

MINERAL EXPLORATION CORPORATION LIMITED
(A Government of India Enterprise)

Seminary Hills
Nagpur – 440 006

HUMAN RESOURCE DIVISION

No: MECL/HR/IR/Probity & Efficacy/2017/ 7702

Date: 19.12.2017

CIRCULAR

We are pleased to inform that the Board of Directors, in their 251st Board Meeting held on 11.08.2017, have approved the "Scheme for Periodical Review for Ensuring Probity & Efficacy amongst Executives in MECL, 2017" and incorporation of the provisions of the scheme in the Conduct, Discipline and Appeal Rules of the Company. The effective date of commencement of the scheme is 11.08.2017.


The copy of the approved scheme can be downloaded from the MECL website from the following path.

www.mecl.gov.in →

Related Links and Others →

Scheme for Periodical Review for Ensuring
Probity & Efficacy amongst Executives in MECL, 2017

The scheme is herein being notified for information of all concerned.


19/12/17
(Dr. Ch. Sreerama Murthy)
General Manager (HR)

CC:

1. CMD(I/C)
2. D(T)
3. D(F)
4. CVO
5. All GMs/DGMs/HODs
6. All OICs
7. All ZMs/PMs
8. Sr. Manager (HR)/Sr. Manager (HR, Legal)/Manager (HR)

As
19/12/17
Am(HR)

Scheme for Periodical Review for Ensuring Probity & Efficacy amongst Executives in MECL, 2017

PREAMBLE

1.0 To ensure probity and efficacy amongst the CPSEs employees, Government had issued instructions by DPE vide O.M. F.No.DPE-GM-01-0001-2015-GM-FTS-4857 Dt.14.12.2015 prescribing review of Government employees upon completion of specified years of service or attaining specified years of age. In this regard, similar instructions have existed under Fundamental Rules 56 (j), 56(l) or Rule 48(1) of the Central Civil Service (Pension) Rules, 1972 which deal with *compulsory retirement of Central Government Officers in public interest who are found to be lacking in effectiveness or are of doubtful integrity*. It has now been instructed to adopt these provisions of the FRSR and CCS Rules and make them applicable to Executives of CPSEs and Autonomous Institutions under the Central Government, as well.

2.0 Hence, as a measure to comply the rules under FR 56 (j) , 56 (l) of the FRSE and Rule 48(1) of the CCS (Pension) Rules, 1972 a scheme for periodical review for ensuring probity and efficacy amongst Executives in MECL, 2017 is herein brought into force.

3.0 TITLE & APPLICATION:

3.1 This scheme shall be called – ***“Scheme for Periodical Review for Ensuring Probity & Efficacy amongst Executives in MECL, 2017”***

3.2 This Scheme will come into force from the date of order issued for applicability of the scheme by the MECL Board.

3.3 This Scheme will apply to all Executives below Board level.

4.0 OBJECTIVE:

The objective of the scheme is to strengthen the administration by ensuring probity and efficacy on a continuous basis, amongst Executives. Whenever the services of an Executive are no longer useful to the Company, the Executive can be retired prematurely (i.e. removal of dead-wood) and for the sake of Public interest.

5.0 DEFINITIONS:

5.1 **“COMPANY”**: Company means Mineral Exploration Corporation Limited and may be referred as Company/MECL.

5.2 **“EXECUTIVE”**: All Officers/Executive employed below Board level, employed in scale E-0 & onwards.

5.3 **“COMMITTEE”**: Committee for the purpose of this scheme means Committee constituted by Competent Authority.

5.4 **“COMPETENT AUTHORITY”**: Chairman-cum-Managing Director or his authorised

representative.

5.5 "APPROVING AUTHORITY": As defined under clause 10.3 of this scheme

5.6 "REVIEWING AUTHORITY": As defined under clause 10.3 of this scheme

6.0 CRITERIA:

6.1 Criteria to be followed by the Committee in making their recommendations would be as follows:

a. Executives whose integrity is doubtful –

- i. An Executive who gets an adverse comment consecutively for three years on his integrity in his Annual Performance Appraisal Report immediately preceding the quarter in which he/she is to be assessed would be recommended for premature retirement.
- ii. Actions or decisions taken by the Executive which do not appear to be above Board, complaints received against him may be given due cognizance while considering integrity of an Executive.

- Inputs from Vigilance Department may also be obtained in cases where integrity of Executives is doubtful.

b. Executives who are found to be ineffective –

The basic consideration in identifying such Executive should be the fitness/competence of the Executive to continue in the post which he/she is holding

- i. In such case, inefficiency would be evaluated on basis of the appraisal report. If in the opinion of the Approving Authority, for reasons to be recorded in writing, an Executive's performance is considered to be unsatisfactory, on the basis of his securing a poor rating for Executives.
- ii. The said assessment should not be confined to the consideration of Performance Appraisal/ Grading/ Merit Ratings alone. In every assessment, the entire service records of the Executive should be considered.

c. Executive whose Conduct & Reputation are a menace to public interest - An Executive's conduct and reputation is such that his continuation in service would be a menace and injurious to public interest, the same can also form basis for premature retirement of an Executive.

d. While the entire service record of an Executive should be considered at the time of assessment, no Executive should ordinarily be retired on the grounds of ineffectiveness, if his service during the preceding 5 years immediately preceding the quarter in which he or she is to be assessed or where he has been promoted to a higher post during that 5 years period, his service in the highest post, has been found satisfactory. However, when an Executive is recommended for

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- premature retirement on grounds of doubtful integrity, there is no such stipulation.
- e. No Executive should be ordinarily retired on the ground of ineffectiveness; if in any event, he or she would be retiring on superannuation, within a period of one year from the date of consideration of his case. However, it is clarified that if there is a steep fall in competence, efficiency or effectiveness of an Executive, it would be open to assess his/her case for premature retirement.

7.0 The rule relating to premature retirement should not be used:-

- [a] To retire an Executive on grounds of specific acts of misconduct, as a short-out to initiating formal disciplinary proceedings; or
- [b] For reduction of surplus Executives or as a measure of effecting general economy without following the rules and instructions relating to retrenchment.

8.0 Based on the assessment under the scheme carried out in each quarter (as per the scheme), a summarised report for the Calendar year will be generated by Corporate HR Division for onward transmission to Ministry/ any other Govt. agency, as required.

9.0 However, this scheme is independent of and without prejudice to the right of the Company under the contract of employment to dispense with the services of an employee on one month's notice or notice pay in lieu thereof.

10.0 PROCEDURE:

The premature retirement, which is made in the public interest, is not to be treated as a punishment and shall be carried out after a comprehensive assessment, taking into account the entire service record of the concerned Executive.

10.1 Assessment of Executives under the scheme, to ascertain as to whether an Executive in a substantive post should continue in the employment of the Company, shall be carried out six months before the Executive attains the age of 50 years if he had entered the service before attaining the age of 35 years, and in any other case after he has attained the age of 55 years, as the case may be.

10.2 In every assessment, the entire service records should be considered. The expression "Service Record" will take into account all relevant records and, hence, the assessment should not be confined to the consideration of Performance Appraisals/ Grading/ Merit ratings alone. The personal file of the concerned Executive may contain valuable information and the same may also be referred for assessment purpose. The works and performance of the Executive could also be assessed by looking into files dealt with by him/her or in any papers or reports prepared and submitted by him/her. The assessment of an Executive under the scheme shall be conducted in the prescribed proforma at Annexure-I. The case of assessment of the Executive whose integrity is doubtful under the criteria, shall be routed through Vigilance Department.

10.3 Committees - In order to undertake the assessment of Executives at Departmental level, Committees will be constituted. The constitution of the Committees (not less

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than 3 members) to assess the probity and efficacy of Executives will be as under.

Level/ Grade of Executive	Committee composition	Approving authority	Review authority
Executives in E-0 to E-6 grades	HoD of HR Divn., HoD of Finance Divn., and HoD of concerned Divn/ Dept. and SC/ST representative, if SC/ST Executive is there in the assessment.	Concerned Functional Director	CMD
Executives in E-7 and above grade	Committee consisting of minimum of two Directors and SC/ST representative, if SC/ST Executive is there to be assessed	CMD	Board

Note: In case there is any female Executive whose case is to be kept for assessment, a female Executive shall be co-opted in the committee who shall be at least one level above the scale of female Executive whose case is under assessment

The Committees, as shown above, after carrying out the assessment will recommend the cases of Executives required to be retired prematurely.

Based on the recommendations of the committees, if the Approving Authority is of the opinion that it is in the public interest to do so, he will have the absolute right to retire any Executive by giving him notice. The assessment of an Executive under the scheme shall be conveyed in the prescribed order in proforma **Annexure - II** for his or her premature retirement from the services of the company.

11.0 Issuance of order & acknowledgement

11.1 The order of premature retirement shall be issued to the executive and his acknowledgement shall be obtained in presence of two independent witnesses and their signatures shall also be obtained.

11.2 In case the employee refuses to accept his/her order of premature retirement alongwith the cheque equivalent to 3 months notice pay, it should be ensured that the refusal of the employee is to be noted in presence of two witnesses under their signature.

11.3 In such case copy of the order of premature retirement to the employee shall be sent under registered post with acknowledgement to the individual at the last official recorded / known address with a covering letter stating that the original notice/order was taken by such as such on so and so date in presence of two witnesses in spite which the employee concerned refused to accept the same. Consequently, under such circumstances, copy of the same order is being sent by registered post for his or her

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24/12/12

record.

11.4 In such cases where the employee refused to accept the order of premature retirement, the date of effective premature retirement shall be the following date (day) since the date he refuses to accept the order along with cheque of equivalent pay of 3 months (notice pay).

11.5 A register of Executives who are due to attain the age of 50 / 55 years, as the case may be / will be maintained. The register should be scrutinized at the beginning of every quarter by the Personnel Department. Assessment has to be carried out as per the schedule given below:

Sl. No.	Quarter in which assessment is to be made	Cases of Executive who will be attaining the age of 50/55 years as the case may be, in the quarter indicated below:
1	January to March	July to September of the same year
2	April to June	October to December of the same year
3	July to September	January to March of the next year
4	October to December	April to June in the next year

An Executive who is prematurely retired will be entitled to the following, subject to fulfillment of conditions/terms stated in the relevant schemes, rules, etc:

- (a) Pay for the notice period of three months or as may be applicable to him under his terms and conditions of service.
- (b) Leave salary as per the Leave Rules applicable to the Executive as in case of superannuation.
- (c) Provident Fund subject to the provisions of the Provident Fund Rules applicable to him.
- (d) Gratuity for each completed year of service or part thereof as admissible under the Gratuity Rules.
- (e) Transfer benefits for self and family for proceeding to home town or to the place where he/she intends to settle in India as admissible, under the TA Rules.
- (e) Any other scheme, which is applicable in case of superannuating Executives.

12.0 PROCEDURE FOR CONSIDERATION OF REPRESENTATION:

Under the Scheme, if any of the Executives, whose case will be reviewed and the Order of compulsory retirement passed against him, if he aggrieved by the Order, he may submit representation within 30 days in the prescribed proforma Annexure-III for review to the reviewing authority as per following procedure.

i) On receipt of the representation by the reviewing authority, he should examine the same to see whether it contains any facts or any aspects of facts already known but which was not taken into account at the time of issue of order of premature retirement. This examination should be completed within two weeks & pass final order within-30 days from the date of receipt of the representation.

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24/12/17

ii] In case it is decided to reinstate prematurely retired executive in the services after considering his representation in accordance with these instructions, the period intervening between the date of premature retirement and the date of reinstatement is to be considered as duty, or as leave or as dies-non as the case may be, taking into account the merits of each case.

iii] Where the review representation Committee records a definitive finding that the premature retirement of the executive was on account of political or personal victimization, the intervening period should be treated as duty with full pay and allowances. In other case, it would not be appropriate to treat the period during which the employee had not worked, on duty and allow him the duty pay for the same. In such cases, the period may hitherto be treated as leave due and admissible or dies-non, as the authority ordering reinstatement may decide.

iv] In the cases of employees who had been prematurely retired on grounds of inefficiency and by the time the Committee to consider the representations against such premature retirement came to the conclusion that premature retirement was unjustified, the date of superannuation of the employee has already arrived or had passed, it has been decided that the authorities empowered to pass final orders may at their discretion reinstate the superannuated executive notionally with effect from the date of compulsory retirement and treat the period upto the date of superannuation, as duty, leave or dies-non as may be considered appropriate by the competent authority.

v] Representations from executive who have been served with a notice/order of premature retirement, but have obtained stay order(s) from a court against the order/notice of premature retirement, need not be dealt until the disposal of the court case. Therefore, the cases may be examined as outlined above, also taking into account any material of a substantive nature that may feature in the court's judgment.

The Reviewing authority shall dispose off the same within 30 days from the receipt of the appeal in the format Annexure-IV. In case of any of the executive it will be reviewed.

13.0 SAVING:

- i] The above provision of the Scheme can be modified, altered or withdrawn with the approval of the Chairman cum Managing Director.
- ii] For interpretation of any provisions of the Scheme, decision of the Chairman cum Managing Director will be final and binding.

14.0 EFFECTIVE DATE:

The Scheme shall come into effect from the date of issue of the order of implementation by the MECL Board of Directors.

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Mineral Exploration Corporation Ltd
Seminary Hills, Nagpur - 440 006

ORDER ISSUED UNDER THE SCHEME FOR PERIODICAL REVIEW FOR ENSURING
PROBITY AND EFFICACY TO RETIRE AN EXECUTIVE OF MECL

ORDER

Whereas under the provisions of Scheme for Periodical review for ensuring probity and efficacy the assessment committee is of the opinion that it is in the public interest to do so;

Now, THEREFORE, in exercise of the powers conferred for the assessment to the duly constituted committee under the scheme hereby hereby gives notice to

Shri _____ (designation) _____ that he / she having already attained the age of fifty / fifty-five years, having completed _____ years of service on _____ and shall pre-maturely retire from service on _____ after duty hours of the day following the date of expiry of three months computed from the date following the date of service of this notice on him. If he so desires, he may represent in writing to reviewing authority within 30 days from the date this notice is served on him / her.

The communication is being issued with the approval of approving authority.

GENERAL MANAGER (HR)

ACKNOWLEDGEMENT

I, _____, now holding the post of _____ hereby acknowledge the receipt of the original notice of the order of retirement as aforesaid.

Kindly acknowledge the receipt of the order.

Name: _____

Emp. Code No.: _____

Designation: _____

Office/ Project: _____

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PROFORMA FOR ASSESSMENT OF THE EXECUTIVE UNDER SCHEME FOR PERIODIC
REVIEW FOR ENSURING PROBITY AND EFFICACY

(I) BIO - DATA

OFFICE / PROJECT: _____ DATE OF ASSESSMENT: _____

Name	Date of Birth	Date of appointment in service	Date of completion of 50 / 55 years of age	Total No. of years of service	Break in service caused, if any
1	2	3	4	5	6

Present Designation	Present scale of pay / grade	Office/ Project presently employed	Details of posts held during last 5 years		
			Designation	From	To
7	8	9	10		

(II) ASSESSMENT

PERFORMANCE REPORT OF THE CONTROLLING OFFICER ON THE BASIS OF
LAST FIVE YEARS SERVICE

(To be recorded by an officer not lower than a senior level officer)

11. (a) Is he physically and mentally fit to discharge duties Effectively, if continued in service? Yes No Comments on his:
- (b) His attendance Good Poor i) Integrity:
- (c) His punctuality Good Poor ii) General conduct
- (d) Does he deal with correspondence promptly? Yes No
- (e) Does he take decision? Yes No iii) Performance During 5 years
- (f) Are his inspections sound & fruitful? Yes No
- (g) Is he cost conscious Yes No
- (h) Can he maintain discipline amongst subordinates Yes No

Signature:
Name:
Designation:

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24/12/12

III. RECORD OF SERVICE DURING HIS ENTIRE CAREER

Appreciation of good work done, if any	Particulars of penalties imposed, if any with reasons		
	Nature of penalty imposed	No. of times imposed	Reasons
12	13		

14. REMARKS RECORDED IN THE CONFIDENTIAL REPORT (APAR) DURING THE LAST 5 YEARS, IF MAINTAINED (CRs IN ORIGINAL SHOULD BE ENCLOSED)

	Year	Year	Year	Year	Year
(A) Classification					
(B) Remarks about integrity					
(C) Adverse remarks, if any					
(D) Whether adverse remarks were communicated to employee					

15. ATTENDANCE PARTICULARS FOR PREVIOUS FIVE YEARS

	Year	Year	Year	Year	Year
(1) Sick leave					
(i) Full pay					
(ii) Half pay					
(2) Unauthorised absence					
(3) Leave without pay					

16. PARTICULARS OF VIGILANCE CASES PENDING, IF ANY:

17. SPEAKING ORDERS OF THE ASSESSMENT COMMITTEE:

File No.:

Signature:

Name:

Designation:

Date:

(MEMBER)

(MEMBER)

(MEMBER)

18. IN CASES OF RETIREMENT ON GROUNDS OF DOUBTFUL INTEGRITY ONLY, THE REMARKS / RECOMMENDATIONS OF THE VIGILANCE DEPARTMENT

NAME:

DATE:

19. (IN CASE OF APPEAL)

The speaking orders of the Reviewing Authority

Signature:

Name:

Designation:

Date:

(REVIEWING AUTHORITY)

R. K. Singh
24/9/17

Mineral Exploration Corporation Limited
Seminary Hills, Nagpur - 440 006

APPEAL BEFORE REVIEWING AUTHORITY UNDER SCHEME FOR PERIODICAL REVIEW
FOR ENSURING PROBITY AND EFFICACY OF EXECUTIVES

(Appeal for Review)

Vide order No. _____ dated _____, I have been retired on pre-
mature basis from the services of the company under the provisions of the Scheme for Periodical
Review for ensuring probity and efficacy of the Executives:

I am aggrieved by the aforesaid order and preferring an appeal against the said order before the
reviewing authority to review my case on the following grounds:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

Submitted before the Reviewing Authority

(Signature): _____
(Appellant): _____
Name: _____

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Mineral Exploration Corporation Limited
Seminary Hills, Nagpur - 440 006

ORDER OF THE REVIEWING AUTHORITY ISSUED UNDER THE SCHEME FOR PERIODICAL
REVIEW FOR ENSURING PROBITY AND EFFICACY OF EXECUTIVES

(Order of Reviewing Authority)

Whereas Shri _____ Designation _____ (Appellant) has submitted an appeal against order No. _____ dated _____ issued for his premature retirement under scheme for periodical review for ensuring probity and efficacy of the Executives.

Now, therefore, in exercise of the powers conferred under the scheme, on careful consideration of the appeal and grounds submitted for review by the Appellant, I have decided to consider / not to consider his appeal for the following reasons:

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

In view of the above, the appeal preferred by the Appellant is considered / not considered, thus disposed off.

Name: _____

Emp. Code No.: _____

Designation: _____

Office / Project: _____

Signature: _____
(Reviewing Authority)

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24/7/13