

**GOVERNMENT OF NAGALAND
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT
(ADMINISTRATIVE REFORMS BRANCH)
NAGALAND: KOHIMA**

No. AR-3/GEN-174/2007 (VOL-I)/8 / Dated Kohima, the 22nd April, 2025.

OFFICE MEMORANDUM

Sub: Periodic Review of Government Servants for premature retirement of government employees in public interest under Section 3 (3) of the Nagaland Retirement from Public Employment Act, 1991 (Act 3 of 1991) behind FR 56(j).

The objective of Fundamental Rule (FR) 56(j) is to strengthen the administrative machinery by developing responsible and efficient administration at all levels and to achieve efficiency, economy and in speedy disposal of Government functions. It is clarified that premature retirement of Government servants under these rules is not a penalty and it is distinct from 'Compulsory Retirement', which is one of prescribed major penalties under Section 7 (vii) of the Nagaland Services (Discipline and Appeal) Rules, 1967.

As per Section 3 (3) and Section 3(5) of the Nagaland Retirement from Public Employment Act, 1991, the Appropriate Authority has the absolute right to retire a Government servant who has attained the age of 50 years, or has put in not less than twenty years of public employment as the case may be, if it is necessary to do so in public interest.

1. Therefore, in order to implement the policy of premature retirement, the following provisions are laid down;

The Appropriate Authority shall, if it is of the opinion that it is in the public interest, shall have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice :-

- (i) After he has attained the age of 50 years;
- (ii) In any other case, after he has put in not less than twenty years of public employment.

2. At any time after a Government servant has completed twenty (20) years of service, he may be required by the Appointing Authority to retire in the public interest and in the case of such retirement, the Government servant shall be entitled to a retiring pension, provided that the Appointing Authority may also give a notice in writing to a Government servant at least three months before the date on which he is required to retire or three months' pay and allowances in lieu of such notice.

3. **Time Schedule to be followed:** The time schedule as mentioned below, shall be followed for undertaking the exercise of review of performance of Government servants in which review is to be made:

Half-yearly in which review is to be made	Cases of government servants, half-yearly indicated below to be reviewed
January to June	July to December of the same year
July to December	January to June of the next year

4. **Maintenance of Register:** A register of the Government servants who are due to attain the age of 50 years or are due to complete 20 years of service, will be maintained. The register should be scrutinized at the beginning of every half-yearly by a senior officer in the respective cadre controlling Department for the A B C & D Staff, and P&AR Department in the case of IAS/NCS/NSS and other officers to ensure timely completion of the review for retention/pre-mature retirement of the Government servants.

5. **Composition of Review and Representation Committee:** The concerned AHOD of the Cadre Controlling Authority (CCA) will constitute a Review Committee of two members at appropriate level as under :-

- (I) In case of officers holding Group A and B Gazetted posts Review Committee shall be headed by an officer nominated by the Chief Secretary. Where there are Commissions/Boards, the Review Committee shall be headed by the Chairman of such Board.
- (II) In case of Group C & D employees: the AHOD of the concern Department shall head the Review Committee with a member nominated by the Chief Secretary.
- (III) The composition of Representation Committee for all Government servants Group A, B, C & D shall consist of an officer nominated by the Chief Secretary and the AHOD and HOD of the concerned Department as applicable.

The Cadre Controlling Authorities shall ensure that the service record of the Government servants being reviewed, along with a summary, bringing out all relevant information, is submitted to the Review Committee at least three months prior to the due date of review.

6. **Broad Criteria to be followed by the Review Committee:** The broad criteria to be followed by the Review Committee while making the recommendations are as follows: - (i) Government servants, whose integrity is doubtful, shall be retired. (ii) Government servants found to be ineffective shall also be retired. The basic consideration in identifying such Government servants should be their fitness/competence to continue in the post held. No Government servant 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 a Government servant, it would be open to review such a case also for premature retirement. The said instruction of not retiring the Government servant 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. (iii) No Government servant 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. (iv) There is no such stipulation, however, where the Government servant is to be retired on grounds of doubtful integrity. In case of those Government servants who have been promoted during the last 5 years, the previous entries in the ACRs/APARs may be taken into account if he was promoted on the basis of seniority-cum-fitness, and not on the basis of merit. (v) The entire service record of a Government servant 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 Government servant 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 Department/Cadre Controlling Authority puts together all the data available about the Government servant and prepares a comprehensive brief for consideration by the Review Committee. Even un-communicated remarks in the ACRs/APARs may be taken into consideration.

7. **Approval of Appropriate Appointing Authority:** The recommendations of Review Committee will be put up for consideration and approval of Appropriate/Appointing Authority in all such cases, where it has been recommended to retire the Government servant prematurely. Representation against Premature Retirement after issue of the orders of premature retirement, the concerned Government servant may put up representation for orders otherwise, within three weeks from the date of service of such notice/order and the matter may be placed before Representation Committee along with fresh input, if any. The examination of the representation should be completed by the Cadre Controlling Authorities within two weeks from the date of receipt of representation. The Representation Committee considering the representation shall make its recommendations within two weeks from the date of receipt of the reference from the Cadre Controlling Authorities concerned and the Appropriate/Appointing Authority should pass its orders within two weeks from the date of receipt of the recommendations of Representation Committee. All Departments are requested to follow the contents of this OM strictly for compliance.

Sd/- Dr. J. ALAM, IAS

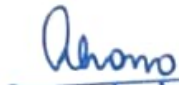
Chief Secretary to the Government of Nagaland.

Dated Kohima, the 22nd April, 2025.

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Copy to:

1. The Commissioner & Secretary to Governor of Nagaland, Raj Bhavan, Kohima.
2. The Principal Secretary to Chief Minister, Nagaland, Kohima.
3. The Sr. P.S. to Deputy Chief Minister, Nagaland, Kohima.
4. The P.S. to Speaker, Nagaland Legislative Assembly, Kohima.
5. The P.S. to all Ministers/Advisors, Nagaland, Kohima.
6. The P.P.S. to Chief Secretary, Nagaland, Kohima.
7. All Administrative Heads of Department, Nagaland, Kohima.
8. All Heads of Department, Nagaland.
9. The Director, IT&C with a request to upload in P&AR Department's website.
10. The Publisher, Nagaland Gazette for publication in the official gazette.
11. Office copy.


22/4/2025
(RENBONI MOZHUI) NCS
Secretary to the Govt. of Nagaland.