CHAPTER XX
EXTENSION AND RE-EMPLOYMENT

The instructions on the grant of extension or re-employment to Central Government employees beyond the age of superannuation have been issued by the Ministry of Home Affairs (the Department of Personnel and Training) from time to time over a period of years starting from 1945 onwards. The existing instructions, being spread over a number of memoranda, have been summarised and given below in a consolidated form.

[c.f. DOP\&AR OM No. 26011/1/77-Estt(B) dt. 18-5-77.]

The age of retirement of different categories of Central Government employees has been laid down in the Fundamental (Amendment) Rules, 1975 notified vide Notification No. 7(7)-EVA/74 dated 7-2-1975 of the Ministry of Finance (Department of Expenditure) (Extracts from these rules have been given in Annexure I). On attaining the age indicated in the above rules, retirement is automatic and in the absence of specific orders to the contrary by the competent authority a government servant must retire on the due date. The date of superannuation of a government servant is known in advance and ordinarily there should not be the question of failure to make arrangements for his release sufficiently in advance. It is the responsibility of the administrative authority concerned to ensure that the government servants under their control so retire.

It would be appreciated that in each case of extension or re-employment, it is not only the next man who misses promotion but often several people miss consequential promotions all along the hierarchical strata. Thus, one person getting re-employment/extension means deferment of promotion for six or seven persons. Too many cases of extension in service or re-employment are apt to cause frustration and affect the morale of the staff in general. Keeping in view these circumstances the following criteria and procedure have been evolved with a view to ensure that extension/re-employments of superannuated officers are resorted to only in really exceptional circumstances.

The procedure indicated in the following paragraphs should also be followed by the Ministries/Departments in regard to posts in statutory/autonomous bodies and Public Sector Undertakings, the initial appointments to which are required to be made by or with the approval of the President/Central Government. Ministries/Departments of the Government of India should bring to the notice of the autonomous bodies the instructions mentioned and request them to consider whether similar principles should not be adopted by them for other appointments.

1. CRITERIA FOR EXTENSION/RE-EMPLOYMENT

(1) No proposal for extension of service/re-employment beyond the age of superannuation should ordinarily be considered.

(2) Extension of service/re-employment can be justified only in very rare and exceptional circumstances. Even in such case, 60 years of age should be the deadline for non-scientific/technical posts and 62 years in the case of scientific/technical personnel. This should not be construed to mean that extensions of service/re-employment can be granted to non-scientific/technical personnel upto the age of 60 years and to scientific/technical personnel upto the age of 62 years more or less as a matter of course. The over-riding consideration for the grant of extension of service/re-employment is that it must be clearly in the public interest and in addition satisfy one of the following two conditions:

(i) that other officers are not ripe enough to take over the job; or

(ii) that the retiring officer is of outstanding merit.

Test (i) would be satisfied only if there is shortage in particular specialisation or if it is not possible to find a suitable successor or if the officer is engaged on a work or project of
vital importance which is likely to produce results in a year or two. If officers in the next lower post are not eligible for promotion on the ground that they have not put in the minimum service in the lower grade prescribed under the rules, no promotions can be made to the higher grade, unless such officers put in the requisite length of service. But officers who are eligible for promotion to the post against which extension/re-employment is recommended, should not be rejected solely on the ground that they do not have as much experience as the retiring officer. They should be considered for promotion according to the recruitment rules and if they are found suitable they should be promoted to the posts being vacated by the retiring officers.

Test (ii) would not be satisfied by the mere fact that the specialist (e.g., a scientific or technical officer) is fit in all respects or is otherwise able to discharge effectively the duties of the post held by him.

(3) No extension of service/re-employment should be considered on the ground that a suitable successor is not available unless it is established that action to select a successor had been taken well in advance but the selection could not be finalised in time for justifiable reasons.

(4) A proposal for the grant of extension of service/re-employment based merely on the consideration that the officer's predecessor had been given extension/re-employment should obviously not be accepted.

(5) In the case of honorary appointment in Public Sector Undertakings e.g. appointments on the Board of Directors of Public Sector Undertakings the limit may be 65 years provided the appointment is really honorary and does not carry any substantial remuneration.

(6) Appointments of retired officers even in honorary posts of Chairman and Members of the Board of Management including the Managing Director and the Financial Adviser (if the Financial Adviser is a Member of the Board of Management) of any State/Government owned Corporation, Company or Enterprise or of various public sector undertakings, should not, as a general rule, be proposed for the approval of the Appointments Committee of the Cabinet. However, where the Administrative Ministry/Department consider that there are exceptional circumstances which would justify the appointment of a retired officer, a detailed justification should be given for the consideration of the Appointments Committee.

(7) Criteria for Higher Officers

While making proposals for extension of service/re-employment in higher posts, it is all the more necessary to apply higher standard of efficiency to persons whose appointments to the higher posts are recommended for approval of the Appointments Committee of the Cabinet. The number of top posts is bound to be very limited and a few persons should not have them for too long.

II. PROCEDURE FOR PROCESSING CASES OF EXTENSION OF SERVICE

General Procedure

(1) A systematic review of the officers approaching the age of superannuation should be conducted well in advance so that whenever necessary suitable persons are selected in time to replace such officers and given training beforehand thereby minimising the number of proposals for extension/re-employment.

(2) Proposals for grant of extension of service to the officers working in posts outside the cadre to which they permanently belong should have specific concurrence of the cadre authority.

(3) The proforma given in Annexure II may be utilised in the Ministry/Department while considering the case of extension/re-employment of any officer or member of the staff.

(4) Whenever any officer is considered for grant of extension or re-employment, his character roll and personal file should be carefully scrutinised and all other relevant information that may be available should be taken into account to judge whether the officer had good
reputation for integrity and honesty. In cases where the officer is not considered to have good
testimony for integrity and honesty, he should not be considered eligible for grant of extension/
re-employment in service. The appropriate authority in the Administrative Ministry should
furnish a certificate of Integrity along with the Annexure II as follows where it is proposed to
grant extension of service/re-employment:

"Having scrutinised the character roll and personal file of Shri/Smt./Kum. and having taken into account all other relevant available information, I certify that he/she has a good reputation for integrity and honesty."

(5) Consultation with Department of Personnel and Training would be necessary for the following cases:

(a) the extension of service of Group D employees;
(b) extension in a non-technical post where the period exceeds one year at a time;
(c) extension in a scientific/technical post where the period exceeds two years at a stretch.

Department of Personnel and Training need not be consulted regarding re-employment cases
unless the terms and conditions deviate from the instructions contained in the Department of
Personnel and Training Office Memorandum No. 3/1/85-Estt(P.U), dated 31-7-1986 (as amended from time to time).

Group 'D' Employees:

(6) In respect of Group 'D' employees working in a Ministry or in an Attached/Subordinate
Office, such proposals should be submitted to the Secretary of the Administrative Ministry concerned.
In so far as Union Territories are concerned, the powers of extension of service/re-employment will be exercised by Lt. Governors; Chief Commissioners or Administrators, as the case may be. Consultations with the Ministry of Finance will also be necessary for the extension of service of the Group 'D' employees.

Group 'C' Employees:

(7) Proposals in respect of Group 'C' employees should be submitted to the Minister in
charge of the Administrative Ministry for approval. In so far as the Union Territories are
concerned, the powers of extension of service/re-employment will be exercised by Lt. Governors, Chief Commissioners or Administrators as the case may be.

Group 'A' and 'B' appointments (other than ACC Apptts.):

(8) Proposals for grant of extension of service/re-employment in Group 'A' and Group
'B' posts up to the age of 60 years could be approved by the Minister in charge of the Administrative Ministry. In the case of Union Territories the powers could be exercised by Lt. Governors, Chief Commissioners or Administrators as the case may be.

(9) Proposals for grant of extension of service/re-employment in Group 'A' and Group
'B' posts beyond the age of 60 years should be referred to the Establishment Division of the Department of Personnel and Training for their concurrence before such proposals are approved by the Minister in charge of the Administrative Ministry. Even initial appointments of persons on a purely temporary basis against Group 'A' and Group 'B' posts would require the concurrence of the Establishment Division, if the appointment is made after the individual attains 60 years. In the case of Union Territories also grant of extension/re-employment to Group 'A' and Group 'B' officers beyond the age of 60 years should be referred to the Establishment Division of the Department of Personnel through the Ministry or Department administratively concerned.

(10) The proposals for extension/re-employment which are required to be referred to Establishment Division of the Department of Personnel and Training should be forwarded with a self-contained note in the proforma at Annexure II at least six weeks prior to the actual date on which the individual concerned is normally required to vacate the post. Where the Adminis-
native Ministry is not able to follow the time limit a detailed note explaining the circumstances why the proposals could not be referred to in time should be forwarded along with the proposal.

(11) Concurrence of the Union Public Service Commission would be necessary in case of re-employment for more than one year in Group ‘A’ and ‘B’ posts. The Commission need not be consulted for granting extension of service in cases of Group ‘A’ and Group ‘B’ officers.

(12) Wherever necessary, the approval of the Union Public Service Commission or the Finance Ministry should first be obtained before referring the case to the Establishment Division of the Department of Personnel.

(13) In the case of All India Service Officers, Ministries/Departments of the Government of India should obtain the concurrence of the State Government and the Department of Personnel and Training before submitting their cases to the Minister-in-charge.

**ACC Appointments**

(14) Proposals for the grant of extension of service/re-employment in posts, the initial appointment to which required the approval of the Appointments Committee of the Cabinet should first be discussed with the Cabinet Secretary before their formal submission to the Appointments Committee of the Cabinet Committee. Thereafter, such proposals should be referred in a self-contained note to the Establishment Officer for getting the approval of the Appointments Committee of the Cabinet.

(14.1) The procedure as laid down in para 14 above shall *ipso facto* apply in cases of extension in service/re-employment of officers of the Public Sector Undertakings/Autonomous Bodies where initial appointment has been made with the approval of the A.C.C.

[D.O.P. & A.R. OM No. 26012/16/83-Estt(A), dated 1-12-83.]

(15) The proposals should be sent to the Establishment Officer in the proforma given in Annexure III at least two months prior to the actual date on which the individual concerned is normally required to vacate the post.

(16) If the proposal is in respect of officers beyond the age of 60 years, the case should first be sent to the Establishment Division of the Department of Personnel in the proforma given in Annexure II at least six weeks before it is due to be sent to the Establishment Officer.

(17) Where the Administrative Ministry is not able to follow the time limits indicated above the detailed note explaining the circumstances why the proposal could not be referred in time should be forwarded along with the proposal.

(18) In the case of All India Service Officers Ministries/Departments of the Government of India should obtain concurrence of the State Government and the Department of Personnel before sending the case to the Establishment Officer.

(19) The concurrence of the Union Public Service Commission would be necessary in cases of re-employment for more than one year in a Group ‘A’ post. Such concurrence, wherever necessary should also be obtained before sending the case to the Establishment Officer. The Commission need not be consulted for granting extension of service.

(20) Cases which require the approval of the ACC should be referred to the Establishment Officer of the Department of Personnel only after obtaining the concurrence of the Ministry of Finance or the Union Public Service Commission wherever they may be necessary.

### III. ALL INDIA SERVICE OFFICERS

When the State Government wishes to grant extension to a member of the All India Service serving under them, they can grant extension up to a period of 6 months on their own and beyond that period with the approval of the Central Ministry controlling that cadre. As regards the grant of extension of service/re-employment of members of All India Service serving under the Central Government, the State cadre to which the officer belongs and the Central Ministry controlling the cadre are to be consulted before the case is submitted to the Appointments Committee of the Cabinet.
IV. CENTRAL SECRETARIAT SERVICE OFFICERS

All cases of extension of service/re-employment of officers belonging to the CSS/CSSS/CSCS beyond the age of 58 years are required to be referred to the CS Division of the Department of Personnel and Training for prior approval.

V. RE-EMPLOYMENT OF MILITARY PENSIONERS

Re-employment of military pensioners who have not reached the age of superannuation for Central Government employees will not be governed by these instructions.

VI. CENTRAL GOVERNMENT EMPLOYEES WHO TOOK PART IN NATIONAL MOVEMENT

Persons who took part in the National Movement and were thereby prevented from availing themselves of the normal opportunities for entry into Government service have been granted age concessions in the matter of entering into government service (vide MHA's Office Memorandum No. 15/21/48-Estt., dated 29-11-1948 and No. 6/1/51-MGS dated 14-2-51). They have also been allowed, subject to certain conditions, to add to their service qualifying for superannuation, pension (but not for any other class of pension), the actual period not exceeding 1/4th of the length of their service or the actual period by which their age at the time of recruitment exceeds 25 years, or the period of 5 years whichever is least. However, as regards the question of grant of extension of service/re-employment beyond the age of superannuation, they will be governed by the same orders as are applicable to other Central Government employees.

VII. CURTAILMENT OF THE PERIOD OF EXTENSION/RE-EMPLOYMENT

A situation might arise where the grant of extension of service/re-employment beyond the age of superannuation for a specified period might have to be cancelled or modified at a later date for administrative reasons. The Fundamental (Amendment) Rules, 1983, empower the appropriate authority to terminate the extension of service before the expiry of such extension by giving a notice in writing of not less than three months in the case of a permanent or a quasi-permanent Government Servant or one month in the case of a temporary government servant; or, pay and allowances in lieu of such notice. In every case the orders granting an extension of service/re-employment should include a clause providing for termination of service after three months/one month's notice at any time within the period of extension/re-employment.

VIII. PROMOTION

No Government servant who is on extension of service after the prescribed date of retirement should be promoted to another post during the period of extension of service.

IX. PAY

The pay of superannuated Government servant re-employed in Central Civil Department will be regulated in accordance with the instructions contained in Department of Personnel & Training Office Memorandum No. 3/1/85-Estt (P. II) dated 31-7-1986.

X. RETURN

(1) In order to facilitate the maintenance of a close watch and overall control over the extent of extension of service/re-employment of superannuated Government servants, all Ministries/Departments are required to submit quarterly returns to the Establishment Division of the Department of Personnel and Administrative Reforms in the prescribed proforma (Annexure-IV).

(2) The returns are to be submitted separately for (a) technical and scientific and (b) non-technical and non-scientific personnel. The returns will be for the quarters (i) January-March (ii) April-June (iii) July-September, and (iv) October-December and should be consolidated in each Ministry/Department for all offices under its control and sent to the Department of Personnel and Training within one month from the close of each quarter (e.g. the return for the quarter ending 31st March, should be sent latest by 30th April).
(3) Cases of extension/re-employment in posts, appointments to which could be made by the competent authorities in Public Sector Undertakings/autonomous bodies, themselves under the rules, regulations or bye-laws of the Public Sector Undertakings/autonomous bodies need not be included.

[DOP & A.R. OM No. 26011/1/77-Estt(B), dated 18-5-77.]

XI. AUTONOMOUS BODIES/PUBLIC SECTOR UNDERTAKINGS

The procedure for extension and re-employment laid down in DOP&AR OM No. 26011/1/77-Estt(B) dated 18-5-77 shall ipso-facto apply in the case of extension in service/re-employment of officers of Public Sector Undertakings/Autonomous Bodies where initial appointment has been made with the approval of the A.C.C.

[DOP&AR OM No. 26012/16/83-Estt(A) dated 1-12-83.]
Except as otherwise provided in this Rule, every Government servant shall retire from Service, on the afternoon of the last day of the month in which he attains the age of fifty-eight years.

2. A workman who is governed by these Rules shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

Note: In this clause, a workman means a highly skilled, skilled, semi-skilled, or unskilled artisan employed on a monthly rate of pay in an industrial or work-charged establishment.

3. A ministerial Government servant who entered Government service on or before the 31st March, 1933, and held on that date—
   (i) a lien or a suspended lien on a permanent post, or
   (ii) a permanent post in a provisional substantive capacity under clause (d) of Rule 14 and continued to hold the same without interruption until he was confirmed in that post,
shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

Note: For the purposes of this clause, the expression Government service includes service rendered in a former provisional Government.

"(e) A Government servant in Group D services or post shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty-eight years."

Provided that a Group D employee of the Secretariat Security Force who initially enters service on or after the 15th day of September, 1969 shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty-eight years.”

The date on which a Government servant attains the age of fifty-eight years or sixty years as the case may be shall be determined with reference to the date of birth declared by the Government servant at the time of his appointment and accepted by the appropriate authority on production, as far as possible of confirmatory documentary evidence, such as Matriculation Certificate or extracts from Birth Register. The date of birth so declared by a Government servant and accepted by the appropriate authority shall not be subject to any alteration after the preparation of his Service Book and in any event, after the completion of probation period or declaration of quasi-permanency, whichever is earlier. An alteration in the date of birth of a Government servant can be made at a later stage only with the sanction of Ministry or Department of the Central Government or an Administrator of a Union Territory under which the Government servant is serving, if it is established that a bonafide clerical mistake has been committed in recording the date of birth in the Service Book.

A Government servant whose date of birth is the first of the month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty-eight or sixty years, as the case may.”
Proforma for sending proposals for approval of Ministry of Home Affairs or for internal use in a Ministry for grant of extension/re-employment to Government servants beyond the age of superannuation.

1. Designation of the post: ____________________________
2. Duration of the post: ____________________________
3. Scale and terms of the post and perquisite attached, if any: ____________________________
4. Whether financial sanction for the creation of the post/continuance of post for the duration shown at (2) has been obtained: ____________________________
5. Method of recruitment: ____________________________
6. Name and the terminal date of appointment of the outgoing incumbent of the post: ____________________________
7. Name of the officer proposed for appointment and the service to which he belongs: ____________________________
8. Full service particulars of the Officer with date of birth and pay drawn: ____________________________
9. Names of other officers considered: ____________________________
10. If promotion post, whether copies of proceedings of a D.P.C. are being enclosed? If not, why not? ____________________________
11. Whether character roll of the officers proposed and those considered are being sent? If not, why not? ____________________________
12. If the proposal involves extension/re-employment, please indicate:
   (i) (a) whether the post is scientific/technical or non-scientific/non-technical: ____________________________
   (b) whether the officer is to be granted extension of service or re-employment: ____________________________
   (c) Periods of extension/re-employment granted earlier to the officer, if any: ____________________________
   (d) Date from which extension/re-employment is to be granted: ____________________________
   (e) Period of extension of service/re-employment: ____________________________
   (ii) Justification for grant of extension/re-employment if the post is scientific/technical: ____________________________
   (iii) Justification for grant of extension/re-employment if the post is non-technical/non-scientific: ____________________________
   (iv) (a) the date from which it was known that vacancy would occur: ____________________________
   (b) action taken to select a successor with chronological details: ____________________________
   (c) If selection is being made, reasons why this could not be finalised in good time: ____________________________
   (d) If proposal involves extension/re-employment can some officiating or ad-hoc arrangements be made, pending fresh appointment by proper selection? If not, why not? ____________________________
   (v) If the case is referable to A.C.C., whether the case has been discussed with Cabinet Secretary? If so, his reaction to the proposal: ____________________________
   (vi) Whether orders of the Minister-in-charge have been obtained? ____________________________
13. Whether the prescribed Integrity certificate, from the appropriate authority, is enclosed: ____________________________
OFFICE MEMORANDUM

SUBJECT—Approval of the Appointments Committee of the Cabinet—Procedure regarding :

The proposals for the consideration of the Appointments Committee of the Cabinet are at present required to be submitted in the proforma prescribed vide Ministry of Home Affairs Office Memorandum No. F. 34(2)-E0/65, dated the 4th August, 1965. This proforma no longer covers all relevant aspects of cases coming before the Appointments Committee of the Cabinet and further references have to be made by the Establishment Officer frequently involving delays in finalisation of the proposals. It has, therefore, been decided that proposals for the Appointment Committee of the Cabinet should, in future, be made in the revised proforma enclosed. The Ministry of Finance etc. are requested to bring this to the notice of all concerned.

Sd/-
(C. P. GUPTA)
Establishment Officer.

To All Ministries etc.

1. Designation of the Post :
2. Duration of the Post :
3. Scale and terms of the post and perquisite attached, if any :
4. Whether financial sanction for the creation of the post/continuance of the post for the duration shown at (2) has been obtained :
5. Method of recruitment :
6. Name and the terminal date of appointment of the outgoing incumbent of the post :
7. Name of the Officer proposed for appointment and the service to which he belongs :
8. Full service particulars of the officer with date of birth and pay drawn :
9. Names of other officers considered :
10. If promotion post, whether copies of proceedings of a D.P.C. are being enclosed. If not, why not ?
11. Whether character roll of the officer proposed and those considered are being sent. If not, why not ?
12. If the proposal involves extension/re-employment, please indicate—
   (i) the date from which it was known that vacancy would occur :
   (ii) action taken to select a successor with chronological details :
   (iii) if selection is being made, reasons why this could not be finalised in good time ; and
   (iv) if proposal involves extension/re-employment can some officiating or ad-hoc arrangements be made, pending fresh appointment by proper selection, if not why not ?
13. Whether the prescribed Integrity certificate from the appropriate authority, is enclosed.

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ANNEXURE—IV

Quarterly return showing case of extension/re-employment granted during the quarter ending 31st March/30th June/
30th September/31st December.

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name and designation of the post held</th>
<th>Date of birth</th>
<th>Date of super-annuation</th>
<th>Details of post in which extension/re-employment has been granted</th>
<th>Whether the officer has been granted extension/re-employment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Designation Classification of post</td>
<td>Whether scientific/technical or non-scientific/non-technical</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Date from which granted extension/re-employment.</td>
<td>Period of Detailed reasons for grant of extension/re-employment (Pl. see note)</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

In the Ministry/Department
In the attached/subordinate offices
In public sector undertakings (in which employees are treated as Government servants)

NOTE: The reasons for grant of extension/re-employment should be indicated in detail and a mere statement that it was granted in public interest will not be sufficient.