

No. 25013/7/77-Estt.(A)  
Government of India  
Ministry of Home Affairs  
Department of Personnel & A.R.

New Delhi-110001, dated 26.8.1977

OFFICE MEMORANDUM

Subject: Scheme of Voluntary Retirement for Central Government employees.

The undersigned is directed to say that the Administrative Reforms Commission had recommended in its report on Personnel Administration, as follows

" 59(1): A civil servant may be allowed to retire voluntarily if he has completed 15 years of service and given proportionate pension and gratuity."

2. The above recommendation of the Administrative Reforms Commission was considered by Government and it has been decided that Government servants may be allowed to retire voluntarily after 20 years of qualifying service on proportionate pension and gratuity with a weightage of up to 5 years towards qualifying service where applicable, subject to certain conditions.

3. The following instructions will regulate the voluntary retirement of Central Government servants in pursuance of the Government's decision on recommendations 59(1):

- (i) Government servants who have put in not less than 20 years qualifying service may, by giving notice of three months in writing to the appointing authority, retire from service voluntarily. The scheme is purely voluntary the initiative resting with the Government servant himself. The Government does not have the reciprocal right to retire Government servant on its own, under this Scheme.
- (ii) The benefit of 'retiring pension' will be admissible to Government servants retiring under this scheme.
- (iii) A notice of less than three months may also be accepted by the appointing authority in deserving cases, with the concurrence of the Ministry of Finance (Department of Expenditure).

- (iv) If a Government servant retires under the Scheme of voluntary retirement while he is on leave not due, without returning to duty, the retirement shall take effect from the date of commencement of the leave not due and the leave salary paid in respect of such leave not due shall be recovered as provided in Rule 31 of the CCS (Leave) Rules, 1972.
- (v) Before a Government servant gives notice of voluntary retirement with reference to these instructions, he should satisfy himself by means of a reference to the appropriate administrative authority that he has, in fact, completed 20 years' service qualifying for pension.
- (vi) A notice of voluntary retirement may be withdrawn subsequently only with the approval of the appointing authority provided the request for such withdrawal is made before the expiry of the notice.
- (vii) A notice of voluntary retirement given after completion of 20 year' qualifying service will require acceptance by the appointing authority if the date of retirement on the expiry of the notice would be earlier than the date on which the Government servant concerned could have retired voluntarily under the existing rules applicable to him (e.g. FR 56(K); Rule 42 of the Pension Rules, Article 459 (i) of CSRs or any other similar rules) such acceptance may be generally given in all cases except those (a) in which disciplinary proceedings are pending or contemplated against the Government servant concerned for the imposition of a major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case; for (b) in which prosecution is contemplated or may have been launched in a court of Law against the Government servant concerned. If it is proposed to accept the notice of voluntary retirement even in such cases, approval of the Minister-in-charge should be obtained in regard to Group 'A' and Group 'B' Government servants and that of the Head of the Department in the cases of Group 'C' and Group 'D' Government servants. Even where the notice of voluntary retirement given by a Government servant

requires acceptance by the appointing authority, the government servant giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless the competent authority issues an order to the contrary before the expiry of the period of notice.

(viii) While granting proportionate pension to a Government servant retiring voluntarily under this scheme, weightage of upto five years would be given as an addition to the qualifying service actually rendered by him. The grant, of weightage of upto five years will, however, be subject to the following conditions:

(a) The total qualifying service after allowing the weightage should not, in any event exceed 30 years' qualifying service: and

(b) The total qualifying service after giving the weightage should not exceed the qualifying service which he would have had, if he had retired voluntarily at the lowest age/minimum service limit applicable to him for voluntary retirement prescribed under FR 56 (k) or Article 459(i) of the CSRs or Rule 48 of the CCS(Pension) Rules or any other similar rule applicable to him.

ILLUSTRATIONS:

(a) If a government servant who could be prematurely retired under FR 56(j)(i) or could have voluntarily retired under FR 56(k) seeks voluntary retirement under this scheme after he has attained the age of 47 years and has rendered 22 years of service, the weightage in pension would be limited only upto three years.

(b) If a government servant who could be prematurely retired under FR 56 (j)(ii) or could have voluntarily retired under FR 56(k) seeks voluntary retirement under this scheme after he has attained the age of 51 years and has rendered 24 years of service, the weightage in pension would be admissible upto four years.

(c) If a Government servant belonging to Group 'C' who could have voluntarily retired under Rule 48 of the CCS(Pension) Rules, 1972 seeks voluntary retirement under this scheme after he has rendered 25 years of service and has attained the age of 48 years, the weightage in pension would be admissible upto five years.

- (ix) The weightage given under this scheme will be only an addition to the qualifying service for purpose of pension and gratuity. It will not entitle the Government servant retiring voluntarily to any notional fixation of pay for purposes of calculating the pension and gratuity which will be based on the actual emoluments calculated with reference to the date of retirement.
- (x) The amount of pension to be granted after giving the weightage will be a subject to the provisions of Rule 6 of the CCS (Pension) Rules, 1972. The pension will also be subject to the provisions of Rules 8 and 9 of these Rules.
- (xi) The scheme of voluntary retirement under these orders will not apply to those who retire voluntarily under the provisions of Rule 29 of the CCS (Pension) Rules, 1972.
- (xii) The scheme of voluntary retirement under these orders will also not apply to those Government servants on deputation to autonomous bodies/public sector undertakings etc. who propose to get absorbed in the autonomous bodies/public undertakings etc. The absorption of Government servants on deputation to public undertakings/autonomous bodies etc. in such autonomous bodies/undertakings etc. and the grant of retirement benefits to them in respect of their service under government will continue to be governed by the separate set of instructions issued by the Ministry of Finance in this regard.
- (xiii) A Government servant giving notice of voluntary retirement may also apply, before the expiry of the notice, for the leave standing to his credit which may be granted to him to run concurrently with the period of notice. The period of leave, if any, extending beyond the date of retirement on expiry of notice but not extending beyond the date on which the Government servant should have retired on attaining the age of superannuation may be allowed as terminal leave as per Rule 39(6) of the CCS (Leave) Rules, 1972. The leave salary for such terminal leave shall be payable in accordance with the provisions of the para 5 of Ministry of Finance (Department of Expenditure) O.M. No. 16(1)E-IV(A)/76 dated the 23.12.1976.

(xiv) Group 'A' Government servants retiring voluntarily under this scheme would continue to be subject to the provisions in the Pension Rules relating to post retirement commercial employment. However, in their cases, permission for the post retirement commercial employment will be granted more liberally than in the case of other Govt. servants retiring under the provisions of FR 56 or Rule 48 of the Pension Rules.

4. In the light of the provisions of this O.M. action to make suitable provision in the CCS(Pension) Rules, 1972 and the CCS(Leave) Rules, 1972 will be taken separately by the Ministry of Finance (Department of Expenditure).

5. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor General.

6. Ministry of Commerce etc. are requested to bring the contents of this O.M. to the notice of all concerned by giving it wide publicity.

7. Hindi version will follow.

sd/-

(R.C.Gupta)  
Deputy Secretary to the Govt. of India.