

**GOVERNMENT OF TRIPURA  
PUBLIC WORKS DEPARTMENT**

No.F.8(7)-PWD(GE)/2018/6713-812

Dated, Agartala, the 31<sup>st</sup> July, 2019

**MEMORANDUM**

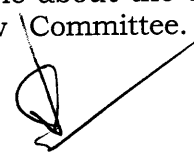
**Subject: Strengthening of Administration – Periodical review of service records under FR 56 (j) / Rule 48 of CCS (Pension) Rules, 1972 as adopted by the Govt. of Tripura.**

The undersigned is directed to refer to the Memorandum of even number dated 11<sup>th</sup> June, 2018 of General Administration (Personnel & Training) Department, Government of Tripura regarding periodical review of service records under Fundamental Rule 56(j) or Rule 48 of CCS (Pension) Rules, 1972 as adopted by the Government of Tripura.

2. The Hon'ble Supreme Court of India has observed in *State of Gujarat Vs. Umedbhai M. Patel*, 2001 (3) SCC 314 as follows:

- (i) Whenever, the services of public servants 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 of India.
- (iii) "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 the entire service records of the officer."
- (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.
- (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 every review, the entire service records should be considered. The expression "service record" will take in all relevant records and hence the review should not be confined to the consideration of the ACR dossier. The personal file of the officer may contain 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. It would be useful if the Department puts together all the data available about the officers and prepares a comprehensive brief for consideration by the Review Committee. Even un-communicated remarks in the ACRs may be taken into consideration.



4. In the 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. In order to simplify and speed up the procedure of review, it is felt necessary to constitute Review Committee for the purpose. Accordingly, it has been decided that the Review Committee in the case of various level of employees of Public Works Department will be as follows:

(i) For officers holding Group-A posts :

- |   |                    |
|---|--------------------|
| a) Chief Secretary                                | : Chairman         |
| b) Additional Chief Secretary, Finance            | : Member           |
| c) Secretary, PWD                                 | : Member           |
| d) Secretary of the Tribal Welfare Department     | : Member           |
| e) Secretary, Scheduled Castes Welfare Department | : Member           |
| f) Secretary, GA(P&T) Department                  | : Member-Secretary |

(ii) For officers holding Group -B (Gazetted) posts:

- |  |                    |
|--|--------------------|
| a) Additional Chief Secretary, Finance | : Chairman         |
| b) Secretary, PWD                      | : Member           |
| c) Secretary, Tribal Welfare           | : Member           |
| d) Secretary, Scheduled Castes Welfare | : Member           |
| e) Deputy Secretary, PWD               | : Member-Secretary |

(iii) For officers holding Group-B & C [Non-Gazetted] posts:

- |  |                    |
|--|--------------------|
| a) Secretary, PWD  | : Chairman         |
| b) Chief Engineer, PWD(R&B)  | : Member           |
| c) Director of Tribal Welfare Department or his representative           | : Member           |
| d) Director of Scheduled Castes Welfare Department or his representative | : Member           |
| e) Nominee of GA (P&T) Department  | : Member           |
| f) Deputy Secretary, PWD   | : Member Secretary |

(iv) For Group-D posts:

- |   |                    |
|---|--------------------|
| a) Chief Engineer, PWD(R&B)   | : Chairman         |
| b) Addl. Chief Engineer, Planning & Design Unit, PWD(R&B)<br>(In his absence any Addl. Chief Engineer of PWD can act as Member) | : Member           |
| c) Director of Tribal Welfare Department or his representative  | : Member           |
| d) Director of Scheduled Castes Welfare Department or his representative  | : Member           |
| e) Deputy Secretary, PWD  | : Member Secretary |

6. In order to ensure that the powers vested in the appropriate authority are exercised fairly and impartially and not arbitrarily, following procedure and guidelines have been prescribed for reviewing the cases of government employees covered under the aforesaid rules.

- (i) The cases of Government servants covered by FR 56(j) or Rule 48(1)(b) of the CCS (Pensions) Rules, 1972, as adopted by the Govt. of Tripura should be reviewed six months before they attain the age of 50/55 years or complete 30 years of service/30 years of qualifying service, whichever occurs earlier.
- (ii) Committee to which all such cases shall be recommended as to whether the Officer concerned should be retained in service or retired from service in the public interest.

7. The criteria to be followed by the Committee in making their recommendations would be as follows:

- (i) Government employees, whose integrity is doubtful, will be retired.
- (ii) Government employees who are found to be ineffective will also be retired. The basic consideration in identifying such employee should be the fitness / competence of the employee to continue in the post which he/she is holding.
- (iii) 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 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 satisfactorily.
- (iv) 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, only when retirement is sought to be made on grounds of ineffectiveness. There is no such stipulation, however, where the employee is to be retired on grounds of doubtful integrity.
- (v) 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 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.

8. 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, the last year of 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.

9. The report of the Committee shall be submitted before the appointing authority for decision. In every case where it is proposed to retire a Government servant in exercise of the powers conferred by the said rule, the appointing authority should record in the file its opinion that is necessary to retire the Government servant in pursuance of the aforesaid rule in the public interest. The order to be served on the Government service would of course be on the Form prescribed for the purpose.

10. All members of the Committee will follow the above instructions and take necessary action towards periodical review of the cases of Government servants in all wings of Public Works Department for common and uncommon posts as required under FR 56(j) or Rule 48(1)(b) of CCS (Pension) Rules, 1972 (as adopted by the Government in the Finance Department).

  
( Susanta Dutta )  
Deputy Secretary, PWD

To:

1. Chief Engineer, PWD (R&B)/DWS/WR/PMGSY/Buildings/NH.
2. Chief Executive Officer, Tripura Housing & Construction Board.
3. All Additional Chief Engineers, PWD (R&B)/DWS/WR/Buildings/ PMGSY/ NH.
4. All Superintending Engineers, PWD (R&B)/DWS/WR/Buildings/ PMGSY/ NH.
5. Engineering Officer- I/ II to CE, PWD(R&B)
6. All Executive Engineers, PWD (R&B) /DWS/WR/Buildings/ PMGSY/NH.
7. Estate Officer, PWD, Agartala
8. Electrical Inspector, Pundit Nehru Complex, Agartala
9. Section Officer, Section-II, Office of CE, PWD (R&B)
10. Section-I/ II/ Gazetted Section, office of CE, PWD (R&B)
11. ITCC, PWD, Netaji Chowmuhani.

Copy to:

1. P.P.S to Chief Secretary, Government of Tripura.
2. P.S to Additional Chief Secretary, Finance Department, Government of Tripura.
3. P.S to Additional Chief Secretary, GA (P&T) Department, Government of Tripura.
4. P.S to Principal Secretary, PWD, Government of Tripura.
5. P.S to Secretary, Tribal Welfare Department, Government of Tripura.
6. P.S to Secretary, Scheduled Caste Welfare Department, Government of Tripura.
7. Director, Tribal Welfare Department, Government of Tripura.
8. Director, Scheduled Caste Welfare Department, Government of Tripura.

( Susanta Dutta )  
Deputy Secretary, PWD