

CHAPTER XVIII

PROMOTION

Article 309 of the Constitution of India provides that acts of the appropriate Legislature may regulate the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or any State. It also provides that pending provision in this behalf being made by or under an Act, the President or such persons as he may direct shall be competent to make, in the case of services and posts in connection with the affairs of the Union, rules regulating the recruitment and other service conditions of persons appointed to such services and posts.

For an impartial and uniform procedure of recruitment to services, it is necessary that there should be prescribed recruitment rules for every post/grade and all recruitment made in accordance with these rules. In deciding on the methods of recruitment the main consideration naturally is whether a direct recruit or a person with experience of work in the next lower grade would be more suitable for appointment to the post/grade. Not infrequently departmental experience in an office is not only essential but may also be preferable to mere academic qualifications for maintaining efficiency. It is also natural for persons serving in the lower grades to look forward to promotion to highest posts in which their experience can be used with advantage to the State. For these reasons, promotion is one of the recognised important methods of recruitment to various services and posts under the Central Government.

2. The instructions issued by Government of India in the Ministry of Home Affairs (now Department of Personnel and Training) from time to time on the subject are as under :—

1. *Guiding principles for promotion*

(i) Every person eligible for promotion and in the field of choice should be considered for promotion.

(ii) It is desirable that —

- (a) Standard for promotion should be strictly adhered to. Where prescribed standards are considered too rigorous to meet practical requirements, they may be reviewed in consultation with the U.P.S.C./D.P.C.
- (b) minimum length of service in the lower grade prescribed as a condition for promotion to the higher grade is not materially different from that prescribed by other Departments for promotion to similar grades involving the same nature of duties and responsibilities.

[MHA OM No. 1/5/58-RPS dated 26-2-58.]

(iii) Employing Departments should estimate the number of vacancies which might arise in the succeeding year for being filled by promotion on the recommendation of a DPC and also convene the meeting of the Departmental Promotion Committees at regular annual intervals.

[MHA OM No. 9/21/58-RPS dated 10-6-59 read with MHA OM No. 1/9/66-Estt(D) dated 22-7-66.]

(iv) The administrative authorities should ensure that the information furnished to Departmental Promotion Committees is accurate and in proper order in all respects. Ministries may investigate all cases of delay and submission of incorrect particulars to the DPC and take suitable action against the persons responsible for default.

[MHA OM No. 1/5/64-Estt(D) dated 14-4-64 read with MHA OM No. 1/9/66-Estt(D) dated 22-7-66.]

(v) If a candidate who is recommended for direct recruitment is also among those recommended for promotion by the DPC, he should be appointed as a direct recruit or a promotee according as his turn for appointment comes earlier from direct recruitment list or from the promotion list.

[MHA OM No. 1/13/58-RPS dated 28-10-58]

(vi) Officiating appointments to the higher grade, of whatever duration should, as far as possible, be made in the order in which names appear in the select list. Exceptions to this rule may become necessary where a number of vacancies are to be filled within a comparatively short period and it is convenient and desirable to make postings with due regard to the location and experience of the officers concerned or short term vacancies have to be filled on a local and *ad hoc* basis. An out of turn promotion in such circumstances should not, however, give the officer concerned any superior claim in the matter of seniority, or confirmation, which should be determined on the basis of the order of select list.

[MHA OM No. 1/1/55-RPS dated 17-2-55 sub-para 1(ii)]

3. *Cases in which non-promotion or reversion of a Government servant officiating in higher post does not amount to a penalty.*

The following shall not amount to penalty within the meaning of rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

- (i) Non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a service, grade or post for promotion to which he is eligible;
- (ii) reversion of a Government servant officiating in a higher service, grade, or post to a lower Service, grade or post on the ground that he is considered to be unsuitable for such higher service, grade or post or on any administrative ground unconnected with his conduct;

[Sub-clauses (iii) and (iv) below Explanation under Rule 11 of the CCS (CC&A) Rules, 1965.]

4. *Erroneous promotions*

Except where the appointing authority is the President, the question whether promotion/appointment of a particular Government servant to a post was erroneous or not should be decided by an authority next higher than the appointing authority in accordance with the established principles governing promotions/appointments. Where the appointing authority is the President, the decision should rest with the President and should be final. The Department of Personnel and Training should be consulted in respect of promotion/appointments in the Service administratively controlled by that Department. In other cases also, Department of Personnel and Training may be consulted if any point is doubtful.

The cases of erroneous promotion/appointment in a substantive or officiating capacity should be reviewed with serious concern and suitable disciplinary action should be taken against the officers and staff responsible for such erroneous promotion.

[Ministry of Finance Memo. No. F.1(3)-Estt.III/59 dated 14-3-63]

5. *Minor penalties do not constitute a bar to eligibility and consideration for promotion.*

The imposition of minor penalty of censure does not by itself stand against the consideration of such person for promotion. So far as the eligibility of such a person to appear at a departmental/promotional examination is concerned, he cannot, merely because of the penalty of censure, be debarred from appearing at such an examination. In case, however, the rules of such an examination lay down that only those eligible persons can be allowed to appear at the examination who are considered to be fit for the purpose, the fact that a person has been

been awarded the penalty of censure, to appear at the examination has to be considered, on the basis of an over-all assessment of his service record and not merely on the basis of the penalty of censure.

In cases where the responsibility of an officer for any loss is indirect or where increments of an officer have been stopped as a measure of penalty, while it is not possible to lay down any hard and fast rules in this regard, it is for the competent authority to take a decision in each case having regard to its facts and circumstances. Recovery from the pay of a Government servant of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders, or withholding of increments of pay, are also minor penalties laid down in rule 11 of the CCS (CCA) Rules. As in the case of promotion of a Government servant, who has been awarded the penalty of censure, the penalty of recovery from his pay of the loss caused by him to Government or of withholding his increment(s) does not stand in the way of his consideration for promotion though in the latter case promotion is not given effect to during the currency of the penalty. While, therefore, the fact of the imposition of such a penalty does not by itself debar the Government servant concerned from being considered for promotion, it is also taken into account by the Departmental Promotion Committee, or the competent authority, as the case may be, in the overall assessment of his service record for judging his suitability or otherwise for promotion or his fitness for admission to a departmental/promotional examination (where fitness of the candidates is a condition precedent to such admission).

[DOP & AR OM Nos. 21/5/70-Estt(A) dt. 15-5-71 & 17-5-71 and MHA OM No.9/30/63-Estt(D) dt. 7-2-64.]

6. *Functions of the DPCs*

The Recruitment Rules for various civil posts and services prescribe the method of filling up the posts under the Central Government. A post is filled by promotion where the Recruitment Rules so provide. In making promotions, it should be ensured that suitability of the candidates for promotion is considered in an objective and impartial manner. For this purpose, DPCs should be formed in each Ministry/Department/Office whenever an occasion arises for making promotion/confirmations etc. as the case may be. The DPCs so constituted shall judge the suitability of officers for :—

- (a) promotions to selection as well as non-selection posts;
- (b) confirmations in their respective grades/posts;
- (c) assessment of the work and conduct of probationers for the purpose of determining their suitability for retention in service or their discharge from it or extending the prescribed period of their probations and
- (d) consideration of cases of government servants for crossing the efficiency bar.

7. *Composition of the DPC*

7.1 The Union Public Service Commission should be associated with the Departmental Promotion Committees in respect of all Central Civil Services/Posts belonging to Group A where promotion is based on the principles of Selection, unless it has been decided by a special order of the Government not to associate the UPSC with a Group A Departmental Promotion Committee. The UPSC need not be associated in respect of posts belonging to Group A, if the promotion is based not on the principle of Selection but on seniority-cum-fitness.

7.2 The Commission should be associated with the DPCs constituted for purposes of confirmation of officers who are direct recruits or promotees in services and posts, recruitment to which falls within the purview of the Commission. With the issue of DOP OM No. 39011/2/5/75-Estt(B) dated 14-3-77 the association of the Chairman/Member of the UPSC with the Departmental Promotion Committee considering confirmation of officers has been dispensed with.

7.3 The size of the DPC should be decided by each Ministry/Department/Office. Whenever, the UPSC is associated with the Departmental Promotion Committee, the Chairman or a Member of the Commission will preside at the meeting of the Departmental Promotion Committee.

7.4 Members included in DPCs for Group A & B posts should be officers who are at least one step above the posts in which promotion/confirmation is to be made, as indicated in Annexure II.

7.5 In respect of DPCs for Group C&D posts the Chairman of the DPC should be an officer of a sufficiently high level and one of the members of the DPC should be an officer from a Department not connected with the one in which promotions are considered. The other member should be an officer of the Department familiar with the work of the persons whose suitability is to be assessed. The officer of another Deptt. appointed as a Member of the DPC should also be of an appropriate level, keeping in view the level of the other members of the DPC and the post to which promotion is to be made. In the case of the DPC constituted for promotions to a technical post it may also be ensured that the officer nominated by another Deptt. to serve on the DPC has also the requisite technical competence to advise on the suitability of the candidates under consideration.

7.6.1 Endeavour should also be made to nominate a SC/ST officer on the DPC constituted for various posts/services, particularly where a DPC has to make bulk selection for a large number of vacancies say for 30 or more at a time. In such a case, no efforts should be spared in finding a SC or ST officer for inclusion in the DPC. Where an outside member has to be associated with the DPC for Group C or Group D posts, there would be no objection to nominate on such a DPC, a SC/ST officer from such other Ministry/Department, in the event of such officer not being available in the Ministry/Department itself.

7.6.2 In case there is no provision for association of an external member in the Recruitment Rules concerning Group 'A' and Group 'B' services/posts or if none of the officer included in the DPC as per the composition given in the said Recruitment Rules, is a SC or ST officer, another officer belonging to SC or ST of appropriate level, if available within the Ministry/Department, may be coopted by the appointing authority to take part in the DPC meeting. If, in any case, it is not possible to include a SC/ST officer in a DPC whether by nomination or cooption, the reasons for such non-cooption should be recorded in writing.

[DOP & AR OM No. 22011/6/75-Estt(D) dated 30-12-76 DOP & AR OM No. 39011/2/5/75-Estt(B) dt. 14-3-77 and No. 22012/4/78-Estt(D) dated 16-1-1981.]

8. The composition of the DPC for considering the cases of Government Servants for crossing the EB in a time scale of pay should be the same as the DPC constituted for the purpose of considering the cases of confirmation of the Government servants concerned with the only change that the UPSC need not be associated for considering EB cases.

[DOP & AR O.M. No. 22011/6/75-Estt(D) dt. 30-12-76.]

9. *Frequency at which DPC should meet*

9.1 The DPC should be convened at regular annual intervals to draw panels which could be utilized for making promotion against the vacancies occurring during the course of a year. It has been observed that Ministries/Departments do not convene meetings of the DPCs annually for various reasons, even though eligible officers of the lower grade were available and the vacancies in the higher grade were also available for their promotion. This is often due to non-finalisation of the seniority list of officers of the lower grade which forms the field of consideration. Another reason to justify delay in holding DPC meeting is that Recruitment Rules for the post are being reviewed or amended. Amendment to the Recruitment Rules can normally have only prospective application and as such the existing Recruitment Rules would continue to be in force till the new Rules come into force. The Supreme Court has also ruled that vacancies should be filled according to the Rules in force when the vacancies arose. The DPCs should therefore be convened in time and the panel of officers finalised in accordance with the existing Recruitment Rules.

[DOP & T OM No. 28034/6/86-Estt(D) dated 17-11-86.]

Sometimes, meetings of the DPC are also not convened annually under the impression that a panel, prepared by a DPC for filling "selection" posts, could be kept operative for a period of one year and six months and that, therefore, action to convene the next meeting of the Departmental Promotion Committee could be initiated only after the expiry of that period. As delay in convening the DPC meetings results not only in financial loss to the concerned officers due to delay in their promotion to the higher grade, but also affects them adversely in their future career, in as much as their promotion to the next higher grade is also delayed, it is necessary that the DPC meetings should be convened at regular intervals as indicated above. The requirement of convening annual meetings of the DPC should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled by promotion or no officers are due for confirmation during the year in question.

9.2 Where, however, for reasons beyond control, DPC could not be held in any year(s) even though the vacancies arose during that year (or years), the first DPC that meets thereafter should follow the following procedure :—

- (i) Determine the actual number of regular vacancies that arose in each of the previous year/years immediately preceding and after the actual number of regular vacancies, proposed to be filled in the current year separately;
- (ii) Consider in respect of each of the years those officers only who would be within the field of choice with reference to the vacancies of each year starting with the earliest year onwards;
- (iii) Prepare "select" list by placing the Select list of the earlier year above the one for the next and so on,
- (iv) Prepare a consolidated 'select' list by placing the select list of the earlier year above the one for the next year, and so on;

9.3 For the purpose of evaluating the merit of the officers, the record of service of the officers for the purpose of considering for inclusion in the panel relevant to any of the earlier years as contemplated in para (ii) above, should be limited to the record that would have been available had the DPC met at the appropriate time. However, if on the date of actual DPC departmental proceedings are in progress and under the existing instructions sealed cover procedure is to be followed, such procedure should be observed, even if no such proceedings were in existence in the years to which the vacancy related and his name has to be kept in the sealed cover till proceedings are finalised.

9.4 While promotion will be made in the order of the consolidated 'Select' list, such promotion will have only prospective effect, even in cases where the vacancy relates to an earlier year.

[DOP & AR OM No. 22011/3/76-Estt(D) dt. 22-12-80 & 22011/6/75-Estt(D) dt. 30-12-1976.]

10. Determination of Regular Vacancies

It is essential that the number of vacancies in respect of which a panel is to be prepared by a DPC should be estimated, as accurately as possible. For this purpose the vacancies to be taken into account should be the clear vacancies arising in a post/grade/service due to death, retirement, resignation, regular long term promotion of incumbents of one post/grade to higher post/grade and vacancies arising from creation of additional posts on a long term basis and those arising out of deputation. As regards vacancies arising out of deputation, it is clarified that for the purpose of drawing-up a select list for promotion, vacancies arising out of deputation for periods more than one year should be taken into account, due note, however, being kept also of the number of the deputationists likely to return to the cadre and who have to be provided for. Purely short term vacancies arising as a result of officers proceeding on leave, on deputation for a shorter period, training etc., should not be taken into account for the purpose of preparation of a panel.

11. Papers to be put up for consideration by DPCs

11.1 In the case of promotions, the proposals should be placed before the DPC in the proforma given in Annexure III. In case of confirmation, the proposals should be put up before the Departmental Promotion Committee in the proforma given in Annexure IV. These proformae should be completed and submitted to the DPC—whether the UPSC is associated with the DPC or not.

11.2 Where a member of the UPSC has to attend meeting of the Departmental Promotion Committee, the necessary documents should be sent to the Commission along with the references requesting the Commission to nominate one of their Members to preside over the DPC. The papers should be complete as per the proformae given in Annexure III or IV and should be sent in good time before the meeting. It should be ensured that the information furnished to the UPSC/DPC is factually correct and complete in all respects. Cases where incorrect information has been furnished, should be investigated and suitable action taken against the person responsible for it.

11.2A The Ministries/Departments should adopt the following measures in the matter of forwarding proposals to UPSC for selection by promotion or by transfer or deputation.

(a) A check-list prepared in the UPSC Office to undertake preliminary scrutiny of the proposals both for (i) promotion, and (ii) transfer on deputation is given at Annexures V and VI. Ministries/Departments should ensure that various points mentioned in the relevant check-list are satisfactorily met before sending the proposal to UPSC.

(b) No proposal for holding a DPC or selection Committee should be sent to UPSC until and unless all the ACRs complete and upto-date are available.

(c) The ACR folder should be checked to verify whether the ACRs for the individual years are available. For this purpose, the proforma at Annexure III should be filled in and sent to UPSC. If the ACR for a particular year is not available and for valid justifiable reasons it cannot be made available, a certificate should be recorded to that effect and placed in the ACR folder.

[DOP & T OM No. 22011/6/86-Estt(D) dated 30-5-86 and DOP & AR OM No. 22011/6/75-Estt(D) dated 30-12-76.]

11.3 The integrity certificate on the lines indicated below should be furnished to the DPCs constituted to consider cases for promotion or confirmation as the case may be :—

“The records of service of the following officers who are to be considered for promotion/confirmation in the grade have been carefully scrutinised and it is certified that there is no doubt about their integrity.”

If there are names of persons, in the list of eligible candidates, whose integrity is suspect or has been held in doubt at one stage or other, this fact should also be specifically recorded by the Ministry/Department/Office concerned and brought to the notice of the DPC.

11.4 Where the UPSC is associated with the DPC the certificate will be recorded by an officer not below the rank of a Deputy Secretary to the Government. Where UPSC is not associated the officer incharge of the Administration section in the Ministry/Department/Office concerned who processes and submits names and particulars of eligible officers to the DPC should himself record the certificate.

11.5 The names of the officers who are on deputation, either on their own volition or in public interest (including foreign service), should also be included in the list submitted to the DPC for consideration for promotion, in case they come within the field of choice for promotion and fulfill the prescribed eligibility conditions. The officers whose names are included in the panel will be promoted in accordance with the procedure set out in Para 16(4) “Implementation of recommendations” below. Similarly, the names of the officers on deputation should also be included in the list of names to be considered by the DPC for confirmation, in case they

(c) Where adequate number of SC/ST candidates are not available within the normal field of choice as above, the field of choice may be extended to 5 times the number of vacancies and the SC/ST candidates (and not any others) coming within the extended field of choice, should also be considered against the vacancies reserved for them. Officers belonging to SC/ST selected for promotion against the vacancies reserved for them would, however, be placed en bloc below all the other officers selected from within the normal field of choice.

[DP&AR OM No. 22011/3/76-Estt(D) dt. 24-12-80 & 22011/6/75-Estt(D) dated 30-12-76].

12.3 *Selection Method*—Where promotions are to be made by selection method as prescribed in the recruitment rules, the field of choice viz., the number of officers to be considered should ordinarily extend to 5 or 6 times, the number of vacancies expected to be filled within a year. The officers in the field of selection, excluding those considered unfit for promotion by Departmental Promotion Committee, should be classified by the Departmental Promotion Committee as “outstanding”, “Very Good”, and “Good” on the basis of their merit, as assessed by the DPC after examination of their respective records of service. In other words, it is entirely left to the DPC to make its own classification of the officers being considered by them for promotion to selection posts, irrespective of the grading that may be shown in the CRs. The panel should, thereafter, be drawn-up to the extent necessary by placing the names of the “outstanding Officers” first, followed by the officers categorised as “Very good” and followed by the officers categorised as ‘good’. The inter-se-seniority of officers belonging to any one category would be the same as their seniority in the lower grade.

12.4 *Non-Selection method*—Where the promotions are to be made on non-selection basis according to Recruitment Rules the Departmental Promotion Committee need not make a comparative assessment of the records of officers and they should categorise the officers as ‘Fit’ or ‘Not yet fit’ for promotion on the basis of assessment of their records of service. The officers categorised fit should be placed in the panel in the order of their seniority in the grade from which promotions are to be made.

12.5 *Confirmation*—In the case of confirmation, the DPC should not determine the relative merit of officers but it should assess the officers as ‘Fit’ or ‘Not yet fit’ for confirmation in their turn on the basis of their performance in the post as assessed on the basis of their record of service.

12.6 *Probation*—In the case of probationer also, the DPC should not determine the relative grading of officers but only decide whether they should be declared to have completed the probation satisfactorily. If the performance of any probationer is not satisfactory, the DPC may advise whether the period of probation should be extended or whether he should be discharged from service.

12.7 *Efficiency bar*—The DPC constituted for considering cases of Govt. servants for crossing the EB need not sit in a meeting but may consider such cases by circulation of papers. The DPC may consider such cases on the basis of upto date records of performance, performance in written tests and/on trade test prescribed by the administrative Ministry, if any. The DPC need only to recommend whether the officer concerned is fit or not yet fit to cross the efficiency bar. The review of the case of a Government servant who has been held up at the efficiency bar stage on the due date should also be done in accordance with the same procedure by DPC.

12.8.1 *Officers under suspension whose conduct is under investigation or against whom disciplinary proceedings initiated or about to be initiated*—In cases of officers who are under suspensions or whose conduct is under investigation or against whom disciplinary proceedings have been initiated or about to be initiated, the officers’ suitability for promotion should be assessed at the relevant time by the DPC and a finding reached whether if the officer had not been suspended, or his conduct had not come under investigation, he would have been recommended for selection. Where a list is prepared for selection posts, the DPC should also take a

view as to what the officers position in that list would have been, but for his suspension etc. The finding should be recorded separately and attached, to the proceedings, in a sealed envelope superscribed "Findings regarding merit and suitability for promotion to confirmation in (Service/grade/post) in respect of Shri (name of the Officer) and not to be opened till after the termination of the suspension of disciplinary proceedings against Shri (Name of the Officer)". The proceedings of the Departmental Promotion Committee, etc., need not contain the note "The findings are contained in the attached sealed envelope". The authority competent to fill the vacancy should be separately advised (i) to fill the vacancy only in an officiating capacity, where the findings as to the suitability of the officer are for his promotions; and (ii) to reserve a permanent vacancy; where such findings are for his confirmation.

12.8.2 Sometimes the cases in the courts or the departmental proceedings take unduly long time to come to a conclusion in spite of all efforts and the officers undergo considerable hardship, even where it is not intended to deprive them of promotion for such a long time. The procedure to mitigate the hardship caused by long pendency of disciplinary or court proceedings to the Government servants (where sealed cover procedure has been followed) is outlined in consultation with the U.P.S.C. in the DOP&AR OM No. 22011/1/79-Estt(A), dated 30-1-82.

12.9 Where adverse remarks in the Confidential Record of an officer concerned have not been communicated to him, this fact should be given due weightage by the DPC while assessing the suitability of the officer concerned for promotion/confirmation.

12.10 In cases, where decision on the representation of officers against adverse remarks has not been taken or the time allowed for submission of representation is not over, the DPC may, in their discretion, defer the consideration of the case pending decision on the representation.

12.11 An Officer whose increments have been with-held or who has been reduced to a lower stage in the time scale, cannot be considered on that account to be ineligible for promotion to higher grade as the specific penalty of withholding promotion has not been imposed on him. The suitability of the officer for promotion should be assessed by the competent authority as and when occasions arise for such assessment. In assessing the suitability the competent authority will take into account the circumstances leading to the imposition of the penalty and decide, whether in the light of the general service record of the officer and the fact of the imposition of the penalty, he should be considered suitable for promotion. Even where, however, the competent authority considers that inspite of the penalty the officer is suitable for promotion, the officer should not be promoted during the currency of the penalty.

12.12 The DPC should record in their minutes a certificate that the department/Ministry/Office concerned has rendered the requisite integrity certificate in respect of those recommended by the DPC for promotion/confirmation.

12.13 The claims of Officers who are away on deputation, foreign service, etc. should also be taken into account by the DPC while considering cases of promotions/confirmations.

13. *Validity of the proceedings of DPCs when one member is absent*

The proceedings of the Departmental Promotion Committee shall be legally valid and can be operated upon notwithstanding the absence of any of its members other than the Chairman, provided that the member was duly invited but he absented himself for one reason or the other and there was no deliberate attempt to exclude him from the deliberation of the DPC and provided further that majority of the members constituting the Departmental Promotion Committee are present in the meeting.

14. *Consultation with the UPSC*

The recommendations of the Departmental Promotion Committee, whether it included a member of the UPSC or not, should be referred to the commission for approval, if,

14.1 Consultation with the Commission is compulsory under article 320(3) of the Constitution of India, read with UPSC (exemption from consultation) Regulation, 1958 as amended from time to time. Broadly speaking, subject to certain exceptions mentioned in the Regulations, in so far as promotions are concerned, consultation with the Commission is compulsory, in respect of promotions from Group B to Group A posts. However, a reference may be made to the Regulations, as and when necessary; and

14.2 The member of the Commission who presides over the DPC specifically desires that the Commission should be consulted.

15. *Procedure to be followed when Appointing Authority does not agree with the recommendations of DPC*

15.1 The recommendation of the DPC are not mandatory. The DPC is a recommendatory body and the recommendations made by it are subject to approval by the appointing authority. There may be certain occasions when, for valid reasons, the appointing authority may find it necessary to disagree with the recommendations of the duly constituted DPC. The procedure to be followed in such cases will be as given below.

15.2 Where UPSC is associated with the DPC, the recommendations of the DPC should be treated as recommendations of the UPSC. If it is considered necessary by the appointing authority to vary or disagree with the recommendations made by the DPC, the procedure prescribed for over-ruling the recommendations of UPSC should be followed. The relevant portion of the procedure as set out in the MHA's OM No. 18/42/50-Estts. dt. 27-11-50 is reproduced below :—

“The Government of India have decided that where the UPSC have been consulted in regard to any appointment(s) the recommendations made by the Commission should not be departed from unless, in the opinion of the Hon'ble Minister concerned, exceptional circumstances exist which in the public interest require such departure. In such a case the reason for holding this opinion should be communicated for further justifying their recommendations. On the receipt of the observations of the Commission, their recommendations should be considered further by the Ministry concerned. If, after further consideration, the Ministry still considers that the recommendations made by the Commission should not be accepted, the case should be referred with a self-contained summary to the Establishment Officer of the Govt. of India who will place it before the Appointment Committee of the Cabinet consisting of the Hon'ble Prime Minister, the Hon'ble Minister for Home Affairs and the Hon'ble Minister administratively concerned with the appointment(s). In cases in which the Hon'ble Home Minister or the Hon'ble Prime Minister happens to be the Minister concerned with the appointment the Hon'ble Finance Minister will be added to the Committee. The decision reached by the Appointments Committee in all such cases should be communicated to the Commission by the Ministry administratively concerned. Final orders in accordance with the decision will also be issued by the Ministry, copy being endorsed to the Commission.”

15.3 The recommendations of the DPC on which UPSC is not represented should be dealt with as under :—

- (a) Where the appointing authority, being lower than the President of India, does not agree with the recommendations of the DPC, such appointing authority should indicate the reasons for disagreeing and refer the entire matter to the DPC for re-consideration of its earlier recommendations. In case the DPC reiterates its earlier recommendations, giving also reasons in support thereof, it should be open to the appointing authority either to accept the recommendations, if the reasons adduced by the DPC are convincing or if that authority does not accept the recommendations of the DPC, it may submit the paper to the next higher authority with its own recommendations. The decision of the next higher authority should be taken as final.

- (b) Where the appointing authority is the President of India, the recommendations of the DPC should be submitted to the Hon'ble Minister Incharge of the Department concerned for acceptance or otherwise of the recommendations. In case the circumstances so necessitate, the Hon'ble Minister may refer the matter again to the DPC for reconsideration of its earlier recommendations. If the DPC reiterates its earlier recommendations giving also reasons in support thereof, the matter should be placed before the Hon'ble Minister for his decision. The decision taken by the Hon'ble Minister either to accept or to vary the recommendations of the DPC shall be final.

15.4 Once the recommendations of the DPC are accepted by the appointing authority, it shall be final. Thus, if any question is to be raised or disagreement with regard to the merit of assessment by the DPC is to be expressed, it should be done only before the recommendations of the DPC are accepted and acted upon (DP&AR OM No. 22011/3/80-Estt(E) dt. 26-3-1980).

16. *Implementation of the recommendations of the DPC*

16.1 The recommendations of the DPC are advisory in nature and should be duly approved by the appointing authority before being implemented. A clearance from the Vigilance Sec. of the Office/Deptt. should also be obtained before making actual promotion or confirmation of officer approved by DPC to ensure that no disciplinary proceedings are pending against the officer concerned.

16.2 Promotion of whatever duration, should as far as possible be made in the order in which the name of the officers appear in the panel. Exception to this rule may be necessary where a large number of vacancies are to be filled within a comparatively short period and it is convenient and desirable to make postings with due regard to the location and experience of the officers concerned or where short-term vacancies have to be filled on local and ad-hoc basis.

16.3 The 'select list' should be periodically reviewed. The names of those officers who have already been promoted (otherwise than on a local or purely temporary basis) and continue to officiate should be removed from the list and rest of the names, if they are still within the consideration zone alongwith others who may now be included in the field of choice, should be considered for the 'select-list' for the subsequent period.

16.4 If the panel contained the name of a person who has gone on deputation or foreign service in the public interest including the person who has gone on study leave, provision should be made for his regaining the temporarily lost seniority in the higher grade on his return to the cadre. Such officers need not be reconsidered by a fresh DPC if any, subsequently held, while they continue to be on deputation/foreign service/study leave so long as any officer junior to him in the panel is not required to be so considered by a fresh DPC irrespective of the fact whether he might or might not have got the benefit of proforma promotion under the NBR. The same treatment will be given to an officer included in the panel who could have been promoted within the currency of the panel not for his being away on deputation. In case the officer has gone on ex-cadre post on his own volition by applying in response to advertisements, he should be required to revert to his parent cadre immediately, when due for promotion, failing which his name shall be removed from the panel. On his reverting to the parent cadre after the period of two years or the extended period, if any, he will have no claims for promotion to the higher grade on the basis of that panel. He should be considered in the normal course alongwith other eligible officers when the next panel is prepared and he should be promoted to the higher grade according to his position in the fresh panel. His seniority, in that event, shall be determined on the basis of the position assigned to him in the fresh panel with reference to which he is promoted to the higher grade. [If the panel contains the name of an officer on study leave, he should be promoted to the higher post on return from the study leave. He

should also be given seniority according to his position in the panel and not on the basis of the date of promotions].

[DP & AR OM No. 22011/3/76-Estt(D) dated 22-12-80 and 22011/6/75-Estt(D) dated 30-12-1976.]

16.5 If the proceedings of the DPC for promotion contain findings in sealed envelope in respect of persons under suspension or against whom departmental proceedings are pending, the vacancy that would have gone to the officer, if his name had been included in the panel, should be filled on an officiating basis by the next person in the approval list. After termination of the suspension/disciplinary proceedings against him, if it was held that suspension was wholly unjustified and the officer was completely exonerated in the disciplinary proceedings and if the sealed envelope contains recommendation in his favour, then he should be promoted to the higher post, if necessary by reverting the junior-most officiating person. Where however, the post which could have gone to the officer but for his suspension or the departmental proceedings ceases to exist before the conclusion of the departmental proceedings, he can only be promoted to the first vacancy that may be available in future and if the officer concerned is found fit in the higher grade, as if he had been promoted in accordance with his position in the select list/panel.

The period during which any officer junior to the suspended officer concerned was promoted to the higher grade should be reckoned towards the minimum period of service, for the purpose of determining his (suspended officer) eligibility for promotion to the higher grade. The pay of such officers should, on promotion, be fixed by allowing the intervening period, during which the suspended officer could not be promoted due to his suspension, be counted for increments in the higher grade but no arrears should be admissible. These concurrence will also be admissible to those Govt. servants who, though not under suspension, could not be promoted to the higher grade on account of their being implicated in Departmental Proceedings or on account of their conduct being under investigation and who were subsequently completely exonerated. With regard to the claim for confirmation of an officer under suspension or an officer whose conduct is under investigation or an officer against whom departmental proceedings are about to be initiated, a permanent vacancy should be reserved for such an officer till a final decision is reached on the proceedings against him or where such an officer is reduced in rank for a Specified period, till he is actually restored to his original rank.

16.6 If a person's name is included in the panel for promotion to the higher post (for which recruitment can be made by promotion as well as direct recruitment) and also in the panel for direct recruitment to the said higher post, he should be appointed as a direct recruit or as a promotee according as his turn for appointment comes earlier from the direct recruitment list or from the promotion list.

16.7 The recommendations of the DPC in the case of Govt. servants for crossing the EB have to be considered by the authority competent to pass an order under FR 25. Where a Govt. servant who has been held up at the EB stage on the due date on account of unfitness to cross the EB is allowed to cross the EB at a later date as a result of subsequent review of his case by the DPC, the increment next above the EB shall be allowed to him from the date of such order to cross the EB. Where it is proposed to fix his pay at a higher stage taking into account the length of service from the due date for crossing the EB, the case should be referred to the next higher authority for a decision. Instruction regarding over-ruling of the recommendations of the DPC for promotion and confirmation would apply in this case also.

17. *Ad Hoc promotions*

17.1 The DPC procedure indicated above should be followed strictly in all cases as a general rule. In exceptional circumstances and under exigencies of public service, it may be

necessary to make ad hoc appointments without following the prescribed procedure. Such ad-hoc appointments should be subjected to the following instructions :

(a) purely short term vacancies caused by leave, short term deputation, training etc. may be filled by ad hoc appointment if the posting of the persons next in the approved panel would be administratively difficult or if he is not interested in such short-term promotion. Such appointment can be made also when the panel is exhausted or expired and if there is no time to convene a DPC meeting and prepare a fresh panel. Ad hoc appointments made to fill in short-term vacancies should be only by promotion of departmental candidates and not by direct recruitment.

(b) In the case of regular vacancies due to death, retirement, resignation, promotion deputation for period exceeding one year, the vacancies should be filled by the regular method and not by ad hoc appointments. However, if the panel is exhausted or expired and if delay is anticipated in preparing a fresh panel, and if the exigencies of public interest require the filling up of vacancy immediately, ad hoc appointment can be made without following the prescribed procedure. Even in such cases direct recruitment should be avoided as far as possible, since it might create complications if the candidate selected by regular process is different from the ad hoc appointee. In any case, Ministries/Departments should periodically review all such ad hoc appointments and replace the ad hoc appointees by persons approved for regular appointment in accordance with prescribed procedure.

(c) Every Ministry/Department should prescribe suitable reporting system for reporting all continuing ad hoc appointments to the Secretary/Minister-in-charge of the Administrative Ministry who would give suitable directions for terminating the ad hoc arrangements as early as possible.

17.2 Whenever an appointment is made on ad hoc basis the fact that the appointment is ad hoc and that such appointments will not bestow on the person a claim for regular appointments and that ad hoc service rendered would not count for the purpose of seniority in that grade and for eligibility for promotion, confirmation, should be spelt out clearly in the order of appointment.

17.3 It is observed that ministries and Deptts. are usually resorting to making ad hoc appointments under the following circumstances :

- (i) When amendment to the existing recruitment rules is contemplated.
- (ii) When writ petition regarding seniority etc. is pending in the High Courts/Supreme Court.
- (iii) Non-finalisation of the seniority list in the feeder grades.

As regards (i) above, the task force has observed that the fact that amendment to the existing recruitment rules is being contemplated or even being processed, should not be taken as a ground for resorting to ad hoc appointments. Regular appointments should continue to be made on the basis of the recruitment rules in force at the time. However, care should be taken to ensure that the procedure of making appointments on the basis of the panel prepared by the Departmental Promotion Committee prior to the amendment is completed before promulgating the amendments to the recruitment rules.

As regards writ petitions pending in High Courts/Supreme Court [vide (ii) above], the administrative Ministry or the Head of Department concerned should keep a close watch on the progress of the case and take suitable steps in consultation with the Law Ministry to expedite the disposal of the case.

As regards (iii) above, where the administrative ministries/departments find difficulty in finalising the seniority list in the feeder grades, as a result of representations or as result of court judgments etc. they may consult the Estt.(A) section of the Department of Personnel and Training, who will provide the necessary assistance.

[DOP & AR OM No. 22034/1/76-Estt(D) dt. 29-4-77.]

17.4 *Procedure to be followed where disciplinary proceedings initiated against a government servant officiating on an ad-hoc basis in a higher post.*

The question whether a Government servant appointed to a higher post on *ad hoc* basis should be allowed to continue in the *ad hoc* appointment when a disciplinary proceeding is initiated against him has been considered by this Department and it has been decided that the procedure outlined below shall be followed in such cases :

- (i) Where an appointment has been made purely on *ad hoc* basis against a short-term vacancy or a leave vacancy or if the Government servant appointed to officiate until further orders in any other circumstances has held the appointment for a period less than one year; the Government servant shall be reverted to the post held by him substantively or on a regular basis, when a disciplinary proceeding is initiated against him.
- (ii) Where the appointment was required to be made on *ad hoc* basis purely for administrative reasons (other than against a short term vacancy or a leave vacancy) and the Government servant has held the appointment for more than one year, if any disciplinary proceeding is initiated against the Government servant, he need not be reverted to the post held by him only on the ground that disciplinary proceeding has been initiated against him.

Appropriate action in such cases will be taken depending on the outcome of the disciplinary case.

[DOP & AR OM No. 11012/9/86-Estt(A), dt. 24-12-86.]

18.1 *Period of Validity of Panel*

The panel drawn up by DPC would normally be valid for one year. In any case, it should cease to be in force on the expiry of a period of one year and six months or when a fresh panel is prepared, whichever is earlier. A person who is on long leave and could not be promoted should be treated to have been notionally promoted, if a junior in the same panel is regularly promoted for the purpose of being taken off the panel only, subject to the actual effect being given on return from the leave. The benefit will be given only to those who are on long leave due to proved physical disability.

18.2 The date of the commencement of the validity of the panel will be the date on which the DPC meets. In case the DPC meets on more than one day, the last date of the meeting would be the date of commencement of the validity of the panel. In case the panel requires, partially or wholly, the approval of the Commission, the date of validity of panel would be the date (of Commission letter) communicating their approval to the panel. It is important to ensure that the Commission's approval to the panel is obtained, where necessary with the least possible delay.

19. *Date from which promotion to be treated as regular*

19.1 The general Principle is that promotion of officers included in the panel would be regular from the date of the validity of the panel or from the date of their actual promotion whichever is later. This is explained below. In cases, where the recommendations for promotion are made by the DPC presided over by a member of the UPSC by circulation of papers and such recommendations do not require to be approved by the Commission, the date of the Commission's letter forwarding fair copies of the minutes duly signed by the Chairman of the DPC or the date of actual promotion of the officer whichever is later, should be reckoned as the date of regular promotion of the officer. In cases, in which all the officers included in a panel or only some of them require the consultation with the UPSC the date of regular promotion of any one included in that panel would be the date of actual promotion or the date of UPSC's letter communicating their approval whichever is later. In cases in which promotions of officers included in a panel do not require any consultation with the UPSC, the promotions should be deemed as regular from the date of actual promotions or the date of the meeting of the DPC whichever is later. Further, if the meeting of the DPC extended over more than the day, the last date on which the DPC met shall be regarded as the date of meeting of the DPC.

19.2 Appointments to the posts falling within the purview of the ACC (Appointments Committee of the Cabinet) can be treated as regular only when the date of approval of the ACC or actual promotion whichever is later, except in cases where, in particular cases, ACC approves the appointment from some other date.

[DOP & T O.M. No. 22011/11/84-Estt(D) dt. 6-12-1985.]

20. *Refusal of Promotion*

When a Govt. employee does not want to accept a promotion which is offered to him, he may make a written request that he may not be promoted and the request will be considered by the appointing authority, taking relevant aspects into consideration. If the reasons adduced for refusal of promotion are acceptable to the appointing authority, the next person in the select list may be promoted. However, since it may not be administratively possible or desirable to offer appointment to the persons who initially refused promotion, on every occasion on which a vacancy arises. During the period of validity of the panel, no fresh offer of appointment on promotion shall be made in such cases for a period of one year from the date of refusal of first promotion or till a next vacancy arises whichever is later. On the eventual promotion to the higher grade, such Govt. servant will lose seniority vis-a-vis his erstwhile juniors promoted to the higher grade earlier, irrespective of the fact whether the posts in question are filled by selection or otherwise. In cases where the reasons adduced by the officer for his refusal of promotion are not acceptable to the appointing authority then he should enforce the promotion or offices and in case the officer still refuses to be promoted, then even disciplinary action can be taken against him for refusing to obey his orders. The above mentioned policy will not apply where *ad-hoc* promotions against short term vacancies are refused.

[DP & AR OM No. 1/3/69-Estt(D) dated 22-11-75 as amended by DP & AR OM No. 22034/3/81-Estt(D) dated 1-10-81 and DP & AR OM No. 22011/6/75-Estt(D) dated 30-12-76.]

21. *Review of the proceedings of the DPC in respect of officers in whose cases adverse remarks have been expunged or toned down*

21.1 It may be that there are some adverse remarks in the Character Rolls of officers coming within the zone of consideration for promotion. In such cases, if the period of 6 weeks allowed for submission of a representation is not yet over, or a decision on the representation has not yet been taken, the DPC may, in their discretion, defer consideration of the case of the officer, till a decision on the representation is taken.

21.2 In case the DPC defers consideration, after the decision is taken on the representation, the case should be brought before the DPC for consideration irrespective of the fact whether the adverse remarks were toned down, expunged or left unchanged.

21.3 In case the DPC did not defer consideration of the case and has taken into account the adverse remarks, no further action would be necessary, if the competent authority, after considering the representation against the adverse remarks, decides not to tone down or expunge the adverse remarks. In cases, where the adverse remarks were toned down or expunged the appointing authority should scrutinise the case with a view to decide whether or not a review by the DPC is justified taking into account, the nature of the adverse remarks toned down or expunged. Representations received after the time allowed need not be brought to the notice of the DPC, unless the competent authority had entertained the same after condoning the delay. In cases, where the UPSC have been associated with the DPC, approval of the Commission would be regulated in the manner indicated below.

21.4 While considering a deferred case, or review of the case of a superseded officer, if the DPC finds the officer fit for promotion/confirmation, it would place him at the appropriate place in relevant select list/list of officers considered fit for confirmation or promotion after taking into account the toned down remarks or expunged remarks and his promotion and confirmation will be necessary for a review of the case by the DPC.

21.5 If the officers placed junior to the officer concerned have been promoted, he should be promoted immediately and if there is no vacancy the junior-most person officiating in the higher grade should be reverted to accommodate him. On promotion, his pay should be fixed under F.R. 27 at the stage it would have reached, had he been promoted from the date, the officer immediately below him was promoted, but no arrears, would be admissible. The seniority of the Officer would be determined in order in which his name, on review, has been placed in the select list by the DPC. If in any such case a minimum period of qualifying service is prescribed for promotion to higher grade, the period from which an officer placed below the officer concerned in the select list was promoted to the higher grade, should be reckoned towards the qualifying period of service for the purposes of determining his eligibility for promotion to the next higher grade.

21.6 In the case of confirmation, a permanent post can be kept reserved for the types of cases mentioned in paras 1 to 3 above. If the officer concerned is recommended for confirmation on the basis of review by the DPC, he should be confirmed against the reserved vacancy and the seniority already allotted to him on the basis of review should not be disturbed by the delay in confirmation. It is, however, clarified that the proceedings of any DPC can be reviewed only if the DPC has not taken all material facts appropriately into consideration or if such material facts have not been brought to the notice of the DPC or if there have been grave errors in procedure followed by the DPC. Review DPCs can be held accordingly only in such instances of facts or wrong procedure. Such review of DPC cannot in any case go into the merits of the assessment made by the DPC.

[Para 2 of DP & AR OM No. 22011/3/80-Estt(D) dt. 26-3-1980]

To rectify certain unintentional mistakes etc. it may be necessary to convene a review DPC under certain circumstances e.g. (a) when eligible persons are omitted to be considered or (b) ineligible persons were considered by mistake or (c) where the seniority of a person is revised with retrospective effect to differ with the seniority list placed below the earlier DPC or (d) where some procedural irregularity was committed by a DPC or (e) when adverse remarks in the CRs were toned down or expunged after the DPC had considered the case of the officer. Whenever such review DPC meets, it should consider only those persons who were eligible as on the date of meeting of original DPC. That is, persons who became eligible as on a subsequent date should not be considered by that review DPC. Such cases will, of course, come up for consideration by the regular DPC. Further the review DPC should restrict its scrutiny to the CRs for the period relevant to the first DPC. The CRs written for subsequent periods should not be considered. However, if any adverse remarks relating to the relevant period, were toned down or expunged, the modified CRs should be considered, as if the original adverse remarks did not exist at all.

22. *Instructions regarding Scheduled Castes/Scheduled Tribes*

Instructions have been issued from time to time by the Deptt. of Personnel and AR regarding reservations and concessions to SCs and STs in the matter of promotions and regarding reservations in confirmations. These instructions should be duly taken into account by the appointing authorities concerned while formulating proposals for promotion/confirmation for consideration of the DPC. The relevant instructions should also be kept in view by the DPC while considering proposals for promotions/confirmations.

[DOP & AR OM No. 22011/6/76-Estt(D) dated 30-12-1976]

23. *Proforma Promotion*

Guiding Principles for Next Below Rule

23.1 When an officer in a post (whether within the cadre of his service or not) is for any reason prevented from officiating in his turn in a post on higher scale or grade on the cadre of the Service to which he belongs, he may be authorised by a special order, of the appropriate authority,

proforma officiating promotion into such scale or grade and thereupon be granted the pay of that scale or grade, if that be more advantageous to him on each occasion on which the officer immediately junior to him in the cadre of his Service (or if that officer has been passed over by reason of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or foregoes officiating promotion, on his own volition to that scale or grade, then the next junior to him not so passed over) drawn officiating pay in that scale or grade.

Provided that all officers senior to the officer the benefit of the substantive part of this rule is to be allowed are also drawing, unless they have been passed over for one or other of the reasons aforesaid, officiating pay in the said or same higher scale or grade within the cadre.

Provided further that except in cases covered by any special orders of the President not more than one officer (either the senior-most fit officer in a series of adjacent officers outside the ordinary line or, if such an officer either foregoes the benefit of his own volition or does not require the benefit by virtue of his holding a post outside the ordinary line which secures him at least equivalence in respect of last pay and pension than the next below in the service) may be authorised to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this rule. The "next below rule" set out in the preceding paragraph should be applied with due regard to the rulings and decisions mentioned hereunder :—

- (i) A purely fortuitous officiating promotion given to an officer who is junior to an officer outside the regular line does not itself give rise to a claim under the "next below rule".
- (ii) The expression outside the ordinary line occurring in FR 30(I) is not intended to be rigidly interpreted as necessarily involving a post either outside the cadre of a service or outside the ordinary time scale.

[Ministry of Finance OM No. F-2 (25)-Spl.III/46 dt. 2-4-47]

23.2 The benefits under the "next below rule" shall not be admissible to Government servants deputed to hold regularly constituted ex-cadre posts abroad. In such cases, however, on reversion of the officer to the post whether in or out of India in the parent cadre which he would have held but for his deputation to an ex-cadre post abroad, that portion of the period of deputation during which the conditions precedent to the grant of benefit under the "next below rule" are satisfied shall be taken into account in fixing the pay of the Government servant. For this purpose, the deemed date of promotion in the post which may fall during the tenure of deputation shall be arrived at by applying all the conditions of "next below rule" and the pay on the date of actual appointment to that post immediately on reversion from deputation to an ex-cadre post abroad shall be fixed under FR 27 by assuming that the officer had been promoted from the deemed date of promotion.

[Min. of Finance OM No. F.2(10)-E.III/60 dated 17-10-60]

23.3 In order to ensure that the benefit of promotion to a higher post is not unduly denied to the Government servants, it has been decided that the administrative Ministries etc. should screen the officers to be deputed abroad so that only such officers are sent abroad, as are not likely to be promoted to any higher grade or post in their parent Department during the period of their deputation.

[Min. of Finance OM No. F.2(10)-E.III/60 dt. 17-10-60]

23.4 The benefit of officiating promotion under the "next below rule" should be allowed, subject to the fulfilment of the conditions laid down thereunder, only against promotions in a cadre in vacancies of more than 90 days duration. In other words, the initial vacancy as well as subsequent vacancies on the basis of which the benefit is to be continued should each be of more than 90 days duration. The benefit should not be allowed in respect of promotion against a chain of vacancies which taken together extend beyond 90 days.

[Min. of Finance OM No. F. 1(20)-E.III(A)/67 dt. 25-3-66 as amended by OM No. F.I(6)-E.III(A)/71 dt. 16-8-71].

23.5 A Government servant while undergoing training or instruction in India and treated on duty, under FR 9(6) (b), can be promoted to the next higher grade, during such training or instruction, with effect from the date he would have been so promoted had he not proceeded on training, if the following conditions are fulfilled :—

- (a) he has been approved for promotion to the next higher grade and
- (b) all his seniors, except those regarded as unfit for promotion to the particular higher grade available, have been promoted to that grade.

He may also be allowed to draw such officiating pay in the next higher grade which he would have drawn, had he not been on duty other than duty under FR 9(6) (b).

The above provisions will also apply *mutatis mutandis* to cases of officers deputed abroad for training under FR 51.

[MOF OM No. F1(7)-E.III(A)/78 dt. 14-3-78].

23.6 Where all the seniors to the officer outside the regular line are promoted and there is no junior officer eligible for promotion within the cadre, despite clear regular vacancy available for making promotion, benefits envisaged under 'Next Below Rule' may be allowed to the officers working outside their regular line, in dispensation of the requirements of 'one for one' and promotion of 'at least one junior' subject to the fulfillment of the following conditions :—

- (a) that a post within the cadre remains unfilled for want of an approved person junior to the officer, and
- (b) the vacancy caused in the cadre is not filled by making promotion on *ad hoc* basis till the release of the next panel when some juniors become eligible for promotion.

[DOP&T OM No. 8/4/84-Estt (Pay. I) dt. 15-7-85.]

24. Political sufferers

(i) Cases of political sufferers for promotion to be examined sympathetically in view of the sufferings undergone by them in the national movement.

[MHA OM No. 1/35/S&NG dt. 29-2-56]

(ii) A political sufferer who, as a result of his revised seniority or revised confirmation orders has become eligible for promotion from a date earlier than 29th May, 1957, or the date on which he was actually promoted, should be considered for promotion and if found suitable (on the basis of performance after re-employment) on the relevant date, should be deemed to have been promoted from such earlier date but in no case earlier than the date of re-employment in service. If, however, he was already considered for promotion but found unfit, he will take his chance for promotion in the normal course.

[MHA OM No. 6/4/52-S&NG dt. 29-5-57 (para I-B(i)).]

(iii) Where promotion was being made at the relevant time on the basis of relative merit (and not seniority) the D.P.C. should be asked specifically to indicate the date from which, taking into account the merits of those already promoted and the political sufferer, the latter should be promoted.

[MHA OM No. 6/4/52-S&NG dt. 29-5-57 (para 2)]

25. Merit Promotions

A few of the guidelines on the subject initially laid down by the Ministry of Finance are summarised below. For detailed mechanism of operation, in relation to scientific and technical personnel, the Department of Science and Technology's Scheme of flexible complementing promotion has been evolved.

- (i) Such promotions will be restricted to persons of outstanding merit already in service.
- (ii) Such promotions would be limited to one grade above the grade in which an officer is employed at the time of making promotions.

(iii) Such promotions would be limited to gazetted officers grades and the total number of posts at any one time would be limited to 5% of the number in these grades.

(iv) The number of persons to be promoted in a year would be limited to 25% of the total number referred to in (iii) above.

(v) The persons so promoted would be absorbed in the vacancy arising in the higher grade after such promotion, provided he would normally be considered for appointment against such a vacancy.

(vi) On promotion to the higher grade a supernumerary post would be created for the person and the lower post from which he was promoted would be kept open till his absorption in the normal course in the higher grade.

(vii) The selection should be made by High Level Board which would also include members from outside the Department in which promotions are made, the Board meeting once or twice in a year, as necessary.

[MOF Memo No. 5634-DS(RI)/58 dt. 11-12-58].

Merit promotions may be sanctioned by the Secretary of the Ministry concerned or such other authority to whom he may delegate the powers.

The scheme as indicated above should be extended only to 'scientific and technical' personnel, holding posts or belonging to services which are declared to be scientific or technical posts, or scientific or technical services, by the *ad hoc* Committee of Secretaries constituted by the Cabinet for this purpose. Any proposal to introduce the scheme in any department other than those where the same has already been, or is being introduced with the approval of the Finance Ministry or of the Committee of Secretaries should, therefore, be referred to the Cabinet Secretariat for consideration of the Committee of Secretaries.

The scheme of Merit promotions should be backed by an objective and efficient system of annual reporting. In order to assess the quality of scientific personnel at all levels a system should be followed whereby an annual report is written by each scientist of his own work. The opinion of at least two scientists upon two levels above the scientist concerned under whom he is working should then be recorded on his report.

[MOF Memo No. F.13(32)-Estt.III/59 dt. 16-6-60].

Following clarifications in connection with the scheme of Merit Promotion as given by the Ministry of Finance are reproduced below :—

- (a) *Definition of the term 'scientific personnel whether it includes all technical personnel'.*—The intention is that the scheme of 'Merit promotions' should be extended to other scientific & technical departments also where research work of a higher order is being carried out and is recognised as such. It is not the intention to extend the orders to all persons doing routine technical work.
- (b) *Whether the provision in regard to "Merit Promotion viz. 5% of the grades is meant to be applied in respect of each gazetted grade or all gazetted grades taken together as a whole"*.—As far as possible, the percentage should be applied to each gazetted grade but administrative Ministries may adjust the number from one grade to another for good and sufficient reasons, if the situation so required.
- (c) *Whether 'Merit Promotions' should be conferred on Junior Officers or whether they may also be allowed in the case of highly paid officers, for example, those of Junior Administrative grade and above.*—The Ministries concerned may decide the categories of officers to whom the scheme should be applied.

[MOF Memo No. F.13(22)-E.III/59 dt. 3-10-59].

26. Reservations and concessions to Scheduled Castes and Scheduled Tribes :

The order in this respect issued by the Ministry of Home Affairs have been consolidated in Chapter XII of the brochure on Reservation for Scheduled Castes and Scheduled Tribes read with Chapter XI of the Handbook for Personnel Officers.

27. Miscellaneous

(1) Promotion to gazetted posts :—

Promotion of an officer to a gazetted post (including *proforma* promotion in the parent department under the 'next below' rule) should be notified in the Gazette of India in the appropriate Part and Section.

(2) Probation for promotees :—

Promotees like fresh entrants, should also be kept on probation for a period of two years. The controlling authority may, however, have the discretion to count any period of successful officiation in service as probationary period.

(a) Vacancies which are caused by leave, deputation, training etc. would be purely short-term temporary vacancies and should not be brought into the recruitment roster. Such vacancies may be filled on *ad hoc* basis in consultation with the UPSC wherever necessary by any method provided in the recruitment rules other than direct recruitment.

(b) All clear vacancies arising in a post/grade/service due to death, retirement, resignation, promotion of incumbents to higher posts/grades, deputation, for a period exceeding 3 years and vacancies arising from creation of temporary posts which are likely to be made permanent or continued on a long term basis should be filled according to the provisions of the recruitment rules and brought on to the recruitment roster.

[MHA OM No. F.6/17/49-Pub. dt. 31-3-50, No. 12/41/53-Ests dt. 4-8-54, No. 13/2/57-Ests(A) dt. 24-10-57, No. F. 44/1/1/59Ests(A) dt. 15-4-59 para 1(7) and No. 2/4/67-Estt(D) dt. 8-6-67].

NOTE : PARAS IN THIS CHAPTER WHICH DO NOT HAVE REFERENCE NUMBERS QUOTED UNDER THEM, REFER TO THE CONSOLIDATED INSTRUCTIONS CONTAINED IN DOP&AR OM No. 22011/6/75-Estt(D) dt. 30-12-76.

ANNEXURE-I

Vide Item 7 of the DPC Proforma

Seniority List of officers in the grade of _____ as on _____

Sl. No.	Name of the Officer	Whether belongs to SC or ST. If not, say neither	Date of birth	Date of regular appointment to the grade
1	2	3	4	5

UPSC reference in which recommended/ approved.	Post held substantively	Remarks
6	7	8

Signature of authenticating officer*

Designation _____

Date _____

*To be signed by an officer of or above the rank of Under Secretary.

Vide Item 6 of the DPC proforma

Annexure I (A)

Particulars of changes in the seniority list.

(i)

Name of the Officers which were included in the last seniority list but have been deleted in the present seniority list.	Reasons for deletion
1	2

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 8.
- 9.
- 10.

(ii)

Name of officers added in the present seniority list

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

ANNEXURE-II

Pay scale (Pre-revised) of post in which confirmation as to which promotion is to be considered by the DPC

Minimum status of officers who should be Members of the DPC

(Pre-revised)

1. Rs. 400-950 or equivalent
Rs. 700-1250 or equivalent.
2. Rs. 1100-1400 or equivalent
Rs. 1300-1600 or equivalent
Rs. 1300-1800 or equivalent
3. Rs. 1600-1800-2000 or equivalent
Rs. 2000-2250 or equivalent
4. Rs. 2250-2500
Rs. 2500-2750 or equivalent

Officers of the rank
of Dy. Secy. to the Govt. of India or above.

Officers of the rank of
Director in the Govt. of India
(Scale Rs. 1800-2000) or above.

Officers of the rank of Jt. Secy. to the Govt. of India
In suchcase the Secy./
Addl. Secy. of the Deptt./
Ministry should
invariably be one of the
members of the DPCs

Secy./Addl. Secretary to the Govt. of India

ANNEXURE-III

Proforma for referring proposals for PROMOTION TO THE UNION PUBLIC SERVICE COMMISSION

1. Name of Ministry/Deptt./Office
2. Name and designations of Members of the Departmental Promotion Committee (Copy of the orders constituting the DPC to be attached)

Name	Designation	Office	Tel. No.
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3. Grade or post to which promotion is to be made.

Designation	Classifi- cation	Scale of pay	No. of post in the grade		Total No. of posts filled on adhoc basis	No. of regular Vacancies fall- ing in the promotion quota		
			Filled	Un-filled		Existing	anticipated	Total
						(For current year panel only)		

- 3(a) Year-wise break up of the number of regular vacancies indicated in column 7 of item 3 [as required vide MHA OM No. 22011/3/76-Estt (D) dated 24-12-80]
- | year | Gen. | SC | ST | Total |
|------|------|----|----|-------|
|------|------|----|----|-------|

NOTE:— Regular vacancy means as defined in section IV of the DOP&AR OM No. 22011/6/75-Est(D) dt. 30-12-76.

4. Recruitment Rules for the grade post.

(a) Date on which the Recruitment Rules were notified in the Gazette of India and UPSC reference under which they were approved.

- (b) Method of recruitment prescribed :

- (i) % direct recruitment
(ii) % promotion
(iii) % deputation/transfer

(c) Whether an upto-date copy of the recruitment rules has been enclosed (this should invariably be sent for reference). If any changes in the recruitment rules have been agreed to by the Commission after they were notified, details should be attached. If after the approval of the recruitment rules any other post has been created which should normally be included in the field of promotion, give details.

5. Grade or post from which promotion is to be made.

Designation	Classifica- tion	Scale of pay	Requirement pres- cribed for eligibility for promotion	Whether reservations are required to be made for SC/ST for promotion from this grade/Post to the grade/ post indicated in Sl. No. 3 above, in accordance with the orders in this regard.
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6. UPSC reference No. under which promotion to the grade/post were last considered.

7. Seniority List.

- (a) Whether a seniority list as in the prescribed proforma (Annexure I) has been enclosed.
- (b) Whether all eligible officers, including those belonging to SC and ST and those on deputation etc. are included and whether those belonging to SC/ST and those on deputation are clearly indicated in the seniority list.
- (c) Whether the list, before finalisation, was circulated to all concerned.
- (d) Whether there are any officers whose seniority has not been finalised. If so, give details.
- (e) Whether the seniority list (Annexure I) has been duly authenticated by an Officer not below the rank of Under Secretary to the Govt. of India.

7(A) An eligibility list showing separately officers who are eligible for different years for which the select list is to be prepared should be drawn up and enclosed. The eligibility list for past years should be drawn up as on the 31st December of the year for which the panel is drawn. In cases where there are more than one feeder grade for which no specific quotas have been earmarked, a common eligibility list should be forwarded (DOP&AR OM No. 22011/3/76-Estt (D) dated 20-5-1981).

8. Position regarding year-wise availability of ACRs

Sl. No.	Name and Date of birth of the Officer	Whether CRs available for the years*								Remarks
		1/	2/	3/	4/	5/	6/	7/	8/	

*If available use marking √ (tick).
 If not available use the marking × (cross).
 [DOP&T OM No. 22011/6/86-Estt(D) dt. 30-5-86.]

9. Integrity Certificate

Whether integrity certificate, in terms of the instructions contained in the Ministry of H.A. OM No. 1/9/71-Estt(D) dt. 22-1-1972 has been enclosed.

10. Self-contained note for the DPC

Whether a self-contained note for the DPC explaining the proposals for promotion, has been enclosed.

Signature.....
 Designation
 Date.....

Proforma for referring proposals for CONFIRMATION

-
1. Name of Ministry/Deptt./Office
(copy of orders constituting DPC to be attached).
 2. Names and designations of Members of the DPC

Name	Designation	Office Tele. No.
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3. *Grade or post in which confirmation is to be made*

- (a) Designation
- (b) Classification
- (c) Scale of pay
- (d) Total number of permanent posts in the grade
- (e)
 - (i) Total number of vacancies available for confirmation.
 - (ii) No. of vacancies falling in the direct recruitment quota with dates on which they occurred.
 - (iii) No. of vacancies falling in the promotion quota with dates on which they occurred.
 - (iv) No. of vacancies available for being filled by transfer with dates on which they occurred.
 - (v) Details of vacancies reserved for S/Castes/Tribes

4. UPSC reference No. under which confirmation to the grade/Post were last considered.

5. *Recruitment Rules for the grade/post*

- (a) Date on which the R/Rules were notified in the Gazette of India and UPSC reference No. under which they were approved.
- (b) Method of recruitment prescribed
 - (i) _____ % direct recruitment
 - (ii) _____ % promotion
 - (iii) _____ % deputation/transfer
- (c) Whether an upto date copy of the R/Rules has been enclosed (this should invariably be sent for reference). If any changes in the R/Rules have been agreed to by the Commission after they were notified, details should be attached.

6. *Seniority List*

- (a) Whether a seniority list as in the prescribed proforma (Annexure I) has been enclosed.
 - (b) Whether all eligible officers, including those on deputation and those holding the higher posts on a local or purely ad-hoc or temporary basis covered.
 - (c) Whether the list, before finalisation, was circulated to all concerned.
 - (d) whether there are any officers, whose seniority has not been finalised, if so, give details.
 - (e) Whether the seniority list (Annexure I) has been duly authenticated by an officer not below the rank of an Under Secretary to the Govt. of India.
 - (f) Whether the list has undergone any changes since it was last placed before the DPC. If so, give necessary details in Annexure I(A).
-

- (g) In cases of confirmation of officers appointed by different methods e. g. promotion, direct Recruitment or Transfer, please enclose separate seniority lists also in addition to combined list.
- (h) Whether the list includes names of officers who have been recommended for direct recruitment to the same post, but whose names also come within the field of eligibility for promotion? If so, give details.

7. Character Rolls

Complete and upto-date character rolls of all the eligible officers are required.

- (a) Whether a list (in duplicate) has been attached, showing the names of officers whose character rolls are enclosed with this reference.
- (b) Are the character rolls complete and upto date? (Character rolls should be sent only after they have been completed).
- (c) Names of Officers, if any, in whose cases adverse remarks in their Character Rolls were communicated to them and the time allowed for submission of a representation is not yet over.
- (d) Names of officers, if any, who have submitted representations against adverse entries in their character Rolls, but decisions on the representations have not yet been taken.

8. Self-contained Note for the DPC

Whether a self-contained note for the DPC explaining the proposals for confirmation has been enclosed.

Signature _____

Designation _____

Date _____

CHECK LIST FOR PROMOTION CASES

1. **RECRUITMENT RULES**
 - (a) Whether already notified.
 - (b) Whether up-to-date.
 - (c) Does it provide for promotion on selection basis.
 - (d) Whether promotion is from Group B to A.
 - (e) Whether promotion within Group A.
2. **DPC PROFORMA**
 - (a) Whether in revised prescribed form.
 - (b) Whether signed by competent Officer.
 - (c) Whether all columns filled properly.
3. **SENIORITY LIST**
 - (a) Whether in the prescribed proforma.
(Annexure I of DOP OM dt. 30-12-76)
 - (b) Whether complete/up-to-date.
 - (c) Whether duly authenticated by an Officer not below Under Secy's. rank.
 - (d) Whether list of additions/deletions given, if any.
 - (e) Whether there is any discrepancy.
 - (f) Whether UPSC reference number given under which officers appointed.
4. **ELIGIBILITY LIST**
 - (a) Whether educational qualification prescribed for direct recruitment applicable to promotees or otherwise specifically prescribed.
 - (b) If so, whether details of educational qualification of officers given.
 - (c) Whether separate yearwise eligibility list for preparation of yearwise panels given where applicable.
 - (d) Whether full quantum of officers in consideration zone (including SC/ST in the extended Zone) available.
5. **OCCURRENCE OF VACANCIES**
 - (a) Whether yearwise break-up of occurrence given for existing vacancies.
 - (b) Whether details for anticipated vacancies given.
 - (c) Whether reservation position given for Group B to Group A.
6. **SELF-CONTAINED NOTE FOR DPC**
Whether enclosed.
7. **RELAXATION**
 - (a) Whether any relaxation involved.
 - (b) If so, whether DOP&AR approval taken.
8. **CHARACTER ROLLS**
 - (a) Whether received for all eligible Officers.
 - (b) Whether up-to-date (w. r. t. year of vacancies).

- (c) Any incomplete CRs (position to be indicated in separate sheet).
- (d) Whether any reason given for missing/incomplete CR.

9. **INTEGRITY CERTIFICATE**

- (a) Whether in the prescribed form.
- (b) Whether recorded by an officer of Deputy Secretary rank.
- (c) whether recorded for all eligible officers.

10. **PREVIOUS DPC**

- (a) Has UPSC reference number, if any, for previous DPC, given.
- (b) Whether panel drawn earlier has been exhausted.

11. **REVIEW DPC**

Whether proposal is covered by DOP guidelines dated 30-12-1976.

[DOP&T OM No. 22011/6/86-ESst.(D) dt. 30-5-1986]

*CHECK-LIST FOR TRANSFER ON DEPUTATION/TRANSFER***1. RECRUITMENT RULES**

- (a) Whether already notified
- (b) Whether upto date
- (c) Does it provide for transfer on deputation/transfer
- (d) Whether consultation with UPSC necessary

2. VACANCY CIRCULAR

- (a) Has it gone to all concerned Organisations/agencies prescribed in RRs.
- (b) Whether list given of organisations to which circulated.
- (c) Whether prescribed eligibility conditions/field of selection/educational qualification and mode prescribed in the rectt. rules mentioned in the circular.
- (d) Whether vacancy recirculated if RR was subsequently amended (after initial appointment on deputation) to provide for transfer (applicable only for transfer cases.)

3. VACANCIES

Whether date and manner of occurrence given.

4. RELAXATION

- (a) Whether any relaxation involved.
- (b) If so, whether DOP's approval taken.
- (c) Whether relaxation indicated in the vacancy circular.

5. SENIORITY LIST (FOR COMPOSITE FIELD)

- (a) Whether seniority list in the feeder grade received.
- (b) If so, whether in prescribed proforma (Annexure I of DOP OM dated 30-12-1976)
- (c) Whether duly signed by an officer not below Under Secretary's rank.
- (d) Is there any discrepancy.

6. JOB DESCRIPTION

Whether given

7. CONSOLIDATED COMPARATIVE STATEMENT

- (a) Whether in prescribed proforma.
- (b) Whether required particulars given
- (c) Whether eligibility/non-eligibility indicated (with reason for non-eligibility)

8. BIO-DATA OF CANDIDATES

- (a) Whether received for all nominees (eligible and ineligible)
- (b) whether signed by nominees
- (c) Whether received through proper channel

9. CHARACTER ROLLS

- (a) Whether received for all.
- (b) Whether upto date (Position to be indicated in a separate sheet)
- (c) In case of attested copies of CR whether attested by an officer not below Under Secretary's rank.
- (d) Whether reasons for incomplete/non-available CRs given.

10. PREVIOUS SELECTION

- (a) Has UPSC reference number given
- (b) Whether reserve list (still valid) available from previous selection.

11. EXISTING DEPUTATIONISTS

- (£) (a) Whether certificate given that no other deputationist was appointed prior to the officer who is being considered for transfer.
- (b) If there are other deputationists, has a certificate of their unwillingness for transfer given.

(£) 12. CONSENT FOR TRANSFER

- (a) Whether available from officer(s)
- (b) Whether available from parent department(s)

£ Applicable only for transfer cases.

[DOP & T OM No. 22011/6/86-Estt (D) dt. 30-5-1986].