

Copy of letter No. 8562-G 55/16922, dated the 29th June, 1955 from the Chief Secretary to Government, Punjab, to all Heads of Departments in the Punjab, etc., etc.

Subject —Finding ways and means to deal with unsuitable Officers in a more expeditious manner than at present.

I am directed to invite a reference to Note I to rule 5.32 of the Punjab Civil Services Rules Volume II, under which Government retains an absolute right to retire any Government servant after he has completed 25 years' qualifying service without giving any reasons, etc., and to say that with a view to dealing with unsuitable Government servants in a more expeditious manner than at present, it has been decided to amend this rule so as to enable Government to examine the record of a Government servant, first on completion of ten years' qualifying service, then at the completion of fifteen years' qualifying service and thereafter at any time, with the object of retiring an unsuitable Government servant compulsorily from service. The powers, thus assumed by Government will not be exercised, except when it is in public interest to dispense with the further services of a Government servant such as on account of inefficiency or dishonesty. Thus, these powers are intended for use—

- (i) against a Government servant whose efficiency is impaired but against whom it is not desirable to make formal charges of inefficiency or who has ceased to be fully (i.e., when a Government servant's value is clearly incommensurate with the pay he draws) but not to such a degree as to warrant his retirement on a compassionate allowance. It is not the intention to use these powers as a financial weapon, that is to say, the powers should be used only in the case of Government servants who are considered unfit for retention on personal as opposed to financial grounds.
- (ii) in cases where reputation of corruption is clearly established even though no specific instance is likely to be proved under the Punjab Civil Services (Punishment and Appeal) Rules Appendix 24 of Volume I, Part II, or the Public Service (Inquiries) Act, XXXVII of 1850.

2. Compulsory retirement effected in pursuance of this decision does not amount to "dismissal" or "removal" within the meaning of Article 311(2) of the Constitution of India and it is not, therefore, necessary to give the Government servant concerned an opportunity to show cause against the proposed action. No gazetted Government servant shall, however, be retired without the approval of the Council of Ministers. In all cases of compulsory retirement of gazetted Government servants belonging to the State Services, the Punjab Public Service Commission shall be consulted. In the case of non-gazetted Government servants, the Heads of Departments might effect such retirement with the previous approval of the State Government.

3. This decision will apply to all employees under the rule making control of the Punjab Government, whether existing or future.

4. Necessary amendment to rule 5.32 of the Punjab Civil Services Rules, Volume II, will issue in due course.

5. I am to request that these instructions may be brought to the notice of all officers/officials working under you, and necessary action may be taken in appropriate cases.