance of that year.

The ACRs which are misplaced or not available, action should be taken against the concerned officer/official responsible for maintaining the record. A certificate(s) should be obtained from the concerned Head of Department-



- (i) that efforts have been made to trace the ACR or the ACR of said period was not written, as the case may be; and
- (ii) regarding doubtful integrity during the said period so that there may be no doubt in this regard.

#### VI. Consideration of record prior to promotion or grant of benefit of ACP:-

Normally, there is no need to keep in view the service record of a Government who has been promoted or granted benefit of ACP, for the period prior to his promotion. What are the circumstances in which the entire service record of such an officer could be considered? This question has been the subject of consideration by the Supreme Court in a case titled, D. Ramaswamy v/s State of Tamil Nadu, AIR 1982 SC 793. The Supreme Court observed—

*"After his promotion as Deputy Commissioner there was no entry in the service book to his discredit or hinting even remotely that he had outlived his utility to the Government. If there was some entry not wholly favourable to the appellant after his promotion one might hark back to similar or like entries in the past, read them in conjunction and conclude that the time had arrived for the Government employee to be retired prematurely from Government service .....*

*..... The learned Counsel for the State of Tamil Nadu argued that the Government was entitled to take into consideration the entire history of the appellant including that part of it prior to his promotion. We do not say that the previous history of a Government employee should be completely ignored once he is promoted. Sometimes past events may help to assess present conduct. But when there is nothing in the present conduct casting any doubt on the wisdom of the promotion, we see no justification for needless digging into the past ....."*

#### VII. Annual Confidential Reports:-

Entries in the ACRs of an officer will of course form a very important part of the total service record taken into consideration while reviewing any proposal for premature retirement. There are, however, certain misconceptions relating to the procedure to be adopted in this behalf, and clarifications based on judicial pronouncements are provided below:-

- (i) The general impression prevalent that the Officers' Committee shall not take into account any remark that has not been communicated to the officer, is not a self-restraint that should invariably hold good in all circumstances. Non-communication of an adverse entry in regard to doubtful integrity may not be fatal in certain circumstances. The Supreme Court observed in the case of Union of India v/s M.E. Reddy and another, already referred to above.

*"Mr. Krishnamurthy Iyer appearing for Reddy submitted that the order impugned is passed on materials which are non-existent in as much as there are no adverse*



*remarks against Reddy who had a spotless career throughout and if such remarks would have been made in his confidential report, they should have been communicated to him under the rules. This argument, in our opinion, appears to be based on a serious misconception. In the first place, under the various rules on the subject, it is not every adverse entry or remark that has to be communicated to the officer concerned. The Superior Officer may make certain remarks while assessing the work and conduct of the subordinate officer based on his personal supervision or contact. Some of these remarks may be purely innocuous or may be connected with general reputation of honesty or integrity that a particular officer enjoys."*

- (ii) The position that emerges, therefore, is that, in a particular case, while an odd adverse remark that may not have been communicated to the officer concerned, could be taken into account as part of the total service record considered by the Officers' Committee, it would not, as a matter of course, be appropriate to take into account adverse remarks which have not been communicated to the officer.

**VIII. Authority Competent to finalize the cases of employees who are fit for extension:-**

Administrative Department, with the approval of Minister-in-Charge, shall be competent to retain the Government employees of Group A and B who seem eligible for extension, and those who are not eligible for extension in service, their cases will be placed before the Officer's Committee for consideration with the advice of HPSC. If Officers' Committee also recommends premature retirement then a three months' notice will be issued to the Government employee, in question, by registered post with acknowledgement or through special messenger. Thereafter, on receipt of representation, if any, within the prescribed period against the notice, the matter will again be placed before the Officers' Committee for consideration. After final decision of the Officer's Committee, speaking order of premature retirement will be issued by the Administrative Department concerned.

Similarly, Head of the Department shall be competent to retain a Government employee of Group C who fulfills the eligibility criteria, otherwise case will be sent to Administrative Department with the advice of Haryana Staff Selection Commission before and after the issue of three months' notice for taking final decision to retire a Government employee of Group C prematurely.

In cases where the decision is to be taken by the competent authority (Officers' Committee or Administrative Department) inconsistent with the recommendations of the Haryana Public Service Commission or Haryana Staff Selection Commission, as the case may be, the matter will be placed before Council of Ministers for final decision.

Where the competent authority is of the view that three months' salary in lieu of notice should be given with the order of premature retirement, in such case a show cause notice



should also be given to the Government employee, in question, before the issue of order of pre-mature retirement.

There need be no hesitation to take action under Rule 144 where such action is eminently justified. As clarified above, the Supreme Court has observed that the provisions contribute towards maintenance of the highest efficiency in administration, obviously desirable in the public interest.

**IX. Decision of Premature Retirement should be in the public interest:-**

The decision of premature retirement taken by the competent authority should, in fact, be bona fide and in the public interest based upon relevant grounds and not be arbitrary or actuated by *mala fides*. Any contention that the action has been influenced by extraneous or irrelevant considerations, arbitrariness or malice will be closely inquired into by the Court of Law, and if the contention is upheld, the order of premature retirement is liable to be struck down. It is, therefore, absolutely essential that the competent authorities should ensure that action for premature retirement is taken in an appropriate manner.

**X. Advice of HPSC/HSSC:-**

Where HOD/AD come to a tentative decision that premature retirement of a Government employee is in public interest, the advice of HPSC/HSSC will be obtained before sending the case to the Administrative Department/Officers' Committee.

**XI. Composition of Officers' Committee:-**

For consideration of cases of Group 'A' and 'B' Government employees, the composition of Officers' Committee shall be as under:-

1.	Chief Secretary to Government, Haryana.	Chairman
2.	Financial Commissioner Revenue	Member
3.	Administrative Secretary Finance	Member
4.	Legal Remembrancer	Member
5.	Administrative Secretary of the concerned Department	Member
6.	Secretary, General Administration Department	Member-Secretary
7.	Head of Department concerned	Member

**XII. Constitution of Internal Committee for a particular case, if necessary:-**

For preparing a comprehensive brief on an officer when the case of premature retirement is being placed before the Officers' Committee for consideration, Administrative Department may set up an Internal Committee, if necessary for a particular case, to assist the Officers' Committee consisting of those senior officers who have had occasion to know about the work and conduct of the officer proposed to be reviewed. This Committee will not be

constituted as a separate measure, but only at the time when the case of a particular officer is taken up for consideration of premature retirement.

### **XIII. Cases to be sent to Officers' Committee or Administrative Department:-**

The following types of cases of the Government employees of Group A and B to be sent to the Officers' Committee and of Group C to the Administrative Department concerned for final decision:-

- (1) Where departmental proceedings under rule 7 of the HCS (Punishment & Appeal) Rules or judicial proceedings are pending.
- (2) Where integrity has been doubted during last ten years and mention thereof has been made in the ACR.
- (3) Where an ACR of last ten years has been downgraded/upgraded.
- (4) Where punishment has been awarded, during the period of last ten years of service, under the HCS (Punishment & Appeal) Rules which reflects on integrity of the Government employee.
- (5) Where reputation of corruption is clearly established even though no specific instances are likely to be proved under the HCS (Punishment & Appeal) Rules.
- (6) Cases of Border line or of Consistent improvement.

The cases which are to be sent to Officers' Committee should be given Top Priority and be sent to the GAD (in GS-I Branch) minimum six months before the crucial date, alongwith ten copies of the Memorandum for Officers' Committee to be prepared by the Administrative Secretary concerned and summary of ACRs.

Before sending a case to Officers' Committee, Administrative Secretary should apply his mind to examine the case minutely and take a tentative decision whether the Government employee, in question, can be retained or not in service, in public interest.

### **XIV. Review of cases already decided for extension:-**

Once a decision has been taken by the competent authority to retain a Government employee beyond the age of 55 years age or completion of qualifying service of 25 years, he would ordinarily continue in service till he attains the age of superannuation unless—

- (i) reports or facts have come to notice which reflect adversely upon the integrity of the officer; or
- (ii) his health has deteriorated to an extent that it renders him unfit to work efficiently on the post; or ,
- (iii) there has been a marked deterioration in his work.

However, the competent authority considers at any time after the age of 50/55 years or 25 years qualifying service a review aforesaid that the extension of a Government employee will



not be in the public interest, that authority may take necessary action to retire the officer/official by following the procedure laid down in these instructions.

*Note. — Before taking decision for premature retirement on the grounds of health, the provision contained in the Rights of Persons with Disability Act, 2016 should also be taken into account.*

**XV. Date of three months' Notice:-**

When the competent authority has come to the conclusion that a Government employee may be prematurely retired, the three months' notice referred to in Rule 145 of HCS(General) Rules, 2016 may be given before the Government employee attains the specified age or completes 25 years of qualifying service, as the case may be. But the retirement should take place after attaining the prescribed age or completion of 25 years of qualifying service, as the case may be. A notice even longer than three months before attaining the age of 50/55 years or completion of 25 years' qualifying 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 25 years' qualifying service, as the case may be. For this purpose the qualifying service should be got verified from the concerned Accounts Officer.

*Note.— The condition of retirement on last day of the month is not applicable in such cases.*

**XVI. No show cause notice necessary where three months' notice is to be issued:-**

It may be seen in the judgment of the Supreme Court in the case titled, "Union of India v/s Col. J.N. Sinha, Ex-Director (Selection Grade), Survey of India and another" in which the Supreme Court had not only upheld the validity of the provisions of Premature Retirement but have also held that no show cause notice need be issued to any Government employee before a three months' notice of retirement is issued to him under the Rule 145 of HCS(General) Rules, 2016.

**XVII. Action when a Notice is not received:-**

In a case where a Government employee refuses to accept the notice of premature retirement or order of premature retirement along with cheque of three months' pay and allowances in lieu of notice, it should be ensured that the refusal of the Government employee is witnessed by two officials. 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 covering letter, stating that the original notice/order of retirement was taken by such and such person for delivery to him on such and such date and that he 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 date following the date of refusal by the individual (witnessed by two officials). A copy may also be sent by email, if email ID is available with the Department.

**XVIII. Submission of representation and consideration thereof:-**

A Government 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 of such notice/order, which, in exceptional circumstances, may be extended upto next two weeks on the request of the Government employee concerned. On receipt of a representation, the HOD or Administrative Secretary concerned shall examine the same to see whether it contains any new facts or any new 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 AD or Officers' Committee, as the case may be, for consideration. The Administrative Department/Officers' Committee shall take final decision on the representation and further action will be taken by the HOD/Administrative Department accordingly.

**XIX. Action on reinstatement:-**

If, in any case other than case of premature retirement on the grounds of inefficiency, it is decided to reinstate a prematurely retired Government employee in service after considering his representation in accordance with these instructions, the period between the date of premature retirement and the date of reinstatement may be regulated by the authority competent for ordering reinstatement as duty, non-duty or leave of the kind due, as the case may be, taking into account the merits of each case. However, in the cases of premature retirement on the grounds of inefficiency where the Administrative Department/Officers' Committee after considering the representation comes to the conclusion that premature retirement was unjustified, the period between the date of premature retirement and the order of reinstatement, or upto the date of superannuation where such date has already passed, may be treated as duty.

**XX. Action when order of premature retirement is set aside by the Court:-**

Representations received from a Government employee who has been served with a notice/order of premature retirement, but has obtained stay order(s) from a Court of Law against the order/notice of premature retirement, need not be considered by the HOD/AD nor sent to the Officers' Committee until the disposal of the Court case.

Where the order of premature retirement is set aside by the Court of Law with specific directions in regard to regulation of the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the period between the date of premature retirement and the date of re-instatement shall be regulated in accordance



with the directions of the Court. Any material of a substantive nature that may feature in the Court judgment shall also be taken into account.

#### **XXI. Time-schedule for review**

The cases of Government employees should be reviewed six months before they attain the prescribed age or complete the prescribed length of qualifying service. In order to ensure that the review is undertaken regularly and in due time, all HOD and Administrative Secretaries shall direct a senior officer to maintain a suitable register(s) of employees in the following form 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 25 years of qualifying service, as the case may be, and also to instruct their Subordinate Offices to take similar action:-

Sr. No.	Name of the Government employee and designation	Date of Birth	Date of completion of— (i) age of 50 years (for Group A/B Officer) (ii) age of 55 years (iii) 25 years qualifying service	Date on which the case is to be sent to AD or Officers Committee 6 months before attaining the age of 50 years	Date on which the case is to be sent to AD or Officers Committee 6 months before attaining the age of 55 years	Date on which the case is to be sent to AD or Officers Committee 6 months before completion of 25 years qualifying service.
1	2	3	4	5	6	7

This register should be scrutinized at the beginning of every quarter by such senior officer in the Department, and the review undertaken according to the following schedule:-

	Quarter in which review is to be made	The quarter during which employees who are attaining the age of 50/55 years or completing 25 years' qualifying service
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.

3. All Administrative Secretaries and the Heads of Departments must ensure that all cases which are to be sent to Officers' Committee for consideration, should be received in the GAD (in GS-I Branch). A quarterly meeting shall also be arranged by the Administrative Secretaries with the Heads of Departments to monitor the latest position of review cases and ensure timely preparation of the cases to be submitted to the Officers' Committee.

4. Each Head of Department and Administrative Secretary concerned should take personal interest to send the cases in time, so that final decision could be taken before the crucial date.

While sending the case to GAD (GS-I Br.) for Officers Committee, the same may please be sent with the forwarding letter, specimen of which is, available at Annexure-A. If the matter is delayed, the responsibility will be fixed of the concerned officer/official and disciplinary action will be taken against them.

5. These Policy/Guidelines will supersede all the instructions/guidelines issued on this subject earlier. In other words the instructions issued by this Department from time to time listed at Annexure-B shall be deemed to have been withdrawn with immediate effect. The old cases already finalized will not be re-opened.

6. This Policy/Guidelines may please be brought to the notice of all concerned for strict compliance. Necessary amendments in the Haryana Civil Services Rules will be made in due course.

Yours faithfully,

*SKhan*

Under Secretary General Administration,  
for Chief Secretary to Govt. Haryana

Endst. No. No. 32/06/2018-4GS-I

Dated : Chandigarh, the 5<sup>th</sup> February, 2019

A copy is forwarded to the Principal Accountant General, Haryana (Audit/A&E), Sector 33, Chandigarh for information.

*SKhan*

Under Secretary General Administration,  
for Chief Secretary to Govt. Haryana

Endst. No. No. 32/06/2018-4GS-I

Dated : Chandigarh, the 5<sup>th</sup> February, 2019

A copy is forwarded to the Principal Secretary to Government, Haryana, Finance Department (in FR Branch), with the request to make necessary amendments in the Haryana Civil Services (General) Rules, 2016.

*SKhan*

Under Secretary General Administration,  
for Chief Secretary to Govt. Haryana

Internal distribution:

✓ Computer Cell



**Annexure-A**

No. \_\_\_\_\_

From

To

The Chief Secretary to Government, Haryana,  
General Administration Department (in GS-I Branch)  
Haryana Civil Secretariat,  
Chandigarh.

Dated:

**Subject : Premature Retirement on attaining the age of 50/55 years or on completion of 25 years' qualifying service.**

Sir,

Kindly refer to Rule 144 of Haryana Civil Services (General) Rules, 2016 and GAD's instructions dated \_\_\_\_\_ on the subject noted above. It is informed that Shri \_\_\_\_\_ is attaining the age of 50/55 years or completing 25 years qualifying service on \_\_\_\_\_.

2. Keeping in view the provision in rules/instructions and his service record, his case is submitted to the Officers' Committee for consideration. The service detail of the above said officer is as under :-

1	Name of Officer and Designation :	
2	Group of the Officer 'A' or 'B' :	
3	Name of the Department and Office :	
4	Date of entry into Government service :	
5	Date of Birth :	
6	Whether he entered in service before attaining the age of 35 years :	
7	Date of attaining the age of 50/55 years or completion of 25 years qualifying service	
8	Whether ACRs of last 10 years are available or not,	
9	If not, of which year and what is the reason thereof	



10	It is certified that the period of which the ACR of the officer is not available was not actually written by the officer(s) concerned due to	
11	It is certified that the period during which the ACR is not available the integrity of the officer was not doubtful	
12	Assessment of the last 10 years' ACRs	
13	Rate of 10 years' reports of Good and above	
	Outstanding	
	Very Good	
	Good	
	Average	
	Below Average	
14	Adverse Remarks, if any	
15	Whether Integrity has been doubtful or not	
16	If yes, detail thereof	
17	Overall assessment of the service record	
18	Recommendations of the Department with the grounds to retain or to retire prematurely	

Signature of Administrative Secretary concerned

Name \_\_\_\_\_

Designation \_\_\_\_\_

## Annexure-B

List of Instructions which will be deemed to have been withdrawn with immediate effect.

Sr. No.	Number	Date	Subject
1	No. 8562-G-55/16922	29.06.1955	Finding ways and means to deal with unsuitable Officers in a more expeditious manner than at present.
2	No. 1707-G-II(C)-58/9255	01.04.1958	Finding ways and means to deal with unsuitable officers in a more expeditious manner than at present.
3	No. 55-G-II-59/1344	03.01.1959	Finding ways and means to deal with unsuitable officers in a more expeditious manner than at present.
4	No. 5410-3GS-63/11926	28.03.1963	Age of compulsory retirement-raising of
5	No. 14089-3GS-63/35196	16.09.1963	Age of compulsory retirement- raising of.
6	No. 4776-3GS(I)-64/15823	19/21.05.1964	Age of compulsory retirement raising of -
7	No. 4449-2GS-68/22951	03.09.1968	Age of compulsory retirement-Change in the criteria for retention of Government employees in service beyond the age of 55 years.
8	No. 4689-1GS-69	26.08.1969	Age of compulsory retirement- Change in the criteria of Government employees in service beyond the age of 55 years.
9	No. 4406-4GS-I-70-13634	04.06.1970	अनिवार्य सेवा निवृत्ति की आयु बढ़ाना
10	No. 4658-1GS-70/20719	06.08.1970	Age of compulsory retirement raising of.
11	No.5742-4G.S.-72/29726	11.10.1972	55 वर्ष आयु से आगे सरकारी कर्मचारियों को सेवा में रखना। सेवा निवृत्त कर्मचारियों को सेवा निवृत्त पूर्व अवकाश प्रदान करना।
12	No. 113-4GSI-73/1611	18.01.1973	Age of compulsory retirement-change in the criteria of Government employees in service beyond the age of 55 years.
13	No. 1287-4GS-I-73/7365	22.03.1973	अनिवार्य सेवा निवृत्ति की आयु 55 वर्ष आयु से आगे सरकारी कर्मचारी को सेवा में रखने की कसौटी में परिवर्तन।
14	No. 5663-4GS-I-73/26498	23.10.1973	अनिवार्य सेवा निवृत्ति की आयु - सरकारी कर्मचारियों का 55 वर्ष के बाद सेवा में रखा जाना।
15	No. 185-4GS-I-74/941	11.01.1974	अनिवार्य सेवा निवृत्ति की आयु सरकारी कर्मचारी का 55 वर्ष के बाद सेवा में रखा जाना।
16	No. 4884-4GS-I-74/22627	24.09.1974	Retention in service of Class I and Class II Officers hi the State beyond the age of 50 years.
17	No- 5846-4GS-I-74/27622	22.11.1974	Age of compulsory retirement-retention of Government employee in Service beyond the age of 50/55 years.
18	No. 3556-4GS-I-75	30.06.1975	अनिवार्य सेवा निवृत्ति की आयु - श्रेणी I तथा II के अधिकारियों को 50/55 वर्ष की आयु से आगे सेवा में रखना।
19	No. 4627-4GS-I-75	08.08.1975	Order-retention in service beyond 50/55 years to Class I and Class II Officers.
20	No. 3575-4GS-I-75/24237	09.08.1975	अनिवार्य सेवा निवृत्ति की आयु - सरकारी कर्मचारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने की क्रियाविधि में परिवर्तन।
21	No. 5167-4GS-I-75,	12.09.1975	अनिवार्य सेवा निवृत्ति की आयु - श्रेणी-I तथा श्रेणी II के ऐसे अधिकारियों जिन की नियुक्ति प्राधिकारी सरकार है, को 50/55 वर्ष की आयु से आगे सेवा में रखने की क्रियाविधि में परिवर्तन।
22	No. 28/117/79-4GS-I	15.06.1979	अनिवार्य सेवा निवृत्ति की आयु - सरकारी कर्मचारियों को 50/55 वर्ष की आयु से आगे सेवा में रखने की क्रियाविधि में परिवर्तन।



23	No. 1686-Cabinet-79	04.09.1979	Order-retention in service beyond 50/55 years to Class I and Class II Officers.
24	No. 28/138/81-GS-I	04.09.1981	अनिवार्य सेवा निवृत्ति – सरकारी कर्मचारियों अधिकारियों को 50/55 वर्ष की आयु से / आगे सेवा में रखने की विधि में परिवर्तन ।
25	No. 32/65/82-4GS-I	24.08.1982	50/55 वर्ष की आयु से आगे सेवा में रखना –अधिकारी समिति में भेजे जाने वाले केसों में सिफारिश करने के बारे ।
26	No. 32/65/82-4GS-I	27.12.1982	50/55 वर्ष की आयु से आगे सेवा में वृद्धि प्रदान करना – केसों को भेजने में अनावश्यक विलम्ब को रोकना ।
27	No. 32/198/83-4GS-I	16.08.1983	50/55 वर्ष की आयु के बाद सेवा में रखना-55 वर्ष की आयु के बाद सेवा में वृद्धि देने की प्रवृत्ति में परिवर्तन करना ।
28	No. 32/276/85-4GS-I	29.05.1986	50/55 वर्ष की आयु से आगे सेवा में वृद्धि प्रदान करना-केसों को भेजने में अनावश्यक विलम्ब को रोकना ।
29	No. 32/15-A/87-4GS-I	06.07.1987	50/55 वर्ष की आयु के बाद सेवा में वृद्धि प्रदान करना केसों को भेजने में विलम्ब को रोकना ।
30	No. 32/342/87-4GS-I	10.11.1987	50/55 वर्ष की आयु के बाद सेवा में रखना को भेजने में त्रुटियों को दूर करना ।
31	No. 32/274/88-GS-I	12.12.1988	Age of compulsory retirement-Change of criteria.
32	No. 32/440/88-GS-I	04.01.1989	अनिवार्य सेवा निवृत्ति-सेवा वृद्धि केसों में देरी रोकना ।
33	No. 32/352/88-GS-I	02.06.1989	50/55 वर्ष की आयु के बाद सेवा में वृद्धि प्रदान करना-केसों को भेजने में अनावश्यक विलम्ब को रोकना
34	No. 32/179/89-4GS-I	21.02.1990	Age of compulsory retirement-change of policy reg.
35	No. 32/194/89-4GS-I	23.03.1990	Age of compulsory retirement-change of policy regarding.
36		09.07.1991	ORDER-retention in service beyond 50/55 years in case of Class-II Officers.
37	No. 32/167/86-4GS-I	19.11.1991	Premature/Compulsory retirement on attaining the age of 50/55 years of service guidelines regarding.
38	No. 32/103/93-4GS-I	27.08.1993	50/55 वर्ष की आयु के बाद सेवा में रखना विलम्ब की रोकथाम करना
39	No. 32/219/95-4GS-I	07.01.1996	50/55 वर्ष की आयु के बाद सेवा में रखना – विलम्ब की रोकथाम करना ।
40	No. 32/33-SP/99-4GS-I	21.10.1999	Age of compulsory retirement-change of criteria.
41	No. 32/142/2000-4GS-III	20.07.2000	50/55 वर्ष की आयु से आगे सेवा में वृद्धि प्रदान करना – केसों को भेजने में अनावश्यक विलम्ब को रोकना ।
42	No. 32/234/2001-4GS-III	07.12.2001	50/55 वर्ष की आयु के बाद सेवा में रखना – विलम्ब की रोकथाम करना ।
43	No. 32/189/2000-4GS-III	31.05.2002	Retention in service beyond age of 50/55 years -cutting of delay.
44	No. 32/257/2002-4GS-III	27.09.2002	Retention in service beyond age of 50/55 years-cutting of delay.
45	No. 32/02/2005-4GS-I	11.04.2005	श्रेणी- । के अधिकारियों को 50/55 वर्ष की आयु के बाद सेवा में रखने की क्रिया विधि में परिवर्तन करने बारे ।
46	No. 32/01/2009-4GS-I	17.02.2009	Retention in service to Group-C of Haryana Government employees beyond the age of 55 years.
47	No. 32/17/2010-4GS-I	05.01.2011	Age of Compulsory Retirement-Change of Policy reg.
48	No. 32/10/2018-4GS-I	27.04.2018	Retention in service beyond age of 50/55 years-cutting of delay.
49	No. 32/06/2018-4GS-I	03.12.2018	Retention in service beyond of 50/55 years-cutting of delay.