

ब्रिज एण्ड रूफ कम्पनी (इंडिया) लिमिटेड
BRIDGE AND ROOF COMPANY (INDIA) LTD.
(भारत सरकार का एक उद्यम/A Government of India Enterprise)
कोलकाता/Kolkata – 700 071

Ref: BANDR/HR/OFCO/2025-26/00146

29th August, 2025

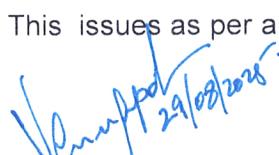
OFFICE ORDER

To
All Employees

Sub: Periodic Review of Employees for strengthening of administration under Fundamental Rule (FR) 56(j)/(l) and Rule 48 of CCS (Pension) Rules 1972, as per guidelines of Department of Public Enterprises, Govt. of India

1. Kind attention is invited to DoPT Office Memorandum No. 25013/03/2019-Estt.A-IV dated 28.08.2020 regarding the periodic review of Central Government employees under the provisions of Fundamental Rule (FR) 56(j)/(l) and Rule 48 of the CCS (Pension) Rules, 1972. In compliance with the above, and as per DPE Office Memorandum No. DPE-GM-01/0001/2015-GM-GM-FTS-4857 dated 14.09.2020 the same has been duly endorsed by Bridge and Roof Co. (India) Ltd. through Office Order No. BANDR/GM(HR)/OFCO/2024-25 dated 25.11.2024.
2. In continuation to the above, the above mentioned office order dated 25.11.2024 is revised and attached as **Annexure-A**. This revision aims to ensure the smooth execution of the periodic review process for strengthening administrative mechanisms under the provisions of FR 56(j)/(l) and Rule 48 of CCS (Pension) Rules, 1972 as per the cited OMs.

This issues as per approval of the Competent Authority.


U. Venugopal
General Manager (HR)

Encl: a/a

CC: CMD
: D (F)
: D (PM) } For Kind Information
: CVO - For kind information
: All EDs /GGMs/GMs/DGMs/HODs
: All Offices
: All Project Sites
: File


20/08/2025

BRIDGE AND ROOF CO. (INDIA) LTD.
(A GOVT. OF INDIA ENTERPRISE)

Subject:- Periodic review of employees for strengthening of administration under fundamental rule FR 56(j)/(l) and rule 48 of CCS (Pension) rules, 1972 as per the guidelines of Department of Public Enterprises, Govt. of India”

1. In compliance of the Office Memorandum No. DPE-GM-01/0001/2015-GM-GM-FTS-4857 dated 14.09.2020 issued by Department of Public Enterprises (DPE), Govt. of India and Office Memorandum No. 25013/03/2019-Estt.A-IV dated 28.08.2020 issued by DoPT, Govt. of India, Bridge and Roof Co. (I) Limited (hereinafter referred to as ‘the Company’) hereby implements, **“B AND R Policy of Periodical Review for Ensuring Probity & Efficacy amongst Employees”** as stated below

Background of OM dated 28.08. 2020 of DoPT, Govt. of India:

Instructions have been issued from time to time for undertaking periodic review of performance of Government servants with a view to ascertain whether the Government servant should be retained in service or retired from service prematurely, in public interest, as per Fundamental provisions/Rule referred in the subject cited above. In order to bring in better clarity to the existing instructions and enable uniform implementation, an effort has been made to review, consolidate and reiterate the guidelines so far issued on the subject at one place.

In view of above background as stated in the OM dated 28.08.2020 issued by DoPT, Govt. of India for implementing Fundamental Rule of FR 56 (j) & 56 (l) and Rule 48(1)(b) of CCS (Pension Rules) 1972., the Company implemented the above-mentioned policy w.e.f. 28.10.2024 for all employees of the Company as part of their service regulations vide Office Order no. BANDR/GM(HR)/OFCO/2024-25 dated 25.11.2024. The policy is hereby being revised w.e.f. 29.08.2025

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2. The objective of Fundamental Rule (FR) 56(j)/(l) and Rule 48 of CCS(Pension) Rules, 1972, is to strengthen the administrative machinery by developing responsible and efficient administration at all levels and to achieve efficiency, economy and speed in the disposal of functions of the Company. It is clarified that premature retirement of the employees of the Company under these rules is not a penalty. It is distinct from 'Compulsory Retirement', which is one of prescribed penalties under CCS (CCA) Rules, 1965.
3. **Provisions relating to pre-mature retirement in the Fundamental Rules (FR) and CCS (Pension) Rules, 1972**
 - 3.1 The Appropriate Authority/ Competent Authority has the absolute right to retire an employee of the Company under FR 56(j), FR 56(l) or Rule 48 (1) (b) of CCS (Pension) Rules, 1972 as the case may be, if it is necessary to do so in public interest.
 - 3.2 **FR 56(j):** - The Appropriate Authority/ Competent Authority shall, if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any employee by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice: -
 - (i) If he is, in Executive category or post in a substantive, quasi- permanent or temporary capacity and had entered service before attaining the age of 35 years, after he has attained the age of 50 years;
 - (ii) In any other case after he has attained the age of 55 years.
 - 3.3 **FR 56(l):** - Notwithstanding anything contained in clause (j), the Appropriate Authority/ Competent Authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire an employee in 'non-executive category' or post who is not governed by any pension rules, after he has completed thirty years' service by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice.
 - 3.4 **Rule 48 (1) (b) of CCS (Pension) Rules, 1972** - At any time after an employee has completed thirty (30) years' qualifying service, he may be required by the Appointing Authority/ Competent Authority to retire in the public interest and in the case of such retirement, the employee shall be entitled to a retiring pension, provided that the Appointing Authority/ Competent Authority may also give a notice in writing to an employee at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

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4. **Time Schedule to be followed:** - The time schedule given in the following table, shall be followed for undertaking the exercise of review of performance of the employees:

Quarter in which review is to be made	Cases of employees, in the quarter indicated below to be reviewed
January to March	July to September of the same year
April to June	October to December of the same year
July to September	January to March of the next year
October to December	April to June of the next year

5. **Maintenance of Register:** - A register of the employees who are due to attain the age of 50/55 years or to complete 30 years of service, has to be maintained. The register should be scrutinized at the beginning of every quarter by a senior officer in the Company and the review be undertaken according to the above schedule so as to ensure timely completion of the review for retention/pre-mature retirement of the employees.

6. The Company may, at any time after an employee has attained the age of 50/55 years or completed 30 years of service, as the case may be, retire him pre-maturely in public interest. However, non-adherence to the time-lines as indicated in para 4 above due to certain administrative exigencies shall not take away the powers of Appropriate Authority/ Competent Authority to pre-maturely retire an employee under FR 56(j), 56(l) and Rule 48 of CCS (Pension) Rules, 1972. Therefore, review of an Employee for the purposes of these Rules can be undertaken even after he has attained the age of 50/55 years in cases covered by FR 56 (j) or after he has completed 30 years of qualifying service under FR 56 (l) / Rule 48 of CCS(Pension) Rules, 1972.

7. There is also no bar on the Company to review any such case again where it was decided earlier to retain the officer, but the Appropriate/Appointing Authority/ Competent Authority is of the opinion that it is expedient to undertake the review again on account of changed circumstances, in public interest. In such cases, the Appropriate Authority/ Competent Authority is expected to demonstrate visible meticulousness as such employees have been found effective on earlier occasion for retention in service.


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8. Composition of Review and Representation Committee: -

8.1 The Appropriate Authority/Competent Authority will constitute Review Committees of **two members** at appropriate level as under: -

In case of all employees the Review Committee shall be headed by a Director and he will be assisted by another Officer /Member of the Committee.

The Chief Vigilance Officer, in case of employees of 'executive category', or his representative in case of employees of 'non-executive category', will be associated in case of record reflecting adversely on the integrity of any employee.

8.2 The composition of Representation Committee for all Employees shall consist of

- (a) ED to be nominated by the Chairman/Appropriate Authority;
- (b) One Officer belonging to General Manager (GM) or above post.

9. **Constitution of Internal Committee:** - In addition to the above, the Appropriate Authority /Competent Authority may constitute an Internal Committee comprising of such officer(s) as deemed fit to assist the Review Committee. These Committees will ensure that the service record of the employees 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.

10. **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) Employees whose integrity is doubtful, shall be retired.
- (ii) Employees found to be ineffective shall also be retired. The basic consideration in identifying such Employees should be their fitness/competence to continue in the post held.
- (iii) 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 his case. However, in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of an employee, it would be open to review such a case also for premature retirement. The said instruction of not retiring the employee 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.

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- (iv) No employee 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. There is no such stipulation, however, where the employee is to be retired on grounds of doubtful integrity. In case of those employees who have been promoted during the last 5 years, the previous entries in the 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 an employee 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 APAR dossier. The personal file of the employee 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 Internal Committee puts together all the data available about the Employee and prepares a comprehensive brief for consideration by the Review Committee. Even un-communicated remarks in the APARs may be taken into consideration.

11. Important judgments of Supreme Court

- 11.1 In the judgment in the case of *UOI & Col. J. N. Sinha [1571 SCR (1) 791]*, the Hon'ble Supreme Court had not only upheld the validity of FR 56(j), but also held that no show-cause notice needs to be issued to any Government servant before a notice of retirement is issued to him under the aforesaid provisions. The Apex Court held that —

"Now coming to the express words of Fundamental Rule 56(j), it says 'that the appropriate authority has the absolute right to retire a government servant if it is of the opinion that it is in the public interest to do so. The right conferred on the appropriate authority is an absolute one. that power can be exercised subject to the conditions mentioned in the rule.' one of which is that the concerned authority must be of the opinion that it is in public interest to do so. If that authority bona fide forms that opinion, the correctness of that opinion cannot be challenged before courts. It is open to an aggrieved party to contend that the requisite opinion has not been formed or the decision is based on collateral grounds or that it is an arbitrary decision."

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11.2 In the case of *State of Gujarat vs Umedbhai M. Patel*, 2001 (3) SCC 314, Hon'ble Court held that -

"The law relating to compulsory retirement has now crystalized into definite principles, which could be broadly summarized thus:

- (i) Whenever the services of a public servant 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.
- (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 record 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 favor of the officer.
- (viii) Compulsory retirement shall not be imposed as a punitive measure. "

12. The observations of the Supreme Court with regard to Integrity and conduct unbecoming of a government servant

12.1 As far as integrity is concerned, the following observations of the Hon'ble Supreme Court in the case of *S Ramchandra Raju vs State of Orissa* {(1994) 3 SCC 424}, while upholding compulsory retirement in the case, may be kept in view :

"The officer would live by reputation built around him. In an appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But his conduct and reputation is such that his continuance in service would be a menace to public service and injurious to public interest. The entire service record or character rolls or confidential reports maintained would furnish the backdrop material for consideration by the Government or the Review Committee or the appropriate authority. On consideration of the totality of the facts and circumstances alone; the Government should form the opinion that the Government officer needs to be compulsorily retired from service. Therefore, the entire record more particularly, the latest, would form the foundation for the opinion and furnish the base to exercise the power under the relevant rule to compulsorily retire a Government officer."

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12.2 While considering the aspect of integrity of an employee, all material on record, including the actions or decisions taken by the employee which do not appear to be above board, complaints received against him, or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may also be taken into account. The judgement of the Apex Court in the case of *K. Kandaswamy vs Union Of India & Anr, 1996 AIR 277, 1995 SCC (6)162* is relevant here. In this case, the apex court upheld the decision of the Government and held that: -

"The rights - constitutional or statutory - carry with them corollary duty to maintain efficiency, integrity and dedication to public service. Unfortunately, the latter is being overlooked and neglected and the former unduly gets emphasised. The appropriate Government or the authority would, therefore, need to consider the totality of the facts and circumstances appropriate in each case and would form the opinion whether compulsory retirement of a Government employee would be in the public interest. The opinion must be based on the material on record; otherwise it would amount to arbitrary or colourable exercise of power."

12.3 Similarly, reports of conduct unbecoming of a Government servant may also form basis for compulsory retirement. As per the judgement of the Hon'ble Supreme Court in *State of U.P. and Others vs Vijay Kumar Jain, Appeal (civil) 2083 of 2002*:

"If conduct of a government employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the government has an absolute right to compulsorily retire such an employee in public interest."

13. **Approval of Appropriate/Appointing Authority/Competent Authority /Competent Authority :-**
The recommendations of Review Committee will be put up for consideration and approval of Appropriate/Appointing Authority/Competent Authority in those cases, where it has been recommended to retire the employee of the Company prematurely.

14. Representation against Premature Retirement: -

- a) After issue of the orders of premature retirement, the concerned employee may put up representation for orders otherwise, within three weeks from the date of service of such notice / order to the HR department.
- b) The Representation Committee will forward the representation to the Review Committee along with fresh input if any.
- c) The examination of the representation should be completed by the Review Committee within two weeks from the date of receipt of representation and submitted to the Representation Committee.
- d) The Representation Committee considering the representation shall make its recommendations within two weeks from the date of receipt of the reference from the Review Committee.

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15. In so far as the provisions which are not covered in this OM, the provisions in the earlier OM shall continue to be applicable.
16. Notwithstanding the above, the DoPT OM No.25013/03/2019-Estt.A-IV dated 28/08/2020 will prevail.

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