

~~No to be circulated~~

No. 25013/02/2005-AIS II
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 28th June, 2012

To

Chief Secretaries to the
Government of All States/Union Territories

Subject: All India Services (Death-cum-Retirement Benefits) Rules, 1958 - Rule 16(3) - Guidelines for intensive review of records.

Sir,

Rule 16(3) of the All India Services (Death-cum-Retirement Benefits) Rules, 1958 has been amended on 31.01.2012 which provides as follows:

"The Central Government may, in consultation with the State Government concerned, require a Member of the Service to retire from Service in public interest, after giving such Member at least three month's previous notice in writing or three month's pay and allowances in lieu of such notice, -

- (i) after the review when such Member completes 15 years of qualifying Service; or
- (ii) after the review when such Member completes 25 years of qualifying Service or attains the age of 50 years, as the case may be; or
- (iii) if the review referred to in (i) or (ii) above has not been conducted, after the review at any other time as the Central Government deems fit in respect of such Member.

Explanation: - For the purposes of sub-rule (3), "review" means the review of the entire service record of the Member of the Service regarding suitability or otherwise of such Member for further retention in the Service, to be conducted regularly of each Member of such Service, firstly, after his completion of 15 years of qualifying Service, and secondly, after his completion of 25 years of qualifying Service or on his attaining the age of 50 years, as the case may be, or if the review referred to in clauses (i) or (ii) of this sub-rule has not been conducted in respect of such Member, such review may be conducted at any other time as the Central Government deems fit."

2. The rule, commonly referred to as the rule of premature retirement, is based on sound policy and in order to subserve public interest. Explaining the objects of the rule, the Supreme Court observed in the case of Union of India Vs. M.E. Reddy and another (AIR 1980 SCC : 563) as follows :

- (i) "The object of the Rule is to weed out the deadwood 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 times to come.
- (ii) It may be that there may be some officers who may possess a better initiative

Explanation: - For the purposes of sub-rule (3), "review" means the review of the entire service record of the Member of the Service regarding suitability or otherwise of a Member for further retention in the Service, to be conducted regularly of each Member of such Service, firstly, after his completion of 15 years of qualifying Service, and secondly, after his completion of 25 years of qualifying Service or on his attaining the age of 50 years, as the case may be, or if the review referred to in clauses (i) or (ii) of this sub-rule has not been conducted in respect of such Member, such review may be conducted at any other time as the Central Government deems fit."

Discuss & process for circulation amongst all IAS officers J&K Circle. 7/8. SO (IAS)

