

JVBI RETIREMENT POLICY



Jain Vishva Bharati Institute

(Declared Deemed-to-be University Under Section 3 of The UGC Act, 1956)

Ladnun - 341306 (Raj.)

Jain Vishva Barati Institute (Deemed University)

Ladnun-341306, Rajasthan

Policy to retire those University Personnel in the public interest, who have completed fifty years of age or twenty five years of service, whichever is earlier

Objective

The object of the scheme of compulsory retirement is to weed out the dead wood in order to maintain a high standard of efficiency and integrity in the Institute's Services. It is important to mention that the Department of Personnel and Training (DoPT), GoI has also issued a notification on review, consolidation and reiteration of the guidelines on premature retirement of government servants, clarifying that under the rules, it is distinct from "compulsory retirement" and is not a penalty. It further states as under:

"The objective of Fundamental Rule (FR) 560)1(I) 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 government functions,".

Focal Point of the Policy

The appropriate authority shall, in the public interest have the absolute right to retire any University Servant by giving him/her notice of not less than three months, in writing or three months pay and allowances in lieu of such notice, at any time after he has attained the age of 50 years or after he has completed 25 years of service. Appropriate authority shall mean the authority, which has the power to make substantive appointment to the post or service in the JVBI; i.e. the BoM. In computing the notice period of three months, the date of service of the notice shall be included.

Procedure for Review

Of the JVBI Servant in all cadres/Groups a review shall be done approximately six months prior to their attaining the age of 50 years or approximately six months prior to their completing 25 years of qualifying service, whichever is earlier;

- The BoM, JVBI shall have the right to review the case of any servant of the Institute belonging to any of the Cadre/Groups at any time after making an appropriate review to retire prematurely the reviewed employee(s). However, the BoM shall assess the exceptional reasons such as subsequent work, or the conduct, or the commitment to perform his/her duties or ineffective discharge of duties as a habit or reluctance to perform in the institutional interest or the state of physical/mental health of the JVBI servant to justify that his/her earlier retirement is clearly desirable.
- The Registrar shall prepare a Register of all employees, who would be falling in the said category; i.e. 50 years of age or 25 years of service. It would be his responsibility to inform the competent authority on record and submit a proposal for making an objective review of the cases, if any.
- The cases which are ripe for review for the first half year shall be taken up for review before the 1st July of the previous year. The cases which are due for review in the second half of the year shall be sent before 1st January of the year.
- The cases of all personnel, who have attained the age of 50 years or completed 25 years of service would be placed before the Review Committee constituted for the purpose by the Registrar.

The following types of cases may be put up before the Review Committee for review:

- ❖ In cases where the JVBI Administration has reasonably cum to believe that an employee belonging to any cadre/group is lacking in integrity, this would be an appropriate ground to consider him/her for compulsory retirement irrespective of an assessment of his ability or efficiency in work.
- ❖ In cases where the JVBI Administration has a reason to believe that he/she habitually takes bribes but there is no definite proof of a specific anti corruption, or where the employee has a bad reputation and where the abundant suspicion against him/her even though the guilt may not have established in a criminal case, such case can be brought up for review.
- ❖ In cases where the JVBI Administration has a reason to believe that employee's integrity is not in doubt, but his/her physical or mental condition is such as to make him/her inefficient for further surrender him/her unfit to discharge his/her duties properly.

- ❖ Cases of employees against whom there are repeated complaint corruption.
- ❖ Cases of JVBI employees belonging to any cadre, who although have come from lower grades and are not considered adequate for the responsibilities, they occupy or will not be able to perform efficiently in their post in coming years.
- ❖ In cases where the JVBI Administration has a reason to believe that the employee belonging to any cadre/group has not been efficient to discharge the duties or has not come up to the professional expectations of the JVBI Administration or has been found to be detrimental to the overall atmosphere of the Institute or he/she has been found ineffective in discharge of duties in spite of motivations made.

Guidelines for Review Committee

- The Registrar shall peruse the personal file of the concerned employee with due care and shall make the same up-to the date. He would ensure that all relevant information have been entered in the file and also in the service book.
- The Registrar shall prepare a background note of all such employee(s) before the cases are put up to the Review Committee.
- If adverse remarks in the Personal files were communicated to the employees, the result of their representations, if any, should be recorded in the 'Personal files'.
- If adverse remarks were not communicated to the concerned employees, due regard should be given to subsequent reports to assess the weightage to be given to such adverse remarks.
- Mere pendency of an enquiry against the employee should not be taken into consideration for recommending the cases for compulsory retirement.
- Reason for recommending the retirement should be recorded clearly.
- The proceedings of the Review Committee and other records of Institute should clearly indicate that material relating to the inquiry / disciplinary proceedings / Court Proceedings pending against the employee was not taken into account while coming to the conclusion whether the employee concerned should be retained in service / retired from service. A certificate to the above effect has also to be furnished in respect of all review of cases.

- The recommendation of the Head of the Department whether the employee concerned is fit to be retained in service or retired under should invariably be obtained in writing before the meeting of the Review Committee, with supporting reasons and given adequate weight in the final decision.
- In the "Form of recommendation of Review Committee" the names of the Chairman and Members of Review Committee should be invariably type below their signatures, so as to obviate the difficulty in identifying their names.
- Though in the order of compulsory retirement, the reason is mentioned crisply as "Public interest" the Review Committee should indicate clearly in detail in a separate record of its deliberations (not in the ultimate proceedings or recommendation) the grounds on which the Committee has come to the conclusion that the Government servant should be compulsory retired, so that the record of deliberations of the Review Committee will be available for perusal of the High Level Standing Committee, while considering the review petitions of Government Servant compulsorily retired.
- Such premature retirement in public interest shall not be stigmatic.

Form of recommendation of Review Committee will be as follows:

Name of the officer

Date of birth

Constitution of the Committee

Recommendation of the review Committee

The Review Committee considered the case of Mr./Ms./Dr..... who has completed the age ofyears and /or has completed 25 years of service on or before the continuance in service. His personal file was perused. The Committee considers that he/she is fit/not for compulsory retirement.

CHAIRMAN OF THE COMMITTEE

MEMBERS OF THE COMMITTEE

(1)

(2)

(3)

The following proforma along with the particulars is to be placed before the Review Committee: -

Jain Vishva Bharati institute (Deemed University), Ladnun

Information regarding the Employee to be considered for a compulsory retirement on getting an age of 50 years or 25 years of service, whichever is early

S.N.	Name of the Employee	
1.	Post held	
2.	Date of birth	
3.	Date of the First regular appointment	
4.	Date of completion of 50 years of age	
5.	Date of completion of 25 years of service	
6.	Whether any cases of corruption?	
7.	Whether any vigilance/criminal case	
8.	Whether any health issues?	
9.	Whether fit for retention?	
10.	State reasons for compulsory retirement in specific	
11.	Remarks, if any	

Registrar

The review Committee should once and for all carefully consider each case and take a final decision. They should judge the official by strict norms / yardsticks in recommending their fitness for continuance in service or for retiring the employee, as the case may be. The Committee should not be on the liberal side, as it defeats the very purpose for which such Review Committee has been set up.

General

The Heads of Departments concerned and the Registrar should be made personally responsible to ensure that all the cases that are ripe review have to be placed before the review committee in time and its recommendations are obtained well before the actual limit is reached and severe act should be taken in regard to any lapse of failure to be observe the prescribed time limits.

If decided to retire an employee of the JVBI belonging to any cadre/group compulsorily, he/she should be given three month notice in writing or three months' pay and allowances in lieu of such notice while retiring him from service.

The date of compulsory retirement shall be the date of issue of orders compulsorily retiring a Government servant in service. The orders compulsorily retiring a Government servant shall be issued by the Registrar after getting an approval of the Vice Chancellor on the basis of a resolution of the appropriate authority; i.e. the BoM, who has the power to make substantive appointments to the post or service from which the employee is required to retire.

While issuing orders of compulsory retirement, the grounds that the officer is being compulsorily retired on 'Public interest' should be specified. The Officer compulsorily retired should also be informed that if he so desires he may prefer a review petition, within one month from the date of issue of the order of compulsory retirement.

An extract of the recommendation of the Review Committee should be added to the Personal file / Record Sheet of the officer concerned.

In cases where action has been initiated for imposing a major penalty and the proceedings are in the final stages, the disciplinary proceedings may be finalized instead of compulsorily retiring the employee.

In case where a Government servant is under suspension and his/her name is recommended by the Review Committee for compulsory retirement, he/she cannot straight away be compulsorily retired. The suspension orders have to be revoked in the first instance

reinstating him to service and the orders for compulsory retirement should be issued. Regulation of the period of suspension will depend on the outcome of the disciplinary proceedings taken against him.

Service of the order of compulsory retirement and payment of notice salary

- In all cases of compulsory retirement, wherein it has been decided to retire an Officer by giving him 3 month's notice or salary in lieu of three month's notice the retirement order and the notice salary cheque should be served on the individual in person on the date of issue of the order.
- In the case of employees on leave, the procedure would be either to recall the employee from leave and serve the orders of retirement, when he/she joins duty or wait for the employee to join duty on the expiry of leave and then serve the order.
- In the case, it is found that an employee is evading the receipt of the order of compulsory retirement, then the procedure indicated below should be followed for service of the order:-
 - If such person is not found, by leaving it at his last known place or residence or by giving or tendering it to an adult member of his family, or
 - If the address of such person is known, by sending it to him by registered post, or
 - If none of the means aforesaid is available, by affixing it in some conspicuous part of his last known place of residence, or
- A small sized press communiqué may be published in the local newspaper stating about the Institute's order.
- In all these cases, the appointing authority should ensure that there is no time lag between the date of issue of orders and the date of serving such an order.
- When an employee refuses to receive the notice salary and evades the service of orders of Compulsory retirement, in such cases, the 3 months notice salary has to be paid to the compulsorily retired employee through cheque/electronic transfer of money to his/her bank account. However, in case of any problem the Institute shall prepare a cheque and send the same to his residential address and if the same is returned back, the same shall be retained safely by the Registrar and would be handed over to him/her as and when he/she approaches the appropriate authority concerned and fetch an acknowledgement.

Review of order of Compulsory Retirement

If the Employee compulsorily retired, prefers a review petition, to High Level Standing Committee such petition should be sent to the Vice Chancellor through the proper channel within one month from the date of issue of the order of compulsory retirement.

The Vice Chancellor shall constitute a High level Review Committee, which will comprise of the senior officers/faculty members and also some senior level academician/administrator from the outside. As soon as review petitions are received prompt action has to be taken to gather the connected records and take a decision within a period of three weeks. The decision taken by the standing committee shall be further placed before the BoM for a final decision. There would be no provision to entertain any representation after this decision.

The above stated Policy shall be made effective with effect from the date of approval by the BoM or the date specified by the BoM.