HANDBOOK

FOR

PERSONNEL OFFICERS

2013

Government of India

Institute of Secretariat Training & Management

(Department of Personnel & Training)

Ministry of Personnel, Public Grievances and Pensions

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FOREWORD

The Department of Personnel & Training in the Ministry of Personnel, Public Grievances and Pensions is the nodal Department of Government of India in personnel policy and rules. It is also concerned with the process of responsive people-oriented modern administration.

Over the years the DoPT has issued many guidelines, orders, instructions etc. on various aspects of personnel policy, especially, in respect of issues concerning recruitment, training, career development and staff welfare. There has been a demand for compiling the plethora of orders issued on various subjects, from time to time.

It gives me great pleasure to note that the Institute of Secretariat Training & Management (ISTM) in collaboration with the Establishment Division of this Department has brought out the updated and revised version of the "Handbook for Personnel Officers" in digital format.

I congratulate the officers & staff of ISTM and Establishment Division for coming up with a handy reference book that will be of immense use not only to decision makers but to Government servants in general.

(Mamta Kundra)

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PREFACE

Since the existing version of "Handbook for Personnel Officers" was brought out in 1987, the service conditions of Government servants have undergone major changes consequent on implementation of recommendations of two Central Pay Commissions (5th & 6th). Concepts like Pay Band, Grade Pay, ACP and MACP, Child Care Leave, Paternity Leave etc have emerged. The 2nd Administrative Reforms Commission (2005-09) also gave its recommendations during this period. While almost all relevant orders issued by Department of Personnel & Training are available on the Department's website, a handy compendium was felt to be the need of the day.

ISTM felt honoured to undertake the task of updating and revising the Handbook in collaboration with DoP&T. For the purpose, a team of officers was constituted. The team comprised officers of Establishment Division of DOP&T, ISTM and Ex-faculty members of ISTM. They worked in tandem to bring out a revised and updated handbook for personnel officers.

The present Handbook, like its earlier versions, focuses on issues that the decision makers in personnel administration in the Government need to be aware of and where orders/ instructions/ guidelines may have not been codified in the form of Rules. Subjects handled by Departments other than DoPT such as Creation of Posts; Medical Examination etc have also been updated. All efforts have been made to make the Handbook user-friendly.

A departure from the previous editions is that this time the Handbook is in digital format and is being made available on the website of ISTM. Thus, not only those responsible for implementing the rules, but all Government servants and the general public would have access to the various orders on the concerned subjects. It is expected, that this would also facilitate RTI applicants as all information would be available in public domain in an easily accessible and understandable form.

It is hoped that the Handbook would meet the expectations of the end users. Suggestions for improvement are welcome and may be sent to Director, ISTM [e-mail ID: istm@nic.in]

Umesh Kumar
(Umesh Kumar)

DISCLAIMER

Though all possible care has been taken to ensure accuracy and consistency, in the event of a conflict between the Handbook and Government orders/ instructions on the subject, the latter will prevail.

Any information given herein cannot be cited in any dispute or litigation, nor is it a substitute for a legal interpretation/ evidence. The user will be solely responsible for any consequence of the decision taken on the basis of information contained in this Handbook.

It may further be noted that DoPT does not entertain references on service matters directly from Government servants. Any request for clarification/ redressal of grievances etc. should be taken up with the concerned administrative authority.

TO BE READ AND ACCEPTED WHILE USING THE HANDBOOK

(i) "Department(s)" or 'administrative Department' appearing in description of rule position in various Chapters include "Ministry" also, headed by a Secretary to the Government of India.

(ii) Consequent on implementation of the recommendations of 6th CPC, Group 'D' posts/cadre have been replaced by Multi-Tasking Staff (MTS) and is now included in Group 'C' cadre. Since all rules have not yet been modified to that effect, Group 'D', wherever appear, may be read in that context.

(iii) The Handbook is based on orders applicable to most Central Government servants. However some organisations like Railways, Armed Forces, CPMFs, DRDO etc. have their own rules/ regulations. The user is advised to consult those regulations in such cases.

(iv) This Handbook is intended to serve as a ready reference and is not to supplant the Government Rules, orders, guidelines and other instructions in any way.

(v) Additional list of Acts and Rules relevant to personnel officers is given separately at the end. The Handbook does not cover the subjects in detail. The relevant Act/Rule may be referred to.

(vi) Various Orders/ Office Memoranda quoted at the end of paragraphs and Chapters may be accessed by logging on to www.persmin.nic.in ->Department of Personnel & Training-> OMs & Orders.

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Chapter 1

CREATION OF POSTS

GENERAL PROVISIONS

1.1.1 A post, to be created, may be a permanent post or a temporary or a tenure post. Permanent post means a post carrying a definite rate of pay sanctioned without limit of time. Temporary post means a post carrying a definite rate of pay sanctioned for a limited time, whereas a tenure post means a permanent post which an individual Government Servant may not hold for more than a limited period.

F.R. 9(22), 9(30) and 9(30A)

1.1.2 The general provisions relating to creation of posts and the powers delegated to various authorities in regard to creation of posts are contained in the General Financial Rules, 2005 and the Delegation of Financial Powers Rules, 1978 as amended from time to time and various instructions issued by the Ministry of Finance (Department of Expenditure) and the Department of Personnel and Training.

1.2. POWERS DELEGATED TO MINISTRIES/DEPARTMENTS ETC.

1.2.1 Subject to the restrictions contained in the General Financial Rules, 2005, Ministries of the Central Government, Administrators and Heads of Departments enjoy the powers to create permanent as well as temporary posts vide Rule 13 of the DFP Rules, 1978, in accordance with the provisions contained in Schedules II and III of the said Rules (reproduced below), and instructions issued by the Ministry of Finance from time to time.

SCHEDULE II
POWERS TO CREATE PERMANENT POSTS
(See rule 13 of the DFP Rules,1978)

NOTE : The powers of subordinate authorities for creation of permanent unclassified posts are regulated by separate orders.

Authority	Class of posts which may be created
1	2
Department of Central Government: (i) Ministry of Parliamentary Affairs and Vice President's Secretariat	Posts in Group A Service: (a) Secretariat posts not above the rank of Under Secretary and (b) Other Posts carrying prescribed scale the maximum of which does not exceed Rs.4500/- per mensem (PB-3+GP Rs.6600) (c) Posts in Group B, C and D Services.

(ii) Other Departments	Posts in Group A Services or pay less than Rs.6700/- per mensem (PB-4 +GP Rs.10000) in the prescribed scale. Note: Where a post is sanctioned on a time scale the maximum of the time scale should be taken as pay for the purpose of this entry.
Administrator	
(i) Administrator of All UTs excluding Lakshadweep.	Posts in Group B,C and D Services.
(ii)Administrator, Lakshadweep Islands	Posts in Group D Services
Heads of Departments	Posts in Group C and D Services

SCHEDULE III

POWERS STO CREATE TEMPORARY POSTS

(See rule 13 of DFP Rules, 1978)

Note: The powers of subordinate authorities for creation of temporary unclassified posts are regulated by separate orders.

Authority	Class of posts which may be created and the limit of pay upto which a post may be sanctioned	Period for which the posts may be sanctioned
1	2	3
Department of the Central Government; (i) Ministry of Parliamentary Affairs and Vice-President's Secretariat	Posts in Group A Services (a) Secretariat posts not above the rank of Under Secretary (d) Other posts carrying prescribed scale the maximum of which does not exceed Rs.4500/- per mensem (PB-3+GP Rs.6600) Posts in Groups B,C and D Services	 Any specified period. Any specified period. Any specified period.

(ii) Other Departments	Posts in Group A Services on pay upto Rs.6700/- per mensem (PB-4 +GP Rs.10000) in the prescribed scale. Note: Where a post is sanctioned on a time scale the maximum of the time scale should ne taken as pay for the purpose of this entry	Any specified period.
	Posts in Group B Group C and Group D Services.	
Administrators:		
(i) Delhi, Pondicherry and Andaman & Nicobar Islands	Posts in Group A Services the maximum of whose scale of pay does not exceed Rs.5000/-(PB-3 +GP Rs 7600) and to which the Administrator is the appointing authority.	Any specified period.
(ii) Chandigarh, Dadra & Nagar Haveli and Daman & Diu	Posts in Group B, Group C and Group D Services.	Initially for any period not exceeding six months with power to extend the post by not more than a further period of six months.
(iii) Lakshadweep	Posts in Group A Services the maximum of whose scale of pay does not exceed Rs. 5000/-(PB-3 +GP Rs 7600 and to which the Administrator is the appointing authority).	Any specified period.
Head of the Departments	Posts in Group B, Group C and Group D Services.	Any specified period.
	Posts in Group C and Group D Services.	Any specified period.
	Posts in Group B, Group C and Group D Services	

Explanation : In this Schedule, "any specified period" means
(a) in the case where the authority specified in column 1 of the Schedule has power to create a temporary post specified in column 2 of the said Schedule but has no power to create such post permanently for a period not exceeding two years; and
(b) in any other case, any stated period.

Government of India decision : An authority competent to create a post under the provisions of this Schedule shall also be competent to continue it beyond the specified period, provided specific budget provision exists in this regard.

Ministry of Finance File No. F.1 (9)-FZI(A) /74

1.3. CREATION OF POSTS

1.3.1. Notwithstanding anything contained in DFP rules, no post shall be created -

(a) in the Secretariat office of a Department of the Central Government unless the scale or rate of pay on which the post is created has been approved by the President for a post of similar character under the Central Government;

(b) in any other office which is under the control of an administrator or Head of Department unless there exists in the same or any other civil non-secretariat office under that Administrator or Head of Department a post of similar character on a rate or scale of pay approved by the President;

(c) on a permanent basis; save with the previous consent of the Finance Ministry;
Unless savings in the succeeding year can be established for this purpose; and

(d) unless funds to meet the cost of the post, if temporary, can be found by valid Appropriation or re-Appropriation from within the provision placed at the disposal of the authority concerned during a year. Continuance of such posts in future shall be subject to the provision of funds being made in the budget.

1.3.2 The power conferred on a subordinate authority to create a permanent post may be exercised in creating similar supernumerary post for the purpose of accommodating the lien of a Government servant who, though entitled to hold a lien against regular permanent post, cannot be so accommodated because of non-availability of such a post. The supernumerary post shall he created only if another vacant permanent post is not available to provide lien for the Government servant concerned and it shall remain operative only until he is absorbed in a regular permanent post.
1.3.3 The power conferred on a subordinate authority to create permanent or temporary posts shall not, unless otherwise directed by the President, be exercised so as to add such posts to any service or cadre unless that service or cadre is under the control of that authority.

Provided that the provisions of this sub-rule shall not be applicable to posts borne on the cadres of the Central Secretariat Service, the Central Secretariat Stenographers' Service or the Central Secretariat Clerical '.Service. The competent authorities may create posts but their inclusion in the Central Secretariat Service, Central Secretariat Stenographers' Service or Central Secretariat Clerical Service, shall be subject to the provisions of the respective Service or Cadre Schemes.

Rule 11 DFPRs

Government of India's decision (1) :—The Departments of the Central Government may create a post of Officer on Special Duty if the post can be equated to an existing sanctioned post having regard to the comparable nature of the duties and degree of responsibility. In such a case the sanction for the creation of the post should be suitably worded so as to show that the Post has been created in the grade of Under Secretary, Deputy Secretary etc. though designated as Officer on Special Duty. If, however, the post of Officer on Special Duty is to be created on a special scale, the approval of the Ministry of Finance (Department of Expenditure) would be necessary. In such a case, the Departments would not be competent to create another post of Officer on Special Duty on that scale on the ground that it is similar to the first post, as the approval of the Ministry of Finance would be with reference to a particular post.

Min. of Finance OM No. F.12(11)-E(II)-(A)/59, dated 4-4-1959

Government of India's decision (2) Where the prescribed scale of a post carries a special pay and the post is of a class as distinguished from an ad-hoc, isolated or an individual post, the Department of the Central Government may create the post subject to the provisions of these rules.

Min of Finance's file No. F.12(72)-E.II(A) /59, and F.11(2)E.111/59.

Government of India's decision (3) : The expression 'post' used in sub-rules 11 (1) (a) and (b) includes 'permanent' as well as 'temporary' posts.

Min. of Finance OM No. F.12(I)I-C(I) (A)/59, dated 4-4-59

Government of India's decision (4) : Though the concurrence of the Ministry of Finance is necessary to the initial creation of the temporary post in a Department/Office if a post of similar character on a rate or scale of pay approved by the President does not exist in that Department/Office, the administrative authority concerned will be competent to sanction the continuance of such a post provided (i) the period for which the post is continued together with the period for which it was created initially with the concurrence of the Ministry of Finance does' not exceed the period for which the administrative authority concerned can create a post in the same class and (ii) all the circumstances justifying the original sanction continue to exist.

Min. of Finance OM No. F.12(17)-E.II(A) dated 30-6-61

Government of India's decision (5) : The following principles should be observed while creating supernumerary posts under Rule 11(2) of DFP Rules, 1978-

(i) The supernumerary post is a shadow post i.e., no duties are attached to such a post. The officer whose lien is maintained against such a post performs duties in

some other vacant post and accordingly it should not be created in circumstances which at the time of the creation of the post or thereafter, would lead to an excess of the working strength.

(ii) As a supernumerary post is a post created for accommodating a permanent officer till he is absorbed substantively in a regular permanent post, it should not be created for an indefinite period as other permanent posts are, but should be created for a definite and fixed period sufficient for the purpose in view.

(iii) It is personal to the officer for whom it is created and no other officer can be appointed against such a post. It stands abolished as soon as the officer, for whom it was created, vacates it on account of retirement or confirmation in another permanent post or for any other reason. In other words, no officiating arrangements can be made against such a post. Since a supernumerary post is not a working post, the number of working posts in a cadre will continue to be so regulated that, if a permanent incumbent of one of the regular Posts returns to the cadre and all the posts are manned, one of the officers of the cadre will have to make room for him. He should not be shown against a supernumerary post.

(iv) No extra financial commitment is involved in the creation of such posts in the shape of increased pay and allowances, pensionary benefits etc.

(v) Administrative authorities should maintain a record of the supernumerary posts. The particulars of the individuals who hold liens against them and the progressive abolition of such posts as and when the holders of the pests retire or are absorbed in regular permanent posts, for the purpose of verification of service for pension.

Min. of Finance OM No. F.84(4)-EG.I/61, dated 15-3-1961

Government of India's decision (6) : In working out a new project or a re-organisation Scheme, it may happen sometimes that creation of some of the posts is within the powers of the Ministries etc., while others need the concurrence of the Finance Ministry. In such cases, it would not be proper for the administrative authorities to implement part of the proposal which can be implemented within their powers and then approach the Finance Ministry to agree to the other part. Where the implementation of the proposal as a whole depends upon the concurrence of the Finance Ministry in regard to some of its parts the correct procedure would be for the administrative Ministry to hold over the entire proposal and implement it only after-getting the concurrence of the Finance Ministry.

Min. of Finance OM No. F.1(18)-E.II(A)/64, dated 17-4-1964

Government of India's decision (7) The authorities competent to create posts should ordinarily not resort to their creation retrospectively. The appointing authorities should also avoid making appointments against posts in anticipating of their creation since such a course of action will lead to administrative difficulties in the event of the posts not being sanctioned ultimately. It should be ensured that all proposals for creation of posts are sponsored by the concerned authority well in advance of making the appointments against posts yet to be created. It is only in very exceptional circumstances (which should be recorded in writing by the competent authority) that creation of posts with retrospective effect and/or making appointments against posts in anticipation of their creation might be resorted to. Where retrospective effect for a

period exceeding three months is to be given while creating a post. the proposal should he referred, with full justification therefor to the Ministry of Finance (Expenditure Divisions concerned) for prior concurrence. These instructions do not, however, apply to the orders of extension/continuance of the existing posts created by the competent authority.

Ministry of Finance OM No. F.1(341.)-E.11(A) /66, dated 3-8-1967

Government of India's decision (8) : The exercise of the existing delegated powers for creation of posts by Ministries will be subject to the observance of the following conditions -

(a) The powers do not cover upgrading of scales of pay of existing posts vide Department of Expenditure's OM No. F.5(1)-E.III(A) /65, dated the 26th February, 1965.In all cases of creation of posts for which specific -provision has not been made in the approved budget, necessary savings should be located and specified before sanction is issued; it will be irregular to create posts on the basis of a mere expectation that savings under the appropriate head are likely to be available. It will, however, be in order if new posts are created in lieu of some others for which provision is included in the approved budget and a decision to this effect is recorded. It will not be correct for Ministries to create posts involving recurring commitments for future years unless corresponding sacs can be clearly located for those years also.

(c) The Internal Work Study Unit which are an integral part of the arrangement, should be consulted in all cases where additional posts arc to be created under the delegated powers due -to increase in work or re-organisation of staff.

(d) The delegated powers for certain posts will not be utilised so as to augment strengths of particular categories as recommended under the Staff Inspection Unit's Report for at least for a period of 6 months after action on the report has been completed.

(e) Posts should not be created in excess of standard scales where laid down. e.g. in respect of Group D posts, stenographers, personal staff of senior officers and Ministers, .etc.

(f) Retrospective creation of pasts should be done with the approval of Finance Minister.

Min. of Finance OM No. F1(34)-EII(A) /66, dated 3-8-1967 read with U0 No. F.11 (3)-E.II(A) /78, dated 30-6-1978

Government of India's decision (9) : Each Ministry shall set up internally a work study unit with properly trained staff to function directly under the Secretary for laying down norms for particular types of work and also for examining such proposals as are referred to it by the Ministry for staff reorganization or creation of posts (both in the Department and in offices under it). The Staff Inspection Unit will render all possible

help to Ministries for this purpose, if necessary. The strength and composition of the unit may be settled in consultation with the Staff Inspection Unit. It will be the function of the Internal Work Study Unit :—

(i) to study the organisations' structure, methods of work, and procedure of the. Ministry/ Department with a view to suggest measures for reform so as to improve the efficiency of the organisation;

(ii) to study the staffing of the establishments under the Ministry/Department with a view to suggest economy in staff consistent with administrative efficiency; and

(iii) to evolve standards of performance and norms of work relating to jobs peculiar to the Ministry/Department.

The Internal Work Study Units should draw up cyclical programmes for conducting studies and each cycle should ordinarily be completed in a period of about three years. They should also send copies of their programmes and their reports to Staff Inspection Unit. Staff Inspection Unit may issues separate instructions regarding the methodology to be adopted in conducting work studies and the form of reporting the results thereof.

The Staff inspection Unit of the Ministry of Finance will continue to conduct its studies in any Ministry/Department in accordance with its programmes and the standards evolved by it for jobs common to several Ministries/Departments will be made available to all Ministries. Norms/standards evolved by the internal work study units for jobs pertaining to their Ministries will be subject to review by the Staff Inspection Unit. In suitable cases, other studies conducted by the Internal Work Study Unit will also be subject to test check by Staff Inspection Unit.

Min. of Finance OM No. F.10(4)E(Coord).a 62, dated 1-6-62 and F.10(3)-E.(Coord)/67, dated 18-10-68.

Government of India's decision (10) : Where the Finance Ministry's concurrence has to be sought for the creation of posts beyond the powers of the administrative Ministry, the relevant reference to the Finance Ministry should be made, as far as possible, in the form of a self contained Office Memorandum indicating inter-alia the duties and functions of the posts. Their number, the duration for which they are required. the scales of pay and the manner in expenditure is proposed to be met, along with full justification for their creation, including reports of work studies conducted.

Min. of Finance OM No. F.10(4)-E(Coord) /62. dated 1-6-1962

Government of India's decision (11) : The studies made by Internal Work Study Unit may be processed in accordance with the procedure mentioned below :—

(i) In regard to proposals for staff expansion, the Financial Adviser might decide whether there, at all, is a need for a study in each and every case, keeping in view the size of the staff required etc., in marginal cases it might not be necessary to have the study made and the Financial Adviser could decide on the merits of the case;

(ii) where, however, the need for a specific study is felt because of the demand for sizeable addition to staff, or where it involves major re-organisation etc.. the Financial Adviser should decide whether the study should be entrusted to the Staff Inspection Unit, or to the Internal. Work Study Unit; and

(iii) whenever it is decided by the Financial Adviser to have the study conducted by the Internal Work Study Unit, he should take a final decision on the Internal Work Study Unit's report and no reference to Staff Inspection Unit should be made.

Min. of Fin (Deptt. of Expenditure) OM No. F.9(3)-E(Coord) /78, dated 15-7-1978.

Government of India decision No (12) creation/continuance of the high level posts:-

Continuance:

Proposals for continuance of posts of secretaries special secretaries, additional and equivalent posts are required to be referred to the Department of Expenditure on file through IF Unit for examination/approval of the Secretary (E), Secretary (Personnel) and Cabinet Secretary. For continuance of the Secretary level posts approval of the PM has also to be obtained by the Administrative Ministry after Cabinet Secretary has cleared .This need not be routed through the Ministry of Finance.

Creation:

(i) Proposals for creation of non plan posts of Secretaries, Special Secretaries, Additional Secretaries, Joint Secretaries or equivalent require the approval of the Cabinet (after offering matching saving by abolition of posts of the same group or in immediate line of promotion) and for this purpose, Administrative Ministries are required to prepare a draft note for the Cabinet and refer the same to the Department of Expenditure for examination and getting approval of the Finance Minister before the same submitted by the Administrative Ministry (after incorporating views of Finance Ministry) to the Cabinet for approval.

(ii) The proposals for creation of plan posts of Secretaries and special Secretaries also require the approval of Cabinet and the Administrative Ministry is required to prepare a draft note for the Cabinet and refer the same (after getting the approval of EFC/PIB to the scheme) to the Department of Expenditure for examination and getting approval of Finance Minister before the same is submitted by the Administrative Ministry (after incorporating views of Fiancé Ministry) to the Cabinet for approval .Plan posts of Additional Secretaries, Joint Secretaries or equivalent posts could be created with the approval of the Finance Minister and proposals in this regard are required to be sent to the Department of Expenditure on file along with other lower posts, if any, after EFC/PIB's approval to the scheme with all requisite details/ information including functional justification for posts) through Integrated Finance for detailed examination and approval in Ministry of Finance.

(iii) proposals relating to continuance or creation of personal staff of the senior level posts should also be simultaneously projected.

G.I, M.F,O.M. NO.7(2)-E(co-ord)/95,dated the 30 th May 1995.

1.4. **Ban on Creation of Posts:** Instructions on expenditure management have been issued from time to time by the Ministry of Finance, Department of Expenditure. As an economy measures Ministry of Finance imposed ban on creation of posts in 1984. The ban was applicable to plan and non-plan posts and also operational and non-operational posts except in the most exceptional circumstances. These instructions have been amended from time to time. In 1993 Ministry of Finance clarified that posts

held in abeyance or remained unfilled for a period of one year or more would be deemed to have been abolished. If the post was required subsequently the prescribed procedure for creation of new posts would have to be followed. That Ministry also prescribed the authorities competent to approve the creation of plan and non-plan posts as under:

Plan Posts

Group 'A' posts	Finance Minister.
Group 'B' 'C' and 'D'	May be created with the approval of the Secretary of the Administrative Ministry provided (i) The expenditure is within 10% of the project cost. (ii) Posts to be created are in conformity with the prescribed norms, and (iii) Group 'A' posts if necessary have been approved by Finance Minister.

Non-Plan posts

Group 'A' posts of and above the level of Joint Secretaries	May be created with the approval of Cabinet after obtaining the approval of Finance Minister.
Group 'A' posts below the level of Joint Secretary and Group 'B''C' and 'D' posts	May be created with the approval of Finance Minister.

Creation/filling up of posts both plan and non-plan was to be done after posts which had been found surplus as a result of review had been abolished. For creation of non-plan posts matching saving was required which should be by surrender of posts in the same group or of posts in the immediate line of promotion. Posts which were found justified on the basis of work load and functional justifications could be only created.

Ministry of Finance OM No.7(7)-E (Coord) /93 dated 3-5-1993

In view of on going ban on creation of posts Ministry of Finance, in February 2006, prescribed a check list **(Annexure to this chapter)** to be accompanied with any unavoidable proposal for creation of posts, including Group 'B','C' and 'D' posts, referred to the Ministry of Finance (Department of Expenditure) for approval.

Ministry of Finance O.M. F 7(1)/E(Coord I)/2006 dated 24-2-2006

In July 2011 complete ban was imposed on creation of Plan and Non-Plan posts except for new organisations which were set up during the year 2011-12 based on already approved schemes. In May 2012 further economy instructions were issued imposing inter-alia total ban on creation of Plan and Non-Plan posts. Since then there has been no modification in these instructions.

Min. of Finance O.M No. 7(1)/E-Coord/2011 dated 11-07-2011 and F7(1)/E-Coord /2012 dated 31-05-2012

1.5 **TRANSFER OF POSTS WITHIN SAME ORGANIZATION- APPLICATION OF BAN ORDERS**

There have been instances when post sanctioned for a specific purpose in an organization is diverted to another purpose at the same or different station and or utilized as a standby to accommodate an officer awaiting posting orders or to make use of the services of an officer for special item of work etc. Such diversion of post obviously leads to the conclusion that the purpose for which the post was originally created has ceased to exist and the diversion is effected to cope with some new item of work not withstanding the fact the such arrangement is within the same cadre/ organization and or/at the same or different stations. Such case of diversion/transfer/adjustment would amount to creating a new posts and, therefore, attract ban orders and prior clearance should be obtained at appropriate level before resorting to such practice.

Min of Fin, Dept of Expenditure O.M. No. F 14(14)-E (Coord)/77 dated 25-10-1977

1.6. **CONVERSION OF TEMPORARY POSTS INTO PERMANENT ONES**

A. PERMANENT DEPARTMENTS

:

(i) In all permanent Departments, other than the Posts and Telegraphs Department, the administrative Ministries/Departments may, if they are satisfied that the temporary posts are required for work of a permanent nature, convert with the approval of the ,respective Internal Financial Advisers, 90% of such posts upto the level of Deputy Secretaries, including Class IV posts, into permanent ones provided they have been in existence for a continuous period of not less than 3 years.

(ii) The conversion of temporary posts into permanent ones in the Posts and Telegraphs departments will continue to be regulated by special orders issued by that Department if they are more favourable than the orders mentioned in para (i) above.

(iii) In Government workshops and Industrial Establishments the conversion of temporary posts into permanent ones will continue to be regulated in accordance with the existing practice or orders which are applicable to the respective units until such time as the Administrative Ministry/Department concerned is in a definite position to assess its permanent requirements of industrial staff. Such existing orders will also apply to temporary non-industrial posts which have been created in connection with the functioning of the workshops or industrial installations concerned.

(iv) In Government Colleges, Schools and Teachers Training Institutions where enrolment has stabilized 100% of the temporary teaching posts may be made permanent by the Administrative Ministry/Department concerned provided that the temporary posts have been in existence for a continuous period of not less than three years and are required for work of a permanent nature.

B. DELEGATION OF POWERS

The Administrators of Union Territories, and the Heads of Departments have also been delegated powers to convert those temporary posts which they are competent

to create permanently subject to the conditions that such posts should have been in existence for a continuous period of not less than 3 years and are required for work of a permanent nature.

C. TEMPORARY DEPARTMENT

(i) In temporary Departments such as the Department of Rehabilitation, etc. which have existed for not less than 10 years and are not proposed to be wound up in the foreseeable future, 50% of the temporary posts may be converted into permanent ones with the approval of Internal Financial Advisers provided the posts have been in continuous existence for a period of 5 years or more and are required indefinitely.
(ii) The above orders do not guarantee that the temporary organisations would not be wound up or reduced in size in future. In the event of such an organisation not being continued in the existing form or strength the retrenched employees would, however, be entitled to retrenchment benefits as provided under the relevant rules and orders.

The temporary posts above the level of Deputy Secretary in the Secretariat of the Government of India, for the present are not made permanent as such posts are generally held either or tenure basis by officers of the organised services who hold liens on substantive posts in their parent cadres or by officers of the Central Secretariat Service and the temporary nature of such will not affect any body adversely. However, to obviate the necessity of having to extend such posts from year to year it has been decided in consultation with the Comptroller and Auditor General of India, that after the posts, above the level of Deputy Secretary, have been in existence initially for three years on year to year basis, such posts may be categorised as “continuing posts" and their continuance sanctioned for a block period of five years.

D. CLASSIFICATION OF WORK-CHARGED STAFF AS INDUSTRIAL AND NON-INDUSTRIAL

(I) Work-charged staff who are not engaged on a casual or daily rates basis are classified into industrial and non-industrial categories depending on the nature of their duties. For the purposes of such classification, the following types of categories may be considered to be non-industrial :—

(i) Supervisory staff the minimum of scale of pay is not less than Rs. 380/- p.m.
(ii) Clerical Staff.
(iii) Watch and Ward Staff.
(iv) Conservancy Staff.
(v) Fire-fighting staff.
(vi) Messengerial Staff.
(vii) Medical Staff.

(II) Work-charged staff in non-industrial categories brought on the regular Establishment entitle them to all the concessions admissible to regular non-industrial staff.

(III) As regards industrial categories, permanent posts are created to the extent of 50% of posts which have been in existence for more than 3 years and which are likely to continue on a long-term basis, enabling confirmation of work-charged staff whose services are likely to be required on a permanent basis.

E. GROUPING OF POSTS

In cases where there are posts of similar duties and responsibilities but under different designations the number of such posts may be taken as a whole, wherever necessary or possible. This is particularly helpful in cases where there are single posts with different designations but similar duties.

F. DATE OF EFFECT

The conversion of temporary posts into permanent ones should take effect, as usual, from the date of issue of the orders conveying the specific sanction to audit for such conversion of posts or group of posts.
In cases the calculation of posts at 90% or 50% results in fraction of post the formula to be applied is that one half or more than half should be taken as one and less than half should be ignored.
The Ministries and. Departments are required to ensure that prompt action is taken conversion of temporary posts into permanent ones and the confirmation of eligible employees in such posts should be done as expeditiously as possible.

G. SUCCESSIVE REVIEWS:

(I) If two main conditions, namely (i) that the posts should be required for work of a permanent nature, and (ii) the posts should have been in existence for a continuous period of not less than three years in the date of the review are fulfilled there is no objection to the same temporary posts being considered for conversion into permanent ones at successive reviews in permanent Departments. Similarly such reviews can also be conducted in temporary Departments provided all the conditions mentioned in para. C (i) above are full filled. Such reviews should not, however, be conducted at intervals of less than one year.
(II) In order that the annual reviews are .nos. delayed. the Departments may lay down an adequate drill for monitoring purposes.

H. These orders will also apply to Subordinate and attached offices

[Min. of Finance OM No. A-11019 `6"75- -Bs7n. dated 24-3-1976].

1.7 CREATION OF LEAVE RESERVE POSTS

1.7.1. A revised leave reserve scheme was sanctioned by Government in 1955. It applies to all Ministries and their attached and sub-ordinate offices and covers (i) all ministerial establishments,(ii) other non-ministerial Class III cadres and (iii) Class IV establishments.

1.7.2 The leave reserve is to be calculated separately for permanent posts and temporary posts on the basis of 10% of the posts in each category so far as ministerial and non-ministerial Class III posts are concerned. In calculating the total leave reserve strength, only those temporary posts which are sanctioned for a minimum period of one year should be taken into account.

1.7.3 In regard to Class IV staff, the leave reserve in Class IV cadres should be calculated at the rate of 10% of the total strength as determined. by the application of the scales of group D establishment. The strength of peons and daftries for special sections like Central Registry and Cash would be fixed ad hoc with reference to actual requirements which should be determined in consultation with the of the Ministry of Finance In such special sections, the leave reserve will continue to be calculated at 7-1/2%. The leave reserve for ministerial posts will ordinarily be in the. lowest grade of these posts except in the offices participating in the various Secretariat Service Schemes and the Indian Audit Department which arc dealt with in subsequent paragraphs. Even in regard to posts other than ministerial and Class IV posts suitable groupings of posts should be adopted so that the 10% Leave Reserve may be provided in the lowest appropriate cadre. Leave Reserve for Stenographers will be provided in the cadre of Stenographers itself. In calculating the leave reserve, fractions of less than half should be omitted and fractions of half or more should be rounded to the next higher integer.

1.7.4 The leave reserve in respect of mistrial posts in offices participating in the various Secretariat Service Schemes will be provided separately in each Ministry and office as follows :-

(a) In the Central . Secretariat Service, there will be no leave reserve in respect of posts higher than Assistant and the leave reserve in the Assistant grade will be calculated onl the basis of sanctioned posts of Assistants, leaving out those deemed to have been converted into Upper Division Clerical posts under the MHA OM No. 30/41/54- CS(D) , dated 30-11-1954. The number of posts so left out, will be added to the Upper Division of the Central Secretariat Clerical Service.

(b) In the Central Secretariat Stenographers Service there will be no leave reserve in respect of Selection Grade and Grade I Stenographers. The leave reserve for Grade II and Grade III will be provided in the lowest grade of the Service. i.e. in Grade III of the CSSS. As Grade III of the CSSS was introduced on 1-7-1969 and as necessary leave reserve in that Service was being provided earlier in Grade II of the Service, the existing leave reserve posts in Grade II will be continued for the time being and will be abolished in a phased manner, say within 5 years, by way of wastage of few vacancies in Grade II of the Service caused by creation of additional posts, superannuation/resignation of official(s) or their promotion to higher grades.

As the existing leave reserve posts in Grade II will continue for some time, leave reserve in Grade HI will be calculated on the strength of Grade III along at 10% of the

total number of permanent and temporary posts in that Grade. The strength of leave reserve posts in Grade III will be increased simultaneously equal to the number of leave reserve posts.
(c) In the Central Secretariat Clerical Service, leave reserve for both Upper Division and Lower Division will be provided in the Lower Division.
1.7.5 In the case of the Indian Audit Department, as the Upper Division Clerks cadre is the main level of direct recruitment and in view of the special tests prescribed for promotion of Lower Division Clerk to the Upper Division, the leave reserve for Assistant Accounts Officer, SA.S. Accountants and Upper Division Clerks will be in the cadre of Upper Division Clerks and the leave reserve for Lower Division Clerks will be in the Lower Division Cadre. In the case of Posts and Telegraphs Audit Offices, there will be a separate leave reserve in the grade of Sorters.
1.,7.6 Leave reserve for excluded posts should be provided separately in the lowest appropriate grade.

1.7.7 The leave reserve covers all leave vacancies including those caused by granting of leave preparatory to retirement. But in the case of small offices where the leave reserve posts are only a few in number, the grant of leave preparatory to retirement to a few individuals for a long period may be inconvenient to the office concerned, when further applications for leave may have
to be considered. In such cases specific sanction of the Ministry of Finance should be obtained to the filling of each of the vacancies caused by the grant of leave preparatory to retirement, beyond the first period of six months, if the stage of work in the office would justify such a special relaxation.

1.7.8 When the leave reserve is created in a lower grade, promotions are permissible to vacancies in the higher grade as and when they arise.

Min, of Finance OM No. F.8(8)-E.II/55, dated 24-8-1955, F.1(3)-E(Coord)164. dt.19-5-64 and [F.10(1)-EGI/70, dated 25-4-1970 and A-11019/1/82-EGI, dt. 3-2-1983

1.8 **MISCELLANEOUS PROVISIONS**

(1) Duration of temporary posts—To be stated definitely and not expressed vaguely, e.g. "until further orders".
(2) Date of effect—To be specified in sanctions to temporary posts in addition to duration e.g. the date of issue of sanction, or date of entertainment or otherwise.
[Government of India's decision below rule 42 of G.F. Rules, 1963].
(3) To avoid inconvenience that may be caused by the absence of "reservists" on training, Ministries/Head of Departments may employ substitutes by creating temporary posts under their own powers.
[Ministry of Home Affairs OM No. 71C116/54-CS(C), dated 7-5-1956 (Para 1)].
(4) Creation of a post like Clerk-in-charge, Assistant-in-charge, steno-typist or Cashier which carries pay in a particular grade or post, plus special pay or allowance granted for some specific purpose, as a separate cadre, is irregular. The proper

course would be to creak a post on the appropriate grade or cadre and have a special pay or allowance sanctioned according to the normal rules.

[Ministry of Home Affairs OM NC. 1.2,/5/57-RPS, dt. 13-6-1957].

1.9. **PERSONAL STAFF OF CABINET MINISTERS/ MINISTERS OF STATE/ DEPUTY MINISTERS/ PARLIAMENTARY SECRETARY.**

NORMAL ENTITLEMENT

The scale of personal staff normally admissible to the Ministers/Deputy Ministers/Parliamentary Secretaries when they hold charges of a single Ministry or a single independent Department is as follows:-

Cabinet Minister

Category of Staff	No. of posts	Pay scale as revised w.e.f.1.1.2006 (in Rupees) (Pay Band)+ Grade Pay	Remarks
Private secretary	1	37400-67000(PB-4) 8700	
		15600-39100(PB-3) 7600	
Addl. Private Secretary	2	15600-39100(PB-3) 6600	
Asstt. Private Secretary	2	15600-39100(PB-3) *5400	*(to PS/SO of CSSS/CSS who have completed four years services of approved services in the grade) Included in grade 'A&B'(merged) of the Central Secre-tariat Stenographers Services(CSSS)
		9300-34800(PB-2) 4800	Included in grade 'A&B'(merged) of the Central Secre-tariat Stenographers Services(CSSS)
First P.A	1	9300-34800(PB-2) 4800	Included in grade 'A&B'(merged) of the CSSS
Second P.A	1	9300-34800(PB-2) 4600	Included in grade 'C' of the CSSS.

Hindi Stenographer	1	9300-34800(PB-2) 4200	Not included in CSSS (if required by the Minister)
Clerk	1	5200-20200(PB-1) 1900	Included in L.D. grade of the Central Secretariat Clerical Services (CSCS).
Driver	1	5200-20200(PB-1) 1900	
Attendant	1	5200-20200(PB-1) 1800	
Peon	4	5200-20200(PB-1) 1800	
total	15		

Minister of State

Category of Staff	No. of posts	Pay scale as revised w.e.f.1.1.2006 (in Rupees) (Pay Band)+ Grade Pay	
Private secretary	1	37400-67000(PB-4) 8700	
		15600-39100(PB-3) 7600	
Addl. Private Secretary	1	15600-39100(PB-3) 6600	
Asstt. Private Secretary	1	15600-39100(PB-3) *5400	*(to PS/SO of CSSS/CSS who have completed four years services of approved services in the grade) Included in grade 'A&B'(merged) of the Central Secre tariat Stenographers Services(CSSS) A MOS holding independent charge may be given extra Asstt.PS if required.

		9300-34800(PB-2) 4800	Included in grade 'A&B'(merged) of the Central Secre tariat Stenographers Services(CSSS)
First P.A	1	9300-34800(PB-2) 4800	Included in grade 'A&B'(merged) of the Central Secre tariat Stenographers Services(CSSS)
Second P.A	2	9300-34800(PB-2) 4600	Included in grade 'C' of the CSSS.
Hindi Stenographer	1	9300-34800(PB-2) 4200	Not included in CSSS (if required by the Minister)
Clerk	1	5200-20200(PB-1) 1900	Included in L.D. grade of the Central Secretariat Clerical Services (CSCS).
Driver	1	5200-20200(PB-1) 1900	
Attendant	1	5200-20200(PB-1) 1800	
Peon	3	5200-20200(PB-1) 1800	
total	13		

Deputy Minister

Category of Staff	No. of posts	Pay scale as revised w.e.f.1.1.2006 (in Rupees) (Pay Band)+ Grade Pay	
Private secretary	1	37400-67000(PB-4) 8700	
		15600-39100(PB-3) 7600	
First P.A	1	9300-34800(PB-2) 4800	Included in grade 'A&B'(merged) of the Central Secretariat Stenographers Services(CSSS)
Second P.A	1	9300-34800(PB-2) 4600	Included in grade 'C' of the CSSS.

Clerk	1	5200-20200(PB-1) 1900	Included in L.D. grade of the Central Secretariat Clerical Services (CSCS).
Driver	1	5200-20200(PB-1) 1900	
Attendant	1	5200-20200(PB-1) 1800	
Peon	1	5200-20200(PB-1) 1800	
total	7		

Parliamentary Secretary

Category of Staff	No. of posts	Pay scale as revised w.e.f.1.1.2006 (in Rupees) (Pay Band) Grade Pay	
Private secretary	1	37400-67000(PB-4) 8700	
		15600-39100(PB-3) 7600	
First P.A	1	9300-34800(PB-2) 4800	Included in grade 'A&B'(merged) of the Central Secretariat Stenographers Services(CSSS)
Second P.A	1	9300-34800(PB-2) 4600	Included in grade 'C' of the CSSS.
Driver	1	5200-20200(PB-1) 1900	
Peon	1	5200-20200(PB-1) 1800	
total	5		

DOP&T OM , NO. 8/3/92-CS II date 14-1-1994 OM NO.8/30/2010-CSII (c) dated 19-8-2010

Minister of State(Additional Independent Charge)

Category of Staff	No. of posts	Pay scale as revised w.e.f.1.1.2006 (in Rupees) Pay Band Grade Pay	
Addl. Private Secretary	1	15600-39100(PB-3) 6600	
First P.A	1	9300-34800(PB-2) 4800	Included in grade 'A&B'(merged) of the Central Secretariat Stenographers Services(CSSS)
Second P.A	1	9300-34800(PB-2) 4600	Included in grade 'C' of theCSSS.
Clerk	1	5200-20200(PB-1) 1900	Included in L.D. grade of the Central Secretariat Clerical Services (CSCS).
Attendant	1	5200-20200(PB-1) 1800	
Peon	1	5200-20200(PB-1) 1800	

Minister of State(Additional Charge other than Independent Basis)

Category of Staff	No. of posts	Pay scale as revised w.e.f.1.1.2006 (in Rupees) Pay Band Grade Pay	
Addl. Private Secretary	1	15600-39100(PB-3) 6600	
Second P.A	1	9300-34800(PB-2) 4600	Included in grade 'C' of theCSSS.
Clerk	1	5200-20200(PB-1) 1900	Included in L.D. grade of the Central Secretariat Clerical Services (CSCS).

Deputy Minister (Additional Charge)

Category of Staff	No. of posts	Pay scale as revised w.e.f.1.1.2006 (in Rupees) (Pay Band) + Grade Pay	
First P.A	1	9300-34800(PB-2) 4800	Included in grade 'A&B'(merged) of the Central Secretariat Stenographers Services(CSSS)

Clerk	1	5200-20200(PB-1) 1900	Included in L.D. grade of the Central Secretariat Clerical Services (CSCS).

[DOP&T O.M. No 8/37/2004-CS II dated 10/14-9-2007]

Personal staff *of Officers*

Sl. No.	Category of Officers	Category of Staff	No.
1.	Secretary/Special Secretary/ Additional Secretary to Govt. of India and officers of equivalent rank working in the Ministries/ Departments of Govt. of India	(i) Sr. Principal Private Secretary (Sr. PPS) (15600-39100(PB-3) +GP7600 or Principal Private Secretary (PPS) (15600-39100(PB-3) +GP 6600); and ii) Steno. Grade 'C' (PA) of CSSS (9300-34800(PB-2) +GP4600	01 01
2.	Joint Secretary to Govt. of India and Officers of equivalent rank working in the Ministries/Departments of Govt. of India	Steno. Grade 'A' & 'B' (Merged) (PS) ((9300-34800(PB-2) +GP4800)	01
3.	Director/Deputy Secretary & officers of equivalent rank:- (i) working in the Ministries/ Departments of Govt. of India (ii) working in other participating attached offices of CSSS	Steno. Grade 'A' & 'B' (Merged) (PS) ((9300-34800(PB-2) +GP4800) Steno. Gr. 'C' (PA) (9300-34800(PB-2)	01 01

		+GP4600	
4.	Under Secretary & Officers of equivalent rank (i) working in the Ministries/ Departments of Govt. of India (ii) working in other participating/ attached offices (of CSSS)	Stenographer Grade 'C' (PA) of CSSS (9300-34800(PB-2) +GP4600 Steno. Gr. 'C' (PA) (9300-34800(PB-2) +GP4600 or, Steno.Gr.'D' 5200-20200(PB1)=GP2400	01 01 each for two officers, or01 for each officer
5.	Desk Officer	Stenographer Grade 'D' of CSSS(5200-20200(PB1)=GP2400	01
6.	Section Officer	Stenographer Grade 'D' of CSSS 5200-20200(PB1)=GP2400	As prescribed in MHA O.M. No. 14/1/66-CS-II dt. 23.4.66 (copy attached)

Note: The above norms laying down the level of secretarial/stenographic assistance admissible to Officers may be operated flexibly as per the administrative exigencies by making suitable adjustments by the Ministries/Departments within the refixed strength of different grades of the Central Secretariat Stenographers' Service CSSS).

DOP&T O.M. No.10/3/2004-CS.II (Pt. VII) dated 25.2.2005

Scale of Group D Establishment:

Designation	*Jamadar/ Peon	* Now Attendant
Secretary	1	
Special Secretary	1	
Additional Secretary	1	
Joint Secretary of Officer of equivalent rank	1	
Deputy Secretary or officer of equivalent rank	1	Peon for two Deputy Secretaries occupying same or adjacent room.
Under Secretary or officer of equivalent rank	1	Peon for two Under Secretaries occupying same or adjacent room.
Section other than special sections like cash, Central Registry etc.	1	Peon and 1 Daftry for two sections located in same or adjacent rooms
Special Section like cash, Central Registry etc.		Strength of Peon and Daftry to be fixed on ad-hoc basis in consultation with SIU of Ministry of Finance.

Note: Entitlement of Ministers has now been separately prescribed by DOP&T.
[Min. OF Fin. OM No. F.1(94)-E(Coord); 75, dt. 25-10-75]

(ii) Leave Reserve :
(a) 10% of the total strength.
(b) 7-1/2% for Special Section.
[Min. of Fin. OM No. F1(30)-E (Coord)/64 dt. 19-5-1964]

Record Sorters:

All posts of record sorters should be treated as selection grade for Daftry. The strength of Selection Grade posts should be fixed at 15% of the total number of permanent posts of Daftry.
[Ministry of Finance OM No.20(1)Estt.III/54 dated 25-4-1954]

Sweepers:
One sweeper 8000sq. ft of office rooms per day consisting of 7 hours duty.
[Ministry of Finance O.M No.F (1)53-E(coord)/64 dated 9-12-1964]

Annexure

Check list of Information/Details to be furnished with cases of creation of posts

The Post

1.Name and Designation of post.
2.Pay Scale of the post.
3.Grade/Category of the post.
4. Scientific/Technical or Administrative nature of the post.
5.Functional justification (For each of the category separately)
6. How were the functions of the post being managed in the absence of its creation.
7.Duties and responsibilities of the post(job description for each position).
8. Essential and Minimum qualification of the post .
9. Recruitment Rules relevant to the post.
10. Mode of filling up the post.
11. Immediate feeder post in the line of promotion.
12.Immediate promotion in the hierarchy.
13. Workload of the post. (extract of SIU study if any)
14. Financial implication for creation of post.

The Organisation

1) Name of the Organisation.
2) Detailed sanctioned strength(category wise with pay scales)
3) Detailed actual strength (category wise)
4) Details of vacancies (date wise)
5) Whether the organization has been studied by SIU/IWSU? If so details.
6) Details of the posts abolished in the last five years under categories like,
   a) deemed abolition, b)10% cut, c)SIU/IWSU study, d) ERC recommendations
   e) DOP&T O.M. dated 16-05-2000 on optimization of direct recruitment to civilian posts, and
   f) any other reasons such as periodic reviews, winding up etc.
7) Possibilities of redeployment /outsourcing/hiring out of services.
8) Matching savings (with specific posts which are to be surrendered).
9) Cost (Both recurring and Non-recurring).
10) Additional information specific to this proposal.

[Ministry of Finance O.M. F 7(1)/E(Coord I)/2006 dated 24-2-2006]

Chapter 2

CLASSIFICATION, CHARACTER AND STATUS OF POSTS.

2.1. CLASSIFICATION

2.1.1 The Civil Services of the Union shall be classified as follows:-

(i) Central Civil Service, Group A
(ii) Central Civil Service, Group B
(iii) Central Civil Service, Group C
(iv) Central Civil Service, Group D**

Rule 4 of CCS(CCA) Rules, 1965
(**Till they are upgraded)

2.1.2 If a Service consists of more than one grade, different grades of such Service may be included in different groups.

2.1.3 Civil Posts under the Union other than those ordinarily held by persons to whom the CCS(CCA) Rules, 1965 do not apply, shall, by a general or special order of the President, be Classified as follows :-

(i) Central Civil Posts, Group 'A';
(ii) Central Civil Posts, Group 'B';
(iii) Central Civil Posts, Group 'C';
(iv) Central Civil Posts, Group 'D';

Rule 6 of CCS(CCA) Rules, 1965
(**Till they are upgraded)

2.1.4 Unless created as specific additions to the existing cadres which have been already classified, all posts, permanent or temporary, should be formally classified as soon as created in consultation with Department of Personnel & Training and Ministry of Finance.

Notification. No.11012/7/2008-Estt.(A)dated 09-04-2009

2.1.5 Unless created as specific additions to existing cadres which have already been classified, and in the absence of any general or special orders to the contrary, Central Civil Posts will, w.e.f. 09-04-2009 be classified as follows:

S.No.	Description of Posts	Classification of Posts
1.	(a) A Central Civil post in Cabinet Secretary's scale (Rs. 90,000 fixed), Apex Scale (Rs. 80,000 fixed) and Higher Administrative Grade plus scale Rs. 75,500-80,000); and (b) A Central Civil post carrying the following grade pays:- Rs. 12,000, 10,000, 8900 and 8700 in the scale of pay of Rs. 37,400-67,000 in Pay Band-4 and Rs. 7600, 6600 and 5400 in the scale of pay of 15,600-39,100 in Pay Band-3	Group 'A"
2.	A Central Civil post carrying the following grade pays:- Rs. 5400, 4800, 4600 and 4200 in the scale of pay of Rs. 9300-34,800 in Pay Band-2	Group 'B'
3.	A Central Civil post carrying the following grade pays:- Rs. 2800, 2400, 2000, 1900 and 1800 in the scale of pay of Rs. 5,200-20,200 in Pay Band-1	Group 'C'
4	A Central Civil post carrying the following grade pays;- Rs. 1300, 1400, 1600, 1650 in the scale of pay of Rs.4,440 in IS Scale	Group 'D'(till the posts are upgraded

Explanation – For the purpose of this order, Pay Band, in relation to a post, means the running Pay Band specified in Part-A, Section 1 of Column 5 of the First Schedule of the Central Civil Services (Revised Pay) Rules, 2008.

Dept. of Per. &Trg. Notification F. No. 11012/7/2008-Estt(A) dated the 9th April, 2009 and OM No. 11012/7/2008-Estt.(A), dated 17th April, 2009

2.1.6 For up-grading of Group C or down-grading of Group B posts, the Union Public Service Commission should be consulted before the Department of Personnel & Training are approached for concurrence to the proposed re-classification.

2.2 **CHARACTER OF POSTS**

2.2.1 **Ministerial or non- ministerial**

Ministerial servant means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specifically defined as such by general or specific order of a local government. Local government does not include a Chief Commissioner. FR 9(17)

(a) Those member of Group B service whose duties are predominantly clerical shall be called as ministerial servants.

(b) Having regard to the nature of the duties attached to them, the posts of Private Secretary to Secretaries and Joint Secretaries should be classified as 'Ministerial'.

(c) Unless already classified, all new posts should be classified into 'Ministerial'.

(d) Posts of Senior Gestetner Operator are to be classified as 'Ministerial'.

(e) All proposals regarding classification of posts as 'Ministerial' or 'non-Ministerial' should be referred to the Department of Personnel & Training who will, where necessary consult UPSC.

2.2.2 **Industrial& non-industrial**

Such of the staff who come within the meaning of 'Workmen' for the purposes of the Industrial Disputes Act. 1964, as amended from time to time, should be classified as 'Industrial employees'.

2.2.3 **Tenure posts**

Tenure post means a permanent post which an individual Government servant may not hold for more than a limited period. In case of doubt, the Central Government may decide whether a particular post is not a tenure post.

FR 9(30A)

The Union Public Service Commission should be consulted before classifying a post, whether permanent or temporary, as a tenure post.

2.3 **STATUS (GAZETTED OR NON-GAZETTED)**

2.3.1 **CRITERIA**

(i) Group A posts and Group B non-ministerial and executive posts should ordinarily be given gazetted status.

(ii) Group B ministerial posts may be given gazetted status only on very special considerations, such as, the following:-

(a) The officer already had gazetted status before appointment.

(b) The officer has commissioned or gazetted officers under his orders.

(c) The officer performs duties of a technical character requiring special qualifications.

(d) The office is periodically left in charge of the office during the absence of his superior on tour and has to dispose of business and to deal with gazetted officers or businessmen/ on behalf of his superior.

(iii) Group C posts to be treated as a rule, as non-gazetted.

2.3.2 All newly created posts, whether permanent or temporary, should be classified, as soon as created in consultation with Department of Personnel & Training.

2 .4 **EX-OFFICIO SECRETARIAT STATUS**

2.4.1 The instruction for the conferment of ex-officio secretariat status on officers holding non-secretariat posts are contained in the Ministry of Home Affairs O.M. No. 17/7/65-Estt(A) dated 16th November, 1967. According to these instructions, Secretariat status is necessary only for those officers who:

(a) sign communication, orders or notifications on behalf of Government.

(b) within the limits of the Rules of Business or secretariat Instructions, take decision on behalf of Government.

Whatever there is a departure from the conditions stated at (a) and (b) above; the *ex-officio* status would lapse with the transfer/retirement of the present incumbent.

2.4.2 The conferment of *ex-officio* secretariat status on any non-Secretariat officer does not add to the status of the post held by him.

DoP&T OM No. 28013/1/87.Est(A) dated 16th May, 1988

Chapter 3

RECRUITMENT RULES

3.1 **AUTHORITY**

3.1.1 Subject to the provisions of the Constitution of India, Parliament may by law, regulate the recruitment, and conditions of service of persons appointed to public service and posts in connection with the affairs of the Union, but the President, or such person as he may direct in the case of services and posts in connection with the affairs of the Union, may make rules regulating the recruitment, and the conditions of service of persons appointed to such services or posts, until provision in that behalf is made by or under an Act of Parliament, and any rules so made shall have effect subject to the provisions of any such Act.

(Article 309, Constitution of India)

3.1.2 At present the three All India Services which are common to the Union and the States and which have been duly constituted are the Indian Administrative Service, the Indian Police Service and the Indian Forest Service. Sub-section (1) of Section 3 of the said Act empowers the Central Government to frame rules in consultation with the State Governments, for the regulation of recruitment and the conditions of service of persons appointed to an All India Service. Detailed rules and regulations in this regard have accordingly been made in respect of the three Services which have already been constituted.

(Article 312, Constitution of India)

3.2. **PROCEDURE FOR FRAMING RECRUITMENT RULES**

3.2.1 As soon as a decision is taken to create a new post/ service, or to upgrade any post, or re-structure any service, action should be taken immediately by the administrative Department concerned to frame recruitment rules therefore concerning all Groups A& B posts/ services and Groups C posts. Heads of Department of Attached/ Subordinate offices, who are competent to create posts etc. under their own powers, should endorse a copy of the relevant sanctions to the Administrative Department concerned, indicating therein whether the posts are already covered by the existing rules or fresh recruitment rules need to be framed. An officer not lower in rank than that of an Under Secretary/ Desk Officer should initiate action for the framing of recruitment rules for the new posts/ services.

3.2.2 Recruitment Rules for Groups ‘A’ & ‘B’ posts / services as approved by the administrative Department should be referred to the Department of Personnel & Training first for clearance as early as possible, and not later than one month from the date of the creation of post / Service. Proposal for framing/ amendment of Recruitment Rules for Group ‘A’ & Group ‘B’ posts (except Service Rules) is sent to Department of Personnel & Training, first, on-line under Recruitment Rules Formulation, Amendment and Monitoring System (RRFAMS) of the on-line services of Department of Personnel & Training. After approval of on-line Recruitment Rules in Department of Personnel & Training, the proposal is referred by the Department in a file with a self-contained note accompanied inter alia the following: -

(i) Copy of the report of freezed on-line Recruitment Rules.
(ii) Draft Recruitment Rules including notification and Schedule 1 (for posts other than those in the Organized Services) in the proforma in Annexure I
(iii) Supporting particulars in Annexure II (for framing of Recruitment Rules)/ Annexure-III (for amendment of Recruitment Rules), as prescribed in Department of Personnel & Training OM No. AB.14017/48/2010-Estt. (RR) dated 31.12.2010.
(iv) Recruitment Rules for the feeder posts(s) and the higher post, if any.
(v) Present sanctioned strength of the post for which rules are being framed/ amended as also of the lower and higher posts.
(vi) Check-list as prescribed in Department of Personnel & Training OM No. AB.14017/37/2012-Estt. (RR) dated 28.1.2013.

The administrative Departments are empowered to frame /amend Recruitment Rules in respect of Group 'C' posts keeping in view the guidelines issued by this Department on various aspects. In cases of deviations from the existing guidelines, the concurrence of Department of Personnel & Training is to be obtained in cases of framing / amendment of Recruitment Rules even for Group 'C' posts. The Departments are competent to relax the Recruitment Rules for Group 'C' posts.

3.2.3 Ordinarily, the draft Recruitment Rules will be returned by the Department of Personnel & Training with their comments, within a month from the date of reference to that Department. If the circumstances of a case require more time for scrutiny / discussion, the administrative Department will be informed of the same and where there are many points for clarification, the Departments may also be requested to discuss the case with the officers of the Department of Personnel &Training.

Model Recruitment Rules for a number of posts framed in consultation with the Union Public Service Commission, have been circulated to all Departments. While framing Recruitment Rules for such posts, the Model Rules should be adhered to.

3.2.4 After obtaining the concurrence of the Department of Personnel & Training, the Administrative Ministry / Department should refer the draft Recruitment Rules for posts/ services which are within the purview of the UPSC in a self-contained letter to the Commission, along with the information in the prescribed proforma. It should be stated in the letter to the Commission whether the clearance of the Department of Personnel & Training (and also the Department of Pension & Pensioners' Welfare, where required) has been obtained in respect of the proposals in question. Where the procedure for consultation with the Commission has been followed and information necessary for consideration of the proposal has been fully given, it should be possible for the Commission to convey their advice ordinarily within 4 to 5 weeks. If the Commission's advice is not received within this time, the administrative Department may settle the matter by personal discussion with the officers concerned in the Commission.

3.2.5 In case the provisions of the final draft as approved by the Commission are at variance with the draft rules, as concurred by the Department of Personnel and Training, the changes should be brought to the notice of the Department.

3.2.6 The procedure as indicated above will apply also to amendments proposed to be made to existing recruitment rules. Such proposals should however be sent along with the information in proforma given in Annexure-III (and not Annexure-II).

3.2.7 The Recruitment Rules or amendment(s) thereto as finally approved by the Union Public Service Commission are required to be notified within a period of 10 weeks from the date of receipt of their advice letter. This time limit should be adhered to.

3.3 SALIENT POINTS REGARDING FRAMING OF RECRUITMENT RULES

3.3.1 Short title to rules: - It is necessary to give short titles to general statutory rules and statutory rules and orders framed by the Ministries/ Departments, for referencing and tracing of rules. All amendments to such rules/ orders should also bear short rules and be given serial numbers in the short titles.

3.3.2 Commencement of rules: - All rules should be published before the date of their enforcement or they should be enforced from the date of their publication. If owing to any unavoidable circumstances the reasons which necessitated the retrospective operation of the rule, should be published separately along with the notification whereby the rule is made, but such explanatory memorandum should not from a part of the rule. The explanatory memorandum should further recite that the interests of no one would be prejudicially affected by reason of the retrospective operation of the rule.

3.3.3 Disqualification: - The recruitment rules should incorporate a standard rule in the following form to provide for prohibition against bigamous marriages in the case of Government servants: -

"No person: -

(a) Who has entered into or contracted a marriage with a person having a spouse living, or
(b) Who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to service

Provided that the Central Government may, if satisfied that such marriage is permissible under the Personal Law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of the rule".

3.3.4 Saving Clause: - The recruitment rules in respect of all services/ posts within the purview of the reservation orders should contain a separate rule on the following lines: -

"Saving — Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes

ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard." Such a rule will ordinarily have to be inserted at the end of the rules, unless any other place is considered to be more appropriate in the context of a particular set of rules.

3.3.5 Classification of Services/ Posts: - Recruitment Rules should indicate classification of Services/ posts concerned. [In this connection, Chapter II may be referred to.] The UPSC should be consulted on all proposals for upgrading a Group C post or downgrading a Group B post, to which recruitment has already been made without consulting them.

3.3.6 Manner of recruitment to a particular grade or group of posts: - The manner in which recruitment to a particular grade or group of posts should be made, has necessarily to be determined with reference to the qualifications, experience and previous training required for efficiently manning the post. It is also necessary to ensure that persons employed in the lower grades of the service or lower posts have adequate opportunities of promotion so that incentive to good work is maintained. Another point to be considered in this context is the availability in the open market of persons who can be appointed to the particular grade or post. The need for providing a certain amount of direct recruitment which would facilitate the introduction of fresh blood and incidentally provide an opportunity for Scheduled Castes and Scheduled Tribes employees to be appointed against a reserved quota, will have to be balanced against the other considerations mentioned above; and the controlling authorities of the various services and posts will, on a balance of these considerations, have to determine whether, and if so to what extent, direct recruitment can be introduced in grades or posts to which there is at present no direct recruitment.

3.3.7 Eligibility for promotion: - It is necessary to fix suitable standards for promotion from one grade to another, including minimum length of service in the lower grade. As far as possible, the minimum length of service in the lower grade prescribed as a condition for promotion to the higher grade should not markedly be different from that prescribed by other Departments for promotion to similar grades involving the same nature of duties and responsibilities. The qualifying service for promotion from one grade to another is necessary so that there is no premature promotion or undue jump in pay and also to ensure that the officer has sufficient opportunity to demonstrate his competence/potential for holding the higher post. The period of qualifying service varies from post to post depending upon the scale of pay and the experience, required for manning the higher post. Broadly, the following qualifying service for promotion from one grade to another may be followed:

Field of Promotion

From Grade Pay (in Rs)	To Grade Pay (in Rs)	Qualifying Service (in years)
1800	1900	3 years
1900	2000	3 years
1900	2400	8 years
2000	2400	5 years
2400	2800	5 years
2400	4200	10 years
2800	4200	6 years
4200	4600	5 years
4200	4800	6 years
4200	5400	8 years
4200	6600	10 years
4600	4800	2 years
4600	5400	3 years
4600	6600	7 years
4800	5400	2 years
4800	6600	6 years
5400	6600	5 years
6600	7600	5 years
6600	8700	10 years
7600	8700	5 years
7600	8900	6 years
8700	8900	2 years
8700	10000	3 years
8900	10000	2 years
10000	HAG	3 years
HAG	HAG + Scale	1 year
HAG	Apex Scale	2 years
HAG + Scale	Apex Scale	1 year

3.3.8 Relaxation Clause: - The Relaxation Clause of the Recruitment Rules may be as follows: -

"Power to Relax: - Where the Central Government is opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing, and in consultation with the Union Public Service Commission for Group A & B posts only relax any of the provisions of these rules with respect to any class or category of persons".

Whenever the Administrative Ministry/ Department finds the necessity to suggest relaxation of any provisions of the recruitment rules, they should after obtaining the approval of the Secretary in the case of Group "A" posts & Joint Secretary concerned in other cases, first consult the Department of Personnel & Training before making a proposal to the UPSC.

It is for the authority competent to relax, to consider the facts and circumstances of each case and come to the conclusion whether under the circumstances the relaxation should be granted.

The following three guidelines are suggested to be kept in mind while considering relaxation:

(a) The discretion must be exercised bonafide;
(b) Such an exercise should satisfy an objective test; and
(c) It would satisfy any responsible man in place of the authority competent to relax.

In addition to the three points noted above, the power should be vested in a higher authority.

3.3.9 The draft Recruitment Rules should be drawn as given in Annexure –I of the guidelines on RRs, which consist of following columns:-

Column 1: Name of post
Column 2: Number of post
Column 3: Classification
Column4: Pay Band and Grade Pay/Pay Scale
Column5: Whether Selection post or non-selection post
Column6: Age limit for direct recruits
Column7: Educational and other qualifications required for direct recruits
Column8: Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees
Column9: Period of probation, if any
Column10: Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods
Column11: In case of recruitment by promotion/ deputation/ absorption grades from which promotion/deputation/ absorption to be made
Column12: If a Departmental Promotion Committee exists what is its composition
Column13: Circumstances in which Union Public Service Commission to be consulted in making recruitment

3.3.10 The covering notification of the draft recruitment rules should include the following.

(i) Short title and commencement
(ii) The date from which the Recruitment Rules come into force.
(iii) Application.
(iv) Number of posts, classification and scale of pay.
(v) Method of recruitment, age limit and other qualifications.
(vi) Disqualifications (regarding plural marriages).
(vii) Power to relax clause.
(vii) Saving Clause.

3.3.11 All recruitment rules including their amendments should be approved at the level of Minister-in-charge, unless the Minister has by general or special order authorized such approval at a lower level(s). The Ministries/ Departments may put up proposals for suitable delegation for approval of the Minister-in-Charge. The following scheme of delegation is suggested:

Posts/ Services	**Authority**
Groups C	Joint Secretary
Groups A& B posts / Services (excepting those indicated below)	Secretary
Framing of or important amendments to Recruitment Rules for posts of Heads of Departments or Service Rules for Organized Services	Minister

The above is only suggestion and the Ministries / Departments are free to follow a different pattern depending on the local situation.

3.3.12 In respect of framing of Recruitment Rules for posts which are not covered by any of the Organized Services, the format of a Notification accompanied by the 13 column Schedule as given in para 3.3.9 shall be used. As for Organized Services, comprehensive Service Rules shall be framed covering, inter-alia, the following aspects:-

1. Short Title and Commencement
2. Definitions
3. Constitution
4. Grades, Authorized Strength and its review
5. Members of the Service
6. Initial constitution of the service.
7. Future maintenance of the service
8. Appointments by deputation
9. Seniority
10. Probation
11. Appointment to the service
12. Liability for service in any part of India and other conditions of service.
13. Disqualifications
14. Power to relax
15. Savings
16. Interpretation
17. Repeal

3.3.13 When a Ministry or Department indicates in the recruitment rules pertaining to any post/service as a source of “deputation”, a Service which is under the control of another Ministry or Department, the latter should be consulted before the draft rules are referred to the Union Public Service Commission. If the controlling Ministry or Department concerned with the Service concur in the proposal, this would in effect, amount to an understanding being reached with them that a suitable person would ordinarily be made available on deputation by them for the post/service in question. Copies of the recruitment rules for the

post/service in question, after they have been notified, may also be endorsed to such controlling Ministry/Department for information. This would enable the controlling authority to have an idea of demands that are likely to be made in the Service under its control for purposes of deputation. For deputation from among the State Service, however, which concern all States, this procedure of prior consultation with the State Governments would, for obvious reasons, be unnecessary.

3.4 **WHERE PROMOTION IS METHOD OF RECRUITMENT**

3.4.1 When promotion is kept as a method of recruitment, the detailed composition of the Departmental Promotion Committee may be indicated. In all cases, the minimum number of officers to be included in the DPC should be 3 and as far as possible the departments may avoid various alternative designations of officers which may cause confusion. In the case of promotion to Group 'A' posts, the Union Public Service Commission shall also be associated.

3.4.2 Endeavour should also be made to nominate SC/ST officers on the DPC constituted for various posts/services. However, the Recruitment Rules need not indicate the SC/ST officer as a DPC Member as inclusion of such an officer is covered by executive instructions.

3.4.3 The UPSC need not be associated in respect of posts where the promotion is based on non-selection.

3.4.4 Separate composition of Departmental Confirmation Committee may be prescribed for considering cases of confirmation in the case of appointment by promotion/direct recruitment/re-employment.

3.5. **CONSULTATION WITH UPSC**

The circumstances in which the UPSC are to be consulted in making recruitment to the posts within their purview should be clearly indicated. Cases in which the Commission are to be consulted are illustrated below:-

(i) Direct Recruitment

(ii) Re-employment

(iii) In all cases of 'absorption', the Commission shall be consulted. Such consultation is necessary because permanent arrangements are being made without resorting to the method of open recruitment and the Commission would ensure that the post has been circulated widely as per the provisions of the rules and the best person is selected.

(iv) When the composite method of recruitment is prescribed i.e. the departmental candidate is to be considered along with outsiders, the selection shall be made by the Commission only.

(v) For purpose of promotion from Group 'A' post to another Group 'A' post, consultation with the Commission is not necessary as per UPSC (Exemption from Consultation) Regulations, 1958. But, as the DPC for considering promotions within Group 'A' posts shall be presided over by Chairman/Member of the Commission, necessary provisions may be made in the DPC Column.

(vi) The Ministries/ Department are advised that if there are overriding compulsions for filling any Group A or Group B post in the absence of Recruitment Rules, then they may make reference to UPSC for determination of method of recruitment as a onetime measure for filling up of a post on regular basis.

(vii) When the field of deputation for Group 'A' or Group 'B' posts consists of Central Group 'A' or Group 'B' officers only, consultation with the Commission for selection of an officer is not necessary. If the field for consideration includes State Government Officers or Group 'A' & 'B' officers of the Central Government simultaneously, selection for the post shall be done through the UPSC. When the field for consideration is made more broad-based and consists of not only Central/State Government officers but also officers from non-Government institutions, the selection shall always be done through the Commission. This is tantamount to direct recruitment and the Commission would ensure that the post has been circulated to all the authorities held down in the field and the best person is selected.

(viii) Any relaxation or amendment of the provisions of the Recruitment Rules.

(ix) Exemption from Consultation with UPSC is governed by the UPSC (Exemption from Consultation) Regulations, 1958 as amended from time to time and the Central Civil Services and Civil Posts (Consultation with Union Public Commission) Rules, 1999 as amended.

3.6. **CONCURRENCE OF MINISTRY OF FINANCE TO ALTERATIONS IN SERVICE RULES**

As the pay scales agreed to by the Ministry of Finance are on the basis of the qualifications and other requirements laid down for the respective posts, any alterations in the Service Rules applicable to any cadre, which will have the effect of lowering the qualifications below those laid down when the Service Scheme was sanctioned and the pay scales were agreed to by the Ministry of Finance, should receive the prior concurrence of that Ministry.

3.7. Departments may send proposals for framing/ amendment of recruitment rules on file to this Department and to UPSC invariably accompanied with duly filled in check list prescribed vide DOPT OM No. AB.14017/37/2012-Estt. (RR) dated 28.1.2013 and DOPT OM No. AB.14017/21/2011- Estt. (RR) dated 9.8.2011 respectively.

3.8. The proposal for relaxation of recruitment rules should consist of a self contained note indicating the name of officer, batch, period of relaxation of the shortfall, justification for the same duly approved by the competent authority. The reference to DOPT should be made at the level of Joint Secretary. The signed

and issued copy of seniority list of grades and duly filled in prescribed Annex-IV may also be furnished with the proposal.

3.9 **ELIGIBILITY REQUIREMENT FOR PROMOTION TO VARIOUS GRADES**

3.9.1 The eligibility requirement for considering promotion to Senior Administrative Grade and Higher Administrative Grade of Organized Group 'A' Service (Non-Engineering) has been prescribed vide DOPT OM No. AB.14017/61/2008-Estt.(RR)/Pt. dated 15.12.2009 as follows: -

(i) For promotion to SAG level, the eligibility requirement shall be

"Officers in the JAG with 8 years' regular service in the grade including NFSG OR Officers with 17 years' regular service in Group 'A' posts in the service out of which at least 4 years' regular service should be in the JAG (including service rendered in the NFSG of the JAG."

(ii) For promotion to HAG level, the eligibility requirement shall be

"Officers in the SAG with 3 years' regular service in the grade OR Officers with 25 years' regular service in Group 'A' posts in the service out of which at least 1 year' regular service should be in the SAG."

3.9.2. Similarly, the following eligibility requirement for promotion to SAG and HAG in Organized Group 'A' Engineering Services vide DOPT OM No. AB.14017/61/2008-Estt. (RR) dated 18.1.2011.

(i) For promotion to SAG level, the eligibility requirement shall be

"Officers in the grade of Superintending Engineer and equivalent (PB 4 Grade Pay of Rs. 8700/-) with 3 years regular service in the grade or officers in the grade of Superintending Engineer/equivalent with 17 years regular service in Group A posts in the service out of which at least 1 year of regular service should be in the PB-4 Grade Pay of Rs.8700".

(ii) For promotion to HAG level, the eligibility requirement shall be

"Officers in the SAG with 3 years' regular service in the grade OR Officers with 25 years' regular service in Group 'A' posts in the service out of which at least 1 year' regular service should be in the SAG."

3.10. The instructions related to operation of the reserve panels prepared on the basis of selections for promotion on direct recruitment, deputation and absorption basis, made by UPSC, Staff Selection Commission, other recruiting agencies and where selections are made by Ministries/ Departments, have been issued videDOP&T OM No. 41019/18/97-Estt. 'B' dated 13.6.2011.

3.11. The principle to be observed for forwarding of applications for other posts from candidates serving under the Govt. has been laid down vide DOPT OM No. AB.14017/101/91-Estt. (RR) dated 14.7.1993.

3.12. The crucial date for determining eligibility for filling up posts by composite method of promotion/ deputation (including short term contract) will be same as applicable for deputation.

3.13. The crucial date for determining age limit for competitive examinations by UPSC, SSC has been prescribed vide DOPT OM No. AB.14017/70/87-Estt. (RR) dated 14.7.1988.

3.14. The instructions for amendment of Service Rules/Recruitment Rules on revision of pay scales due to implementations of Sixth Central Pay Commission's recommendations has been issued vide DOP&T OM No. AB-14017/61/2008-Estt.(RR) dated 24.3.2009.

For detailed study refer to OM No. AB.14017/48/2010-Estt. (RR) dated 31.12.2010 regarding Revision of Guidelines for framing/ amendment/ relaxation of Recruitment Rules

Chapter 4

AGE LIMITS FOR APPOINTMENTS

4.1 Age limits for recruitment to Central Services/posts are prescribed in the Recruitment Rules for the Service/post concerned, having regard to the qualifications and experience prescribed therefor. In the case of Services/posts, other than technical, professional and specialist Services/posts, the age limits as laid down in the relevant Recruitment Rules are, by and large, based on the general orders issued by the Government of India from time to time.

4.2 RELAXATION OF AGE LIMITS

4.2.1 The general principles to be followed in dealing with individuals cases of relaxation of age limits are indicated below:-

(a) Relaxation of age limits is ordinarily made only where the Recruitment Rules provide for such relaxation. Where it is expected that it may be necessary to make such relaxation a suitable provision should be made in the Recruitment Rules which should indicate also the authority competent to make the relaxation. If no such relaxation is provided for in the Recruitment Rules the provision of clauses (b) and (d) below will apply.

(b) Where Recruitment Rules have been framed in consultation with the Union Public Service Commission, the relaxation of the age limits prescribed therein should not be made without consultation with the Commission.

(c) Where the Services/posts are excluded from the purview of the Union Public Service Commission and Recruitment Rules have, therefore, been framed without consultation with the Commission, the age limits prescribed in the Rules should not be relaxed without the concurrence of the Ministry controlling the Service or post concerned.

(d) The above arrangement is subject to any general instructions issued by the Department of Personnel and Training providing for relaxation of age limits in respect of particular categories/persons e.g. in respect of persons belonging to Scheduled Castes etc. as well as any instructions specifically requiring the Department of Personnel & Training to be consulted in respect of any class of cases e.g. relaxation for purposes of issue of declaration of quasi-permanency certificates etc.

M.H.A. OM No. 4/1/55-RPS dated 12-2-55

4.2.2 **GENERAL RELAXATION IN SPECIFIC CATEGORIES**

(a) Scheduled Castes and Scheduled Tribes
Up to 5 years for all posts filled by Direct Recruitment
NOTIFICATION NO. 2/101/72-ESTT(D) DATED 07.03.1974

(b) Other Backward Class
Up to 3 years for all posts filled by Direct Recruitment
O.M. No. 43013/2/95-Estt. (SCT) dated 25.01.1995 and O.M. No. 36012/22/93-Estt.(SCT) dated 22.10.1993

(c) Persons with disabilities

Up to 5 years (10 years for SC/ST persons with disabilities and 8 years for OBC persons with disabilities) for direct recruitment to Group 'A' and Group 'B' where recruitment is made otherwise than through open competitive examination
O.M. No. 36035/3/2004-Estt(Res.) dated 29.12.2005

Up to 10 years (15 years for SC/ST persons with disabilities and 13 years OBC persons with disabilities) for Direct Recruitment to Group 'Ç' and erstwhile Group 'D' (now MTS) posts and for recruitment to Group Á' and Group 'B' posts through open competitive examination.
No. 43019/28/86-Estt.(D) dated 01.02.1999 read with O.M. No. 36035/3/2004-Estt(Res.) dated 29.12.2005

(d) Retrenched Central Government Employee

Period of previous service under the Govt. of India plus three years for posts filled otherwise than through UPSC on the basis of competitive tests, i.e. filled through employment exchange.
Notification No. 2/101/72-Estt(D) dated 07.03.1974

(e) Whole Time Cadet Instructors in NCC

(i) who were released from NCC after the expiry of their initial/ extended tenure -Period of service rendered in NCC plus three years for the purpose of appointment to the posts, recruitment to which is made through the Employment exchange
Notification No. 2/101/72-Estt(D) dated 07.03.1974

(ii) Who was released from NCC before the expiry of their initial/extended tenure - Period of service rendered in NCC plus three years, for the purpose of appointment to the posts, recruitment to which is made through the Employment exchange**,** provided they have served in NCC for a period of not less than six months prior to their release from NCC.
Notification No. 2/101/72-Estt(D) dated 07.03.1974

(j) Ex-General Reserve Engineer Force (GREF) Personnel

Period of Service in GREF plus 3 years for posts filled otherwise than through UPSC on the basis of competitive tests, i.e. filled through Employment exchange

O.M. No. 4/10/64-Estt(D) dated 26.10.1964 and Notification No. 2/101/72-Estt(D) dated 07.03.1974

(k) Territorial Army Personnel who have served on the permanent staff of Territorial Army Unit or have been embodied for service under T.A. Rule 33 for a continuous period of not less than six months

Entire Period of embodied service including broken period in the Territorial Army plus three years for post filled otherwise than through UPSC on the basis of competitive tests i.e. for posts filled through Employment Exchange.

O.M. No. 4/6/64-Estt(D) dated 11.02.1965 and Notification No. 2/101/1972-Estt(D) dated 7.3.1974

(l) Ex-Servicemen

Period of Military service plus 3 years for Group C & erstwhile D posts

Notification No. 39016/10/1979- Estt. (C) dated 15.12.1979

(m)Disabled Defence services personnel

Upper age limit up to 45 years (50 years of SC/ST) for Group C & erstwhile D posts filled through Employment Exchange and up to 45 years (50 years of SC/ST) for Group A & B posts filled otherwise than through Competitive Examination by UPSC.

O.M. No. 14/42/65-Estt(D) dated 29.03.1966 and O.M. No. 13/35/71-Estt.(C) dated 24.12.1971

Relaxation up to 3 years (8 years for SC/ST), for all posts filled by Competitive examination subject to the condition that they would not be allowed to avail of a larger number of chances in respect of recruitment to a service, or group of services, than the maximum number of chances permissible to any general candidate under the age limit.

O.M. No. 39016/5/1981-Estt.(C) dated 21.02.1981

(n) Ex-personnel of Army Medical Corps (Short Service regular Commissioned Officer) up to 35 years for all posts requiring Medical qualifications.

MHA O.M. No. 4/3/55-RPS dated 13.07.1956

(o) Ex-servicemen ECO/SSCO

Military service plus three years for Group A & B Posts Services/posts filled by direct recruitment otherwise than on a result of any open All India competitive examination held by UPSC subject to the condition that (i) the continuous service rendered in the Armed Forces by an ex-servicemen is not less than six months after attestation (ii) resultant age after deducting his age does not exceed the prescribed

age limit by more than three years and (iii) condition prescribed in O.M. No. 39016/10/79-Esst.(C) dated 15.12.1979

Five years for appointment to any vacancy in Group A and Group B Services/posts filled by direct recruitment on the results of an All India Competitive Examination held by UPSC, ex-service and Commissioned Officers including ECOs/SSCOs who have rendered at least 5 years military service and have been released on completion of assignment (including those whose assignment is due to be completed within 6 months) otherwise than by way of dismissal or discharge on account of physical disability attributable to military service or on being invalid.

O.M. No. 39016/15/79-Estt.(C) dated 07.09.1981 & O.M. No. 36034/8/88-Estt.(SCT) dated 19.05.1988

(p) Departmental Candidates with three years continuous service in Central Government

Up to 40 years of age (45 years for SC/ST) for appointment to Group 'C' and erstwhile 'D' (now MTS posts) by direct recruitment which are in the same line or allied cadres.

O.M. No. 15012/1/88-Esst.(D) dated 30.01.1980 & O.M. No. 15012/1/88-Esst.(D) dated 20.5.88

Up to 5 years for Group A and Group B posts filled through UPSC (other than those filled on the basis of competitive examination) and posts which are exempted from purview of UPSC (where recruitment is made by organisation themselves) which are in the same line or allied cadres and where a relationship could be established that the service already rendered in a particular post will be useful for the efficient discharge of the duties of post.

O.M. No. 15012/8/87-Estt.(D) dated 15.10.1987 & O.M. No. 35014/4/79-Esst.(D) dated 24.10.1985

(q) Widows, divorced women and women judicially separated from their husbands and who are not re-married

Up to the age of 35 years (up to 40 years for members of Scheduled Castes and Scheduled Tribes) but no relaxation of educational qualification or method of recruitment for:

- Group 'C' and erstwhile Group 'D' posts under the Central Government filled through Staff Selection Commission and Employment exchange.

O.M. NO. 15012/13/1979-Estt (D) dated 19.01.1980 & O.M. No. 15012/1/82- Estt.(D) dated 06.09.1983

- Group 'A' and 'B' posts except where recruitment is made through open competitive examination

O.M. No. 15012/1/87-Estt.(D) dated 05.10.1990

(r) Meritorious Sportspersons

Up to 5 years (10 years for SC/ST candidates) for all Group of Civil posts/Services under the Government of India filled otherwise than through Competitive examinations conducted by UPSC

OM No. 15012/3/84-Estt.(D) dated 12.11.1987

(s) Persons who had ordinarily been domiciled in the State of Jammu and Kashmir during the period 01.01.1980 to 31.12.1989

Upper age-limit relaxable by five years subject to maximum number of chances permissible under the relevant rules for recruitment to all Central Civil Services and Posts made through UPSC or SSC or otherwise by Central Government till 31.12.2013

GSR 915(E) dated 30.12.2011, GSR 208(E) dated 10th April 1997, GSR 826(E) dated 27th December 1999, GSR 919(E) dated 20th December 2001, GSR 879(E) dated 10th November 2003, GSR 707(E) dated 6th December 2005, GSR 761(E) dated 7th December, 2007, GSR 839(E) dated 23rd November 2009

For the purposes of the above mentioned age concessions:

i. "a retrenched Central Government employee" means a person who was employed under the Government of India for a continuous period of not less than six months prior to this retrenchment and was discharged as a result of the recommendation of the Economy Unit or due to normal reduction in establishment;

ii. "a whole-time Cadet instructor in NCC" means a person who was recruited as a whole-time cadet instructor in NCC on or after 01.01.1963;

iii. "Ex-GREF personnel" means a person who was employed in that Force at least a continuous period for not less than six months and who was released from that Force on completion of his tenure of Service.

iv. "disabled ex-servicemen" means ex-serviceman who while serving in the Armed Forces of the Union was disabled in operations against the enemy or in disturbed areas;

v. "Ex-servicemen" means a person, who has served in any rank (whether as a combatant or an non-combatant), in the Armed Forces of the Union, including the Armed Forces of the former Indian States, but excluding the Assam Rifles, Defence Security Corps, General Reserve Engineering Force, Lok Sahayak Sena and Territorial Army, for a continuous period of not less than six months after attestation, and (i) has been released,

otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve pending such release, or (iii) has been released at his own request after completing five years service in the Armed Forces of the Union.

4.3. These instructions are applicable only to Central Government Civilian Employees holding Civil posts and are not applicable to personnel working in autonomous/statutory bodies, Public Sector under taking etc. which are governed by regulations/statute issued by the concerned administrative Ministries/Departments. In certain cases the benefit of age relaxation was allowed to a specified category of personnel for a limited period. The validity of relaxation in such cases will be for the period specified in the original instructions or as amended from time to time.

4.4 In case of recruitment through the UPSC and the Staff Selection Commission (SSC), the crucial date for determining the age-limit shall be as advertised by UPSC/SSC. The crucial date for determining age for competitive examination held by UPSC/SSC is fixed as per the instructions in DoP&T's O.M. No. 42013/1/79-Estt.(D) dated 04.12.1979 and O.M. No. AB.14017/70/87-Esst.(RR) dated 14.07.1988.

4.5. A government servant is not allowed any relaxation of age for recruitment to Group 'A' and Group 'B' post on the basis of competitive examination held by UPSC except in cases where it has been specifically provided for in the scheme of the examinations approved in consultation with UPSC.

O.M. No. 4/4/74-Estt.(D) dated 09.04.1981

4.6. The upper age-limit for recruitment by the method of Direct Open Competitive to the Central Civil Services and civil posts specified in the relevant service/recruitment rules on the date of commencement of the Central Civil Services and Civil posts (Upper Age-limit for Direct Recruitment) Rules 1998, shall be increased by two years

Notification No. 15012/6/98-Estt.(D) dated 21.12.1998

The "Direct Open Competitive Examination" for the purpose of these rules shall mean direct recruitment by Open Competitive Examination conducted by the Union Public Service Commission or the Staff Selection Commission or any other authority under the Central Government and it shall not include recruitment through Limited Departmental Examination or through short listing or by absorption or transfer or deputation.

Chapter 5

RESERVATION IN SERVICES FOR SCs/STs/OBCs

5.1 Detailed instructions regarding the special representation in services for members of Scheduled Castes, Scheduled Tribes and Other Backward Classes and various orders in that behalf are contained in the Brochure on Representation of SCs/STs/OBCs. Part I of the Brochure contains all the provisions on the subject. Nevertheless, relevant Office Memoranda in Part II thereof may be referred to in case of any doubt. These provisions in the Brochure are, however, summarised below.

5.2. **CONSTITUTIONAL PROVISIONS**

5.2.1 Following are the relevant provisions of the Constitution which govern the reservation in services:

Article16 (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Article16 (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence, or any of them, be ineligible for, or discriminated against in respect of any employment or office under the State.

Article16 (3) Nothing in this article shall prevent Parliament from making any law prescribing,in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

Article16 (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the State, is not adequately represented in the services under the state.

Article16 (4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

Article16 (4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.

Article16 (5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Article 335. The claims of the member of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently, with the

maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts inconnection with the affairs of the Union or of a State.

5.2.2 Besides, Article 46 provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

5.2.3. Definition of SCs/STs and OBCs: Articles 341 and 342 of the Constitution which define as to who would be Scheduled Castes and Scheduled Tribes with respect to any State or Union Territory are quoted below:

Article 341(1) The President may with respect to any State or Union territory, and where it is a state after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

Article 341(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Article 342(1) The President may with respect to any State or Union Territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.

Article 342(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (I) any caste, race or tribe or part or groupwithin any caste, race or tribe, but save as aforesaid a notification issued under the saidclause shall not be varied. by any subsequent notification.

5.2.4 The Constitution does not define ‘Other Backward Classes’. However, in pursuance of the judgment of Supreme Court in Indira Sawhney's case, the Government enacted the National Commission for Backward Classes (NCBC) Act, 1993. As per Section 2 thereof, "Backward classes" mean such backward classes of citizens, other than the Scheduled Castes and Scheduled Tribes, as may be specified by the Central Government in the lists. For the purpose, Section 2 also defines "lists" as lists prepared by the Central Government for providing reservation in appointments to backward classes of citizens, which, in its opinion

are not adequately represented in services, under the Government of India and any local or other authority. The Ministry of Social Justice and Empowerment has notified the lists of Castes / Communities which are treated as Other Backward Classes.

5.2.5. The Constitution imposes inter-state area restrictions so that the people belonging to the specific community residing in a specific area, which has been assessed to qualify for the Scheduled Castes or Scheduled Tribes status, only benefit from the facilities provided for them. Similar restrictions are applicable to the OBCs also. Therefore, people belonging to the same caste but living in different States / Union Territories may not belong to SCs/STs/OBCs. Thus, the permanent residence of a person on the date of the notification of the Presidential Order scheduling his caste/tribe in relation to that locality is important.

5.2.6 No person professing a religion different from Hinduism or Sikhism or Buddhism as religion can be deemed to be a member of a Scheduled Caste. There is, however, no 'religion bar' for being treated as Scheduled Tribe or Other Backward Class.

5.3 SCOPE OF RESERVATION

5.3.1 **Quantum of Reservation:** Following are the percentage of reservation applicable to various methods and modes of recruitment.

Direct Recruitment	**SC**	**ST**	**OBC**
Direct Recruitment on All India Basis.			
(i) by open competition	15%	7.5%	`27%*
(ii) Otherwise than open competition	16.66%	7.5%	25.84%
In group C and D normally attracting candidates from a locality or region @	Generally in proportion to the population of SCs/STs/OBCs in the respective state/UT except in NCT of Delhi which is 15% SC,7.5% ST and 27% for OBC		

*Out of 27% reservation for OBC a sub-quota of 4.5% has been carved out for minorities vide DOPT O.M. No. 41018/2/2011Estt (Res) dated 22-12-2011

@ After 6thCPC Group D posts have been classified as Group C.

Note 1: The expression 'by open competition' means all recruitments by UPSC whether through written examination or by interview or by both and recruitments made by other authorities including Staff Selection Commission or any other

appointing authority through written competitive examination or tests (but not by interview alone). Any recruitment not made by the U.P.S.C. or not made through written competitive test held by any other authority would mean direct recruitment otherwise than by open competition.

Where recruitment is made for zones or circles or regions consisting of more than one State, the percentages of reservation for SCs and STs is generally fixed on the basis of the proportion of SCs and STs in the respective zones/circles/regions and reservation for OBCs is fixed keeping in view their proportion in the population of the respective zones/circles/regions subject to a limit of 27% and total reservation for SCs, STs and OBCs should not exceed 50%.

The members of the Other Backward Classes who fall in creamy layer shall not get the benefit of reservation.

Promotion	**SC**	**ST**
Through Limited Departmental competitive examination in groups B,C & D	15%	7.5%
By Selection in or to groups B,C & D and to the lowest rung of group 'A'*****	15 %	7.5%
By non-selection in Group A, Group B, Group C and Group D posts	15 %	7.5%

***** In cases where promotions are made directly from group 'B' to the senior level of group 'A' bypassing and intermediary grade in between, the senior scale of group 'A' will be considered as the lowest level.

5.3.2. However, reservation in promotion is not given in the grades in which the element of direct recruitment, if any, exceeds 75 per cent.

5.3.3 **Reservation in Scientific and Technical Posts**: Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes apply to appointments to "scientific and technical" posts upto and including the lowest grade of Group A in the respective services. Such 'scientific and technical posts which satisfy all the following conditions can be exempted from the purview of the reservation orders by Departments:

(i) The posts should be in grades above the lowest grade in Group A of the service concerned.
(ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat O.M. No. 85/11/CF-61(1) dated 28-12-1961according to which scientific and technical posts for which qualification in thenatural sciences or exact sciences or applied sciences or in technology areprescribed and the incumbents of which have to use that knowledge in thedischarge of their duties.
(iii) The posts should be 'for conducting research' or 'for organising, guiding and directing research'.

Orders of the Minister concerned should be obtained before exempting any posts satisfying the above conditions from the purview of the scheme of reservation.
In the case of scientific and technical posts required for research upto and inclusive of lowest grade of Group A of a service which are not exempt from the purview of reservation orders. Reserved vacancies in such posts need be advertised only once and not twice. Also in the event of non-availability of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, vacancies in such posts may be dereserved by the administrative Department concerned. However, the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes or the National Commission for Backward Classes, as the case may be, and the Department of Personnel and Training should be informed about the dereservation together with the details and reasons necessitating dereservation.

5.3.4 **Reservation in Posts of Industrial Workers**

The industrial establishments of the Government of India and the posts and grades insuch establishments, whether these have been classified as group A, B, C and D or not, arecovered by the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

5.3.5 **Reservation in Work-Charged Posts**

The principle of reservation for Scheduled Castes, Scheduled Tribes and Other BackwardClasses should generally be suitably applied to the extent possible, to work-charged posts alsoexcept those required for emergencies like flood relief work, accident restoration and relief etc.
The percentages of reservation in such appointments may correspond to what is applicable toGroup C and Group D posts.

5.3.6 **Reservation in Appointments of Daily Rated Staff**

While it may not be practical to apply the reservation orders in toto in respect of daily rated staff, it should be ensured that persons belonging to the Scheduled Castes, ScheduledTribes and Other Backward Classes are recruited in such manner as their overall representationdoes not go below the prescribed percentage of reservation for the Scheduled Castes, ScheduledTribes and Other Backward Classes respectively.

5.3.7 Reservation in Appointments of Casual Workers to Regular Posts

Appointment of casual workers against regular posts will be a case of direct recruitment.Hence all statutory requirements relating to filling up of posts by direct recruitment should befollowed while regularizing the services of casual workers. Casual workers,who do not belong to the reserved categories, can be appointed against unreserved vacancies only.

5.3.8 **Reservation in Ad hoc Promotions**

As a matter of basic approach, ad hoc promotions should be avoided. However, if ad hoc promotions are to be made in exceptional circumstances, such as during pendency of court cases,protracted seniority disputes, non-framing of recruitment rules, unforeseen delay in direct recruitment or convening of DPCs for reasons beyond the control of the appointing authorityetc., following guidelines may be followed on every occasion when ad hoc promotions are resorted to so as to ensure that the claims of eligible officers belonging to Scheduled Castes andScheduled Tribes are also duly considered:

(i) In cases where reservation orders for SCs and STs are applicable, the number of vacancies falling to the share of SCs and STs would be the same if the vacancies were to be filled on regular basis.

(ii) Since ad hoc promotions are made on the basis of non-selection, all the Scheduled Caste/Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which ad hoc promotions are to be made, should be considered in the order of their general seniority as per the gradation list, on the principle of seniority-cum-fitness and if they are not adjudged unfit, they should all be promoted on ad hoc basis.

(iii) If the number of SC/ST candidates found fit within the range of actual vacancies is less than the number of vacancies identified as falling to their share if the vacancies were filled on a regular basis, additional SC/ST candidates to the extent required should be located by going down the seniority list, provided they are eligible and found fit for such ad hoc appointment.

(iv) All ad hoc appointees have to be replaced by regular incumbents at the earliest opportunity. When regular promotions are made subsequently, reversion of the ad hoc appointees should take place strictly in the reverse order of seniority, the junior-most candidate being reverted first. No special concessions are to be given to SC/ST candidates at the time of such reversion.

(v) There is no need for maintaining any separate formal register or roster register for ad hoc promotions. The concept of dereservation, carrying forward of reservation etc. will also not be applicable in the case of ad hoc appointments. However, a simple register called Ad hoc Promotions Register may be maintained for different categories of posts for which ad hoc appointments are made to facilitate a record being kept of the ad hoc appointments and for ensuring reversion in the proper order on regular promotions being made to the posts in question.

5.3.9 **Reservation in case of a Single Vacancy**

In cases where only one vacancy occurs in the initial recruitment year and it, according to the scheme of reservation, is reserved for Scheduled Castes or Scheduled Tribes or OBCs, it should be treated as unreserved and filled accordingly and the reservation should be carried forward to subsequent

recruitment year. In the subsequent recruitment year, even if there is only one vacancy, it should be treated as "reserved" against the carried forward reservation from theinitial recruitment year, and a Scheduled Caste/ Scheduled Tribe/OBC candidate, if available, should be appointed in that vacancy, although it may happen to be the only vacancy in that recruitment year. This provision applies to direct recruitment as well as promotion.

5.3.10 Reservation in PSUs, Autonomous Bodies etc

Autonomous Bodies/ Institutions including Municipal Corporations, Cooperative Institutions, Universities etc. under the control of the Government, may make reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services on the lines of the reservations in servicesunder Government. The Department of Public Enterprises, Ministry of Heavy Industries and Public Enterprises may arrange for issue of suitable directives to the various public sector undertakings, administrative Ministries concerned should take suitable action to provide for reservations.

5.3.11 **Reservation in Voluntary Agencies**

The nodal Departments concerned should insist as a pre-condition to the sanction of grants-in-aid from Central Government to a non-Government organizations/ voluntary agency etc. that it shall provide reservation to the extent of 15% to SCs, 7.5% to STs and 27% to OBCs in case of direct recruitment on all India basis and as shown in the table normally attracting candidates from a locality or region where:

(a) the recipient body employs more than 20 persons on a regular basis and at least 50 percent of its recurring expenditure is met from grants-in-aid from the Central Government; and

(b) the body is a registered society or a cooperative institution and is in receipt of a general purpose annual grants-in-aid of Rs.2 lakh and above from the Consolidated Fund of India.

A clause providing for reservations in the services under the voluntary agencies should be included in the terms and conditions under which such voluntary agencies /organisations etc. are given grants-in-aid by Government.

5.3.12 **Non-Applicability of Reservation**

Reservations do not apply to:

(i) Temporary appointments of less than 45 days duration.
(ii) Work-charged posts which are required for emergencies like flood relief work,accident restoration and relief etc.
(iii) Promotions by selection method from a Group 'A' post to another Group 'A' post.
(iv) Appointments to Scientific and Technical posts which are above the lowest rung of Group 'A'.

(v) Deputation/Absorption
(vi) Single post cadres

5.4 RELAXATIONS AND CONCESSIONS:

5.4.1 Concession in promotion from Group A to Group A post

There is no reservation in case of promotion from a Group A post to another Group A post. But in promotion by selection from a Group A post to a Group A post carrying Grade Pay of Rs.8700 or less, the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. Their position in the select list would, however, be same as assigned to them by the Departmental Promotion Committee on the basis of their record of service.

DOP&T O.M.36028/8/2009-Estt(Res) dated 07-06-2013

5.4.2 Filling up the post by deputation

Scheduled Caste/Scheduled Tribe employees who are eligible to be sent on deputation should also be considered along with other eligible employees for such deputation.The Ministries/Departments under whose control the posts to be filled by deputation or absorption arise, should also, while selecting persons for such post(s), duly consider the cases of eligible Scheduled Caste and Scheduled Tribe employees whose names have been forwarded, for appointment on deputation or absorption to those posts.

5.4.3 Age Relaxation

The maximum age limit prescribed for direct recruitment to a service or post is increased by five years in the case of candidate belonging to Scheduled Castes/Scheduled Tribes and three years in the case of candidates belonging to Other Backward Classes. In case of promotion, where an upper age limit not exceeding 50 years is prescribed for promotion to a service or post it shall be relaxed by five years in favour of Scheduled Castes/Scheduled Tribes, except in posts involving arduous nature of duties or meant for operational safety or are in para-military organizations.

5.4.4 Fee Concession

The candidates belonging to Scheduled Castes and Scheduled Tribes will not be required to pay any fees for admission to any recruitment examination/selection.

5.4.5 Relaxation of Experience Qualification in Direct Recruitment

In direct recruitment, the UPSC/Competent authority may at its discretion, relax the qualification regarding experience in the case of SCs/STs/OBCs candidates if at any stage of selection the UPSC/Competent authority is of the opinion that sufficient number of candidates ofthese communities/classes possessing the

requisite experience are not likely to be available for appointment against the post (s) reserved for them.Suitable provision should be made in the Recruitment Rules regarding the relaxation as provided in para 3.6 of chapter 3 of the Brochure.

When any vacancies reserved for Scheduled Castes and Scheduled Tribes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in theadvertisement/requisition that the period of experience prescribed is relaxable, at the discretion of the Union Public Service Commission or the competent authority, as the case may be, in thecase of Scheduled Caste/Scheduled Tribe candidates as provided in the Recruitment Rules. This is intended to ensure that the aspirants who may fall slightly short of the requisite experiencemay know about the possibility of relaxation in this regard.

5.4.6. **Relaxation of Standard of Suitability in Direct Recruitment**

In the case of direct recruitment, whether by examination or otherwise, if sufficient SCs/STs/OBCs candidates are not available on the basis of the general standards to fill all the posts reserved for them, candidates belonging to these communities/classes may be selected by relax standards to fill up the remaining posts reserved for them, provided they are not found unfit for such post (s). In case of non-technical and quasi-technical group C and D posts filled by direct recruitment, otherwise through written examination, (i.e. on the basis of applications or nomination by employment exchange whether followed by interview or not) the selecting authority should give further relaxation in standards, to the extent of the vacancies reserved for them, provided such candidates fulfil the minimum educational qualification prescribed in the recruitment rules or mentioned in the notice/advertisement for recruitment. However, such candidates should be given in-service training by the appointing authorities in their own office, in order to bring them to the minimum standard, necessary for the posts and for maintenance of efficiency in administration. Such candidates will, on their appointment be placed on probation. List of such non-technical and quasi-technical posts should be prepared by concerned authorities and mention thereof be made in the notification advertising such vacancies.

5.4.7 **No Relaxation in Educational Qualification**

Where an educational qualification has been prescribed in the recruitment rules, allcandidates including the SC, ST and OBC candidates shall satisfy the said qualification

5.4.8 **Relaxation of Standards in promotion**

In case of promotions made through departmental competitive examinations, if sufficient number of Schedule Caste / Scheduled Tribe candidates are not available on the basis of general standard to fill all the vacancies reserved for them, Scheduled Caste/Scheduled Tribe candidates who have not acquired the general qualifying standard can also be considered for promotion to fill the remaining vacancies reserved for them provided they are not found unfit for such promotions. In promotions made on the basis of seniority subject to fitness in which there is reservation and where a qualifying examination is held to determine

the fitness of candidates for such promotion, suitable relaxation in the qualifying standard in such examination should be made in the case of Scheduled Caste/ Scheduled Tribe candidates. Similar relaxation of standard should be made in favour of Scheduled Caste/Scheduled Tribe candidates in such departmental qualifying examinations for promotions also, where promotion is made by selection and merit is determined by qualifying examination out of the qualified candidates. The extent of relaxation in above cases should be decided on each occasion whenever such an examination is held taking into account all relevant factors including (i) the number of vacancies reserved, (ii) the performance of Scheduled Caste/ Scheduled Tribe candidates as well as general candidates in that examination, (iii) the minimum standard of fitness for appointment to the post, and also (iv) the overall strength of the cadre and that of the Scheduled Castes and Scheduled Tribes in that cadre.

5.5 **DETERMINATION OF RESERVATION QUOTA:**

5.5.1**.** The **n**umber of posts reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes in a cadre having more than 13 posts shall be determined by multiplying the cadre strength by the percentage of reservation prescribed for respective categories. While doing so, fractions, if any, shall be ignored. If the number of posts in a cadre is 2 or more than 2 but less than 14, reservation is provided as per L-shaped rosters prescribed vide Department of Personnel & Training OM No.36012/2/96- Estt(Res) dated 02.07.1997. These L-shaped rosters are nothing but 14- Point rosters. In other words, in cadres with 2 posts but less than 14 posts, reservation shall be provided by rotation on the basis of 14-point rosters (Annexure I).

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5.5.2. While filling up of vacancies in a year, efforts shall be made to make up the shortfall ofreservation for all the three categories, namely, SCs, STs and OBCs subject, however, to the condition that total number of vacancies reserved for SCs, STs and OBCs is not more than 50% of the vacancies of the year.

5.5.3. The ceiling of 50% reservation on filling of reserved vacancies would apply only to the vacancies which arise in the current year and the backlog reserved vacancies would be treated as a separate and distinct group, and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year.

5.6 **RESERVATION REGISTERS AND ROSTER REGISTERS:**

5.6.1. In case of cadres having more than 13 posts, all appointing authorities should maintain reservation registers in the prescribed format at Annexure II.

5.6.2. For cadres having less than 14 posts reservation roster registers will be maintained in the format given in Annexure-III.

5.6.3 Following principles shall be followed for preparation and maintenance of reservation registers/roster:

(a) Separate registers/ roster registers shall be maintained for appointments made by each method of direct recruitment and mode of promotion.
(b) A common register / roster register shall be maintained for permanent appointments and temporary appointments likely to become permanent or to continue indefinitely.
(c) A separate register / roster register shall be maintained for purely temporary appointments of 45 days or more but which have no chance whatever of becoming permanent or continuing indefinitely.
(d) Immediately after an appointment is made, the particulars of the person appointed shall be entered in the register / roster register in the appropriate columns and the entry signed by the appointing authority or by an officer authorized to do so.
(e) No gap shall be left in completing the register / roster register.
(f) The register / roster register shall be maintained in the form of a running account year after year.
(g) If reservation register becomes unwieldy or difficult to manage, a fresh register may be started by applying the method of initial preparation of registers.
(h) In case of cadres where reservation is given by rotation, (L-shaped rosters) fresh cycle of roster shallbe started after completion of all the points in the roster.
(i) Since reservation does not apply to deputation/absorption, where the recruitment rules prescribe a percentage of posts to be filled by these methods, such posts shall be excluded for determining reservations.
(l) After every recruitment year, an account shall be noted in the reservation register indicating representation of Scheduled Castes/Scheduled Tribes/Other Backward Classes and details of backlog reserved vacancies etc.
Note: Reservation registers / roster registers are only an aid to ensure that Scheduled Castes, Scheduled Tribes and Other Backward Classes get quota reserved for them. These registers/roster registers do not determine seniority.

5.6.4 **Grouping of Posts**

(a). In the case of posts filled by direct recruitment, small cadres may be grouped with posts in the same group for the purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts in question.
(b).The posts of Sweepers should not be grouped for the purpose of reservation, with other categories of Group D posts, even though the number of posts of Sweepers may not be large in an office /establishment.
(c).Proposals for grouping of posts should be referred to the Department of Personnel & Training for prior approval together with full particulars of the posts proposed to be grouped together in the following respect:

(i) Designation and number of each post.
(ii) Group to which the posts belong i.e. Group A, Group B, Group C or Group D.
(iii) Scale of pay of each post.
(iii) Method of recruitment for each post as provided in the recruitment rules.
(iv) Minimum qualifications prescribed for direct recruitment to each post.

(d).While reservations would be made according to the groups as provided above, the total reservation in any of the posts/services so grouped should not exceed 50 per cent of the vacancies to be filled in it i.e. in the particular post/service, in a recruitment year. The total reservation for SCs, STs and OBCs in any post or service should also not exceed 50 percent of the total number of posts in the particular post/service.

5.6.5 **Initial Preparation of Reservation Register / Roster**

(i) In order to prepare the reservation register initially, names of all the candidates holding the post as on the date of starting the reservation register may be entered in the register starting with the earliest appointee who was in the cadre as on the date of start of register.

(ii) After initial preparation of the register, the names of persons appointed thereafter may be added by filling up.

(iii) Roster registers shall be maintained for cadres with 2 to 13 posts. For preparing rosternames of all the incumbents in the cadre as on 2.7.1997 may be entered in the register starting from the earliest appointee.After all the 14 points are consumed, fresh cycle of the roster may be started.

(iv) SC, ST and OBC candidates in case of direct recruitment and SC and ST candidates in case of promotion, appointed on their own merit and not owing to reservation should not be shown against reserved quota but adjusted against unreserved quota.

(v) If an unreserved vacancy arises in a cadre and there is any SC/ST candidate within the normal zone of consideration in the feeder grade, such SC/ST candidate cannot be denied promotion on the plea that the post is not reserved. He will be considered for promotion alongwith other candidates treating him as if he belongs to general category. In case he is selected, he will be appointed to the post and will be adjusted against the unreserved point.

(vi) Only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall be treated as own merit candidates. If any SC/ST/OBC candidate is selected by getting any relaxation in experience qualification, number of permitted chances in written examination, zone of consideration etc., he/she shall be counted against reserved vacancies. Such a candidate cannot be considered for appointment against an unreserved vacancy.

(vii) SC/ST candidates appointed on their own merit (by direct recruitment or promotion) and adjusted against unreserved points will retain their status of SC/ST and will be eligible to get benefit of reservation in future/further promotions, if any.

(viii) 50% limit on reservation will be computed by excluding such reserved category candidates who are appointed/ promoted on their own merit .

(ix) A person selected for appointment on compassionate grounds should be adjusted in the reservation register/ reservation roster register against the appropriate category viz. SC/ST/OBC/UR category depending upon the category to which he belongs.

5.7 **FILLING RESERVED VACANCIES:**

5.7.1 **Direct Recruitment**

(i) When direct recruitment is to be made for reserved as well as unreserved vacancies on any one occasion, a single advertisement should be issued clearly specifying therein the vacancies reserved for Scheduled Castes, Scheduled Tribes and OBCs.

(ii) While notifying the vacancies to the local or the regional employment exchange, a single requisition should be sent to the Employment Exchange for such reserved and unreserved vacancies. The number of vacancies reserved for Scheduled Castes, Scheduled Tribes and OBCs out of the total vacancies notified should be clearly indicated in the requisition to the employment Exchange. Prescribed certificate as below should also, be given in the requisition

"Certified that the number of vacancies reserved for Scheduled Castes/Scheduled Tribes/OBCs/ex-servicemen/ Persons with Disabilities is in accordance with the reservation quota fixed by Government for these categories."

(iii) If sufficient number of Scheduled Caste/Scheduled Tribe candidates are not available or are not sponsored by the Employment Exchange for the reserved vacancies, the appointing authority should also intimate the reserved vacancies to the Director of Scheduled Castes/Scheduled Tribes Welfare in the State/Union Territory concerned.

(iv) The vacancies should also be brought to the notice of the Scheduled Caste/Scheduled Tribe Organizations recognized by this Department for the purpose of notifying to them the vacancies. It may, however, be made clear to such organizations that their function is limited to advising the Scheduled Caste/Scheduled Tribe candidates about the recruitment proposed and that it will not be for them to recommend or press the names of any individuals. The candidates should apply to the appointing authority either direct or through the Employment Exchange, as the case may be.

(iv) Where sufficient number of candidates belonging to SC/ST/OBC are not available to fill up the vacancies reserved for them in direct recruitment, the vacancies should not be filled by candidates not belonging to these communities as there is a ban on dereservation of vacancies reserved for SCs, STs and OBCs in direct recruitment.

(v) If sufficient number of suitable SC/ST/OBC candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment, a second attempt should be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment year to fill up these vacancies. If the required number of SC/ST/OBC candidates are not even then available, the vacancies which could not be filled up shall remain unfilled until the next recruitment year. These vacancies will be treated as "backlog vacancies."

(vi) In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs, STs and OBCs will also be announced for recruitment. The current vacancies will be treated as one group and backlog vacancies of SCs, STs and OBCs as a separate and distinct group. Of the vacancies in the first group, not more than 50% of the vacancies shall be reserved. Vacancies in the second group i.e.all the backlog vacancies reserved for SCs, STs and OBCs will be filled up by the candidates belonging to category concerned without any restriction whatsoever as they belong to distinct group of backlog vacancies of SCs, STs and OBCs.

(vii) Vacancies reserved for SCs/STs/OBCs which could not be filled up and are carried forward as backlog vacancies and remain unfilled in the following recruitment year also, will be carried forward as backlog vacancies for subsequent recruitment year(s) as long as these are not filled by candidates of the category for which these are reserved.

(ix) In posts filled otherwise than through examination, normally six to seven candidates belonging to the community for which the post is reserved may be called for interview for each reserved vacancy, subject to availability of such candidates fulfilling the qualifications prescribed for the post. Where the response from the Scheduled Caste/Scheduled Tribe/Other Backward Class candidates is exceptionally good, the recruiting authority may, having regard to the merits of each case, call as many as 10 to 12 candidates of the respective category for each reserved vacancy for the purpose of interview/selection.

(x) In direct recruitment made otherwise than through examination and in direct recruitment made though examination followed by an interview, the interview of Scheduled Caste/Scheduled Tribe candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that the Scheduled Caste and Scheduled Tribe candidates are not judged in comparison with general candidates and the interviewing authority/Board is/are prominently aware of the need for judging the ScheduledCaste /Scheduled Tribe candidates by relaxed standards.

5.7.2 **Promotion by Selection**

(i) In case of promotion by selection, selection against vacancies reserved for Scheduled Castes and Scheduled Tribes should be made only from among those Scheduled Caste /Scheduled Tribe officers who are within the normal zone of consideration.

(ii) Where adequate number of SC/ST candidates are not available within the normal field of choice, it may be extended to 5 times the number of vacancies and the SC/ST candidates (and not any other candidates) coming within the extended field of choice should also be considered against the vacancies reserved for them.

(iii) Detailed instruction for filling of vacanciesreserved for Scheduled Castes and Scheduled Tribes in such promotions are given in Chapter 6 para 11 of the Brochure.

5.7.3 **Promotion by Non-Selection**

In case of promotion by non-selection, all Scheduled Caste and Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which the promotions are to be made, shall be considered in the order of their general seniority,and if they are not judged unfit, they shall be promoted. If the number of Scheduled Caste /Scheduled Tribe candidates found fit within the range of actual vacancies is less than the number of vacancies reserved for them, additional Scheduled Caste / Scheduled Tribe candidatesto the extent required shall be located by going down the seniority list, provided they are eligible and found fit for appointment.

5.7.4 **In Case of Non-availability of SC/ST Candidates for Promotion:**

(i) If sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be dereserved as per prescribed procedure and filled by candidates of other communities.
(ii) If sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available and such vacancies can also not be dereserved for reasons like non-availability of candidates of other categories to fill up the posts etc., the vacancies shall not be filled and will remain unfilled and will be treated as "backlog vacancies".
(iii) In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs and STs will also be filled up, keeping the current vacancies and the backlog vacancies of SCs and STs as two distinct groups.Of the current vacancies, not more than 50% of the vacancies shall be reserved. However, all the backlog vacancies reserved for SCs and STs will be filled up by candidates belonging to the concerned category without any restriction whatsoever as they belong to distinct group of backlog vacancies.

5.7.5 **Diversion of Reserved Vacancies from Promotion Quota to Direct Recruitment Quota**

Where recruitment to a grade is made both by promotion and direct recruitment i.e.where separate quota for promotion and direct recruitment are prescribed in the Recruitment Rules, reserved vacancies falling in the promotion quota which cannot be filled due to non availability of eligible persons belonging to SC/ST in the feeder cadre may be temporarily diverted to the direct recruitment quota and filled by recruitment of candidates belonging to SCor ST, as the case may be, in accordance with the provisions relating to direct recruitment contained in the Recruitment Rules. In the subsequent year(s) when reserved vacancies in the direct recruitment quota become available they may be diverted to the promotion quota to makeup for the vacancies diverted earlier and filled from SC/ST candidates in the feeder cadre who might have by then become eligible for promotion. This involves relaxation of the Recruitment Rules. The Ministries/Departments may themselves exercise the power of relaxation subject to approvalof UPSC, wherever necessary.

5.7.6 **Safeguards against Supersession of SC/ST Candidates**

(i) In posts filled by promotion (by selection or by non-selection), wherever the orders regarding reservation apply, the following procedure should be observed by the appointing authorities, in regard to cases where eligible Scheduled Caste/ Scheduled Tribe candidates, though available, are not appointed/ selected for the reserved as well as unreserved vacancies:

(a) In promotions to Group A and within Group A - Such cases should be submitted to the Minister/ Minister of State/Deputy Minister concerned, as the case may be.
(b) In promotion to Group B and within Group B - Such cases should be reported to the Minister/Minister of State/Deputy Minister concerned, as the case may be, within a period of one month of the finalisation of the select list.
(c) In promotion to and in Group C and within Group D - Such cases should be reported to the Head of the Department, if the appointing authority is lower than the level of the Head of the Department, and where the Head of the Department is himself the appointing authority, to the Secretary of the administrative Department.

(ii) In regard to promotions by selection from Group A post to a Group A post which carries an ultimate salary of Grade Pay Rs.8700 or less, cases where the Scheduled Caste /Scheduled Tribe candidates available within the number of vacancies for which the select list is drawn are not selected, should be submitted to the Minister / Minister of State / Deputy Minister concerned, as the case may be. Implementation of the Findings of DPC be kept in Sealed Cover.

5.8 **DERESERVATION OF VACANCIES**

(i) A vacancy reserved for SCs or STs or OBCs cannot be filled by a candidate other than an SC or ST or OBC candidate, as the case may be. In other words, exchange from one category to other is not permitted. However, a reserved vacancy may be declared unreserved by following the prescribed procedure.

(ii) De-reservation in direct recruitment is banned with effect from 1st April 1989,except in group 'A' in rare and exceptional cases, in public interest. The Administrative Ministry/Department may prepare proposal for de- reservation, consult the respective Commission for SC/ST/OBC, as the case may be, obtain its comments and then place the proposal before the Committee of Secretaries(COS). The recommendations of the COS shall be placed before the Minister in-charge Deptt. Of Personnel and Training for taking final decision. If de reservation is approved it can be filled as unreserved vacancy. In other cases, in the event of non-availability of SC/ST/OBC candidates the reserved posts will remain unfilled and vacancies carried forward as " Backlog vacancies."

(iii) In case of promotion a post reserved for SC/ST can be filled up by general candidate after de-reservation. If sufficient number of SC/ST

candidates fit for promotion against reserved vacancies are not available such vacancies may be de-reserved as per prescribed procedure and filled up by candidates of other communities. But, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available and such vacancies can also not be de-reserved for reasons like non- availability of candidates of other categories to fill up the posts etc. the vacancy shall not be filled up and remain unfilled until the next recruitment year. These vacancies will be treated as backlog vacancies.

Though powers have been delegated to the Departments for de-reservation, prescribed procedure for sending proposal for de-reservation, in the prescribed format,(Annexure I to Chapter 7 of the Brochure) to the respective Commission for SC/ST and the Department of Personnel and Training has to be followed and mandatory time prescribed for their comments has to be waited before exercise of the delegated powers.

It is for the appointing authority either to go for de-reservation or keep the reserved post vacant. In both the cases the reservation will be carried forward to subsequent recruitment year.

(iii) Vacancies reserved for SCs/STs and OBCs which cannot be filled in a recruitment year will be carried forward indefinitely till they are filled by relevant reserved category candidates. However, in cadres having 13 or less number of posts, carry forward is permitted for three subsequent recruitment year and in the third year of carried forward of reservation the vacancy will be treated reserved for the concerned category. But if it cannot be filled by reservation in the third year of carried forward by the candidate of the concerned category, reservation will be treated as lapsed and will be filled as unreserved vacancy.

5.9 **VERIFICATION OF THE CLAIMS OF SCs, STs AND OBCs.**

5.9.1 Any person who claims to belong to a Scheduled Caste or a Scheduled Tribe or Other Backward Class will have to produce a certificate to the Appointing Authority/Selection Committee/Board etc. in support of his claim.

5.9.2 The Caste/Tribe/Community certificate issued by the following authorities in the prescribed form (Annexure I and II to Chapter 8 of the Brochure) for SCs/STs and for OBCs will only be accepted as proof in support of a candidate's claim.

(i) District Magistrate/Additional District Magistrate/Collector / Deputy Commissioner/ Additional Deputy Commissioner/ Deputy Collector/ 1st Class Stipendary Magistrate/Sub Divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/ Extra Assistant Commissioner.
(ii) Chief Presidency Magistrate/ Additional Chief Presidency Magistrate / Presidency Magistrate;
(iii) Revenue Officer not below the rank of Tehsildar; and
(iv) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

5.9.3 The appointing authorities should verify the caste status of a Scheduled Caste/ ScheduledTribe / Other Backward Class candidate at the time of initial appointment and of an SC/STofficer at the time of promotion against reserved vacancy also. Scheduled Caste person, whose caste has been de-scheduled after his initial appointment as a Scheduled Caste, is no longer entitled to enjoy the benefit of reservation in promotions.

5.9.4 The Appointing Authorities should, make provisional appointment subject to caste verification.This should also be mentioned in the appointment letter in prescribed form (para 8.4 of Chapter 8 of Brochure).In case of false claim services may be terminated in accordance with the relevant rules/orders.The appointing authority may,if considers necessary for any reason , verify the claim of a candidate through the District Magistrate of the place where the candidate ordinarily resides.If the claim is found false the services of the candidate be terminated as per rules/orders.

5.9.5. As no person professing a religion different from Hinduism or Sikhism or Budhism can be deemed to be a member of Scheduled Castes, the appointing authorities should stipulate in the letter of appointment issued to Scheduled Caste candidates that they should inform about the change, if any, of their religion to their appointing/administrative authority immediately aftersuch a change. The serving scheduled Caste employees should be instructed to intimate change, if any, in their religion immediately to their appointing/administrative authorities.

5.10 **MONITORING AND INSTITUTIONAL SAFEGUARDS**

5.10.1 **Annual Returns**

Soon after the first of January of every year, each Appointing Authority shall send to its administrative Department:-

(i) SC/ST/OBC Report-I in the prescribed proforma (Annexure I of Chapter 9 of the Brochure) showing the total number of Government servants and the number of SCs, STs and OBCs amongst them as on the 1st January of the year and the number of appointments made during the preceding calendar year alongwith the number of SCs, STs and OBCs amongst them; and SC/ST/OBC. Report-II in the proforma (Annexure II of Chapter 9 of the Brochure) showing the representation of SCs, STs and OBCs in various grades of organised Group 'A' services as on the 1st January of the year and the particulars of recruitment to the various grades during the preceding calendar year in the service.

(ii) Administrative Department shall consolidate the information received from all Appointing Authorities under it in respect of Report I and Report II and shall send to theDepartment of Personnel and Training by the 31st March of each year.

(iii) Information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies should be maintain by the Department of Public Enterprises in respect of PSUs and the administrative Ministry/Department in respect of all statutory, semi-Government and autonomous bodies under its control

(iv) While furnishing the figures of representation of SCs, STs and OBCs in Report-I, information in respect of the posts of "sweepers/safaikaramcharies" should not be included. Information in respect of group D posts (excluding sweepers) and group D posts (sweepers) should be given separately.

(v) The reports relate to persons and not to posts. Posts vacant etc. should not be included in the reports. A person on deputation should be included in the establishment of the borrowing Department/Office and not in the parent office. Figures in respect of Scheduled Castes, Scheduled Tribes and Other Backward Classes should include persons appointed by reservation as well as appointed on their own merit. The persons permanent in one grade but officiating or holding temporary appointment in the higher grades should be shown in the figures relating to the class of service in which the higher grade concerned is included.

5.10.2 **Incorporation of Reservation Information in Annual Reports:**

Each Ministry/Department should include in its Annual Report a note about the activities of the Reservation Cell set up within the Ministry/Department under the control of the Liaison Officer, the steps taken to implement the provisions about reservation for SCs, STs, OBCs and PWDs the statistics relating to representation of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Persons with Disabilities (For details see para 9.6 of Brochure).

5.10.3 **Liaison Officers and Reservation Cell**

In each Department the Deputy Secretary in charge of Administration or any other officer at least of the rank of Deputy Secretary will act as a Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the administrative control of the Department. A separate Liaison Officer should be appointed for Other Backward Classes. Reservation Cell within the Department under the direct control of the Liaison Officers should be set up to assist them to discharge their duties effectively. In offices under the control of each Head of Department also, the Liaison Officers will be nominated. The responsibilities of the Liaison Officers are given in para 9.7 to 9.10 0f Chapter 9 of the Brochure.

5.10.4 **National Commission for Scheduled Castes and the National Commission for Scheduled Tribes**

The National Commission for Scheduled Castes and the National Commission for Scheduled Tribes have been constituted under Article 338 and Article 338-A of the Constitution respectively to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution and report to the President upon the working of these safeguards.(For details refer para 9.11 to 9.15 of Chapter 9 of the Brochure).

5.11 **MISCELLANEOUS:**

5.11.1. **Arrangements for Training**

More intensive training should be arranged for directly recruited Group A officers belonging to Scheduled Castes and Scheduled Tribes by the Heads of the Training Institutions, wherever necessary, along with other officers. Departments should nominate a considerably larger number of Scheduled Caste and Scheduled Tribe officers for the training programmes run by various Departments and Training Institutions, identify their training needs and suitable training programmes.

5.11.2 **Intimation about Competitive Examinations to Pre-Examination Training Centres**

Authorities holding the various competitive examinations should inform the Pre-examination Training Centres well in advance of the actual date of the examination, the probable number of reserved vacancies and the syllabus for and the standard of the examination.

5.11.3 **Selection of Persons for Posting Abroad**

When making selection of persons for posting in units etc. located in a foreign country eligible employees belonging to Scheduled Castes and Scheduled Tribes also be considered alongwith others for such posting.

5.11.4 **Forwarding of applications for employment**

Applications of Government servants belonging to SC/ST, for employment elsewhere, should not be withheld, except in very rare cases, on compelling grounds in public interest. Cases of withholding the application should be reported to the Liaison Officer within one month.

5.11.5 **Prevention of Discrimination**

Scheduled Caste and Scheduled Tribe Officers should not be subjected to harassment and discrimination on grounds of their social origin in transfer and posting.

5.11.6 **Provisions In Recruitment Rules/Regulations For Examination**

The recruitment rules in respect of all services/posts within the purview of the reservation ordersshould contain a separate rule on the following lines:-

"Savings: Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with Disabilities and other special

categories of persons in accordance with the orders issued by the Central Government from time to time in this regard."

The provisions in recruitment rules and regulations for examinations for relaxation instandards in favour of Scheduled Castes/Tribes may be worded as follows:

"Candidates belonging to any of the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or the Persons with Disabilities may, to the extent the number of vacancies reserved for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and the Persons with Disabilities cannot be filled on the basis of the general standard, be recommended by the Commission by a relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for selection to the post/service irrespective of their ranks in the order of merit at the examination."

Note: If the recruitment is not made through the UPSC, the reference to the Commission in theabove provision may be modified to refer to the competent authority.

5.11.7 **Claim for SC/ST/OBC**

Where a person claims to belong to a Scheduled Caste, Scheduled Tribe or a Backward community by birth, it should be verified :
(i) That the person and his parents actually belong to the community claimed;
(ii) That this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes or included in the list of OBCs notified by the Ministry of Social Justice and Empowerment, Government of India in relation to the concerned State;
(iii) That the person belongs to that State and to the area within that State in respect ofwhich the community has been scheduled/notified.
(vi) If the person claims to be a Scheduled Caste, he should be professing either Hinduism or Sikhism or Budhism as religion.

5.11.8 **Cases of Migration**

(i) Where a person migrates from a portion of the state in respect of which his community is scheduled/notified to another part of the same State in respect of which his community is not scheduled/notified, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be in relation to that State.
(ii) Where a person migrates from one state to another, he can claim to belong to a Scheduled Caste or Scheduled Tribe or Other Backward Class only in relation to the State to which he originally belonged and not in respect of the State in which he has migrated.

5.11.9 **Claims through Marriage**

No person who was not a member of Scheduled Caste or a Scheduled Tribe or Other Backward Class by birth will be deemed to be a member of Scheduled

Caste or Scheduled Tribe or Other Backward Class merely because he or she had married a person belonging to a Scheduled Caste or Scheduled Tribe or Other Backward Class. On the other hand a person who is a member of a Scheduled Caste or a Scheduled Tribe or an OBC would continue to be a member of that Scheduled Caste, Scheduled Tribe or OBC, as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe or an Other Backward Class.

5.11.10 **Cases of Conversion and Reconversion**

Scheduled Caste person getting converted to a religion other than Hinduism, Sikhism or Buddhism would cease to be a member of Scheduled Caste. However, if he reconverts himself to his original religion he will be deemed to have reverted to original caste if accepted by the members of that particular caste as one of them.

5.11.11 **Cases of Adoption**

On the validity of the adoption being clearly established and the caste certificate obtained from the appropriate authority the person would be deemed to be belonging to the SC/ST/OBC.

Annexure I

14-POINT ROSTER

ROSTER POINTS	DIRECT RECRUITMENT	PROMOTION
(i)	(ii)	(iii)
1.	UR	UR
2.	UR	UR
3.	UR	UR
4.	OBC	UR
5.	UR	UR
6.	UR	UR
7.	SC	SC
8.	OBC	UR
9.	UR	UR
10.	UR	UR
11.	UR	UR
12.	OBC	UR
13.	UR	UR
14.	ST	ST

Annexure-II

RESERVATION REGISTER

1. Name of the post:

2. Method of Recruitment: DR/Promotion by selection/Promotion by non-selection /Promotion by Limited Departmental Examination.

3. Number of posts in the cadre (cadre strength):

4. Percentage of Reservation prescribed : SCs_____, STs_____, OBCs _____

Sl. No.	Name	Date of appointment	Whether belongs to SC/ST/ OBC/ General	Filled as UR or as reserved for SC/ ST OBC	Signature of appointing authority or other authorised officer	Remarks
1	2	3	4	5	6	7

Annexure-III

RESERVATION ROSTER REGISTER

1. Name of the post:

2. Method of Recruitment: DR/Promotion by selection/Promotion by non-selection/Promotion by Limited Departmental Examination.

3. Number of posts in the cadre:

4. Percentage of Reservation prescribed: SCs__, STs__, OBCs ___

Cycle No./ point No.	UR or reserved for SCs/ STs / OBCs	Name	Date of appoint-ment	Whether SC/ST /OBC/ General	Filled as UR or as reserved for SCs/ STs /OBCs	Signature of appointing authority or other authorised officer.	Remarks
1	2	3	4	5	6	7	8

Chapter 6

RESERVATION IN SERVICES FOR PERSONS WITH DISABILITIES

6.1 **PRELUDE**

With a view to consolidating the instructions issued from time to time and bringing them in line with the Persons with Disabilities (Equal Opportunities, Protection of Rights &Full Participation) Act, 1995 and clarifying certain issues including procedural matters, the Department of Personnel and Training have issued consolidated instructions with regard to reservation for persons with disabilities (physically handicapped persons) in posts and *services under* the Government of India, on 29th December 2005. The Ministry of Social Justice and Empowerment have also issued lists of posts identified suitable for persons with disabilities in supersession of their earlier notification no. 16-25/99.NI.I dated 31.5.2001. The instructions contained in DOPT O.M. No. 36035/3/2004-Estt(Res) dated the 29th December, 2005, with modification in respect of list identified posts, are summarised in this Chapter.

6.2 **QUANTUM OF RESERVATION**

6.2.1 Three percent (3%) of the vacancies in case of direct recruitment to Group A, B, C and D posts, of which one per cent each for persons suffering from (1) blindness or low vision, (2) hearing impairment and (3) locomotor disability or cerebral palsy, in the posts identified for each disability;

6.2.2 Three percent (3%) of the vacancies in case of promotion to Group D, and Group C posts in which the element of direct recruitment, if any, does not exceed 75%, of which one per cent each for persons suffering from (1) blindness or low vision, (2) hearing impairment and (3) locomotor disability or cerebral palsy, in the posts identified for each disability.

6.3 **EXEMPTION FROM RESERVATION**

If any Department considers it necessary to exempt any establishment partly or fully from the provision of reservation for persons with disabilities a reference may be made to the Ministry of Social Justice and Empowerment, giving full justification for the proposal, for consideration by an Inter-departmental Committee set up by the Ministry of Social Justice and Empowerment.

6.4 **IDENTIFICATION OF POSTS**

The Ministry of Social Justice and Empowerment have identified the posts in Group A,B,C and D to be held by persons with disabilities and the physical requirement for the posts. Lists of such posts have been notified vide their Notification No.16-15/2010-DDIII dated 29th July 2013. However these lists are not exhaustive. Government Departments/PSUs/Autonomous Bodies etc may further supplement to these lists.

6.5 **RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES**

If some posts are identified as suitable for persons with one category of disability and not for persons with other two categories of disabilities reservation of 3% will be provided for the persons with disabilities for whom such posts have been identified as suitable . Likewise, if a post is identified as suitable for two categories of the disabled and not for the third category, reservation of 3% will be distributed between such two categories.

6.6.1 **APPOINTMENT AGAINST UNRESERVED VACANCIES**

In the posts which are identified suitable for persons with disabilities, a person with disability cannot be denied the right to compete for appointment against an unreserved vacancy. Thus a person with disability can be appointed against an unreserved vacancy, provided the post is identified suitable for persons with disability of the relevant category.

6.6.2 **ADJUSTMENT OF CANDIDATES SELECTED ON THEIR OWN MERIT**

Persons with disabilities selected on their own merit without relaxed standards will not be adjusted against the reserved vacancies.

6.7 **DEFINITION OF DISABILITIES**

6.7.1 (a)Blindness: "Blindness" refers to a condition where a person suffers from any of the following conditions,:-

(i) total absence of sight or

(ii) Visual acuity not exceeding 6/60 or 20/200(snellen) in the better eye with correcting lenses; or

(iii) limitation of the field of vision subtending an angle of 20 degree or worse

(b) Low vision: "Person with low vision" means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device.

6.7.2 Hearing Impairment:- "Hearing Impairment" means loss of sixty decibels or more in the better ear in the conversational range of frequencies.

6.7.3 (a) Locomotor disability: "Locomotor disability" means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.

(b) Cerebral Palsy :-. "Cerebral Palsy" means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the prenatal, peri-natal or infant period of development.

(c) All the cases of orthopedically handicapped persons would be covered under the category of "locomotor disability or cerebral palsy."

6.7.4 **DEGREE OF DISABILITY FOR RESERVATION**

Only such persons who suffer from not less than 40 per cent of relevant disability will eligible for consideration against vacancies reserved for persons with disability.

6.8 **DISABILITY CERTIFICATE**

6.8.1 **Application for issue of disability certificate**

A person with disability desirous of getting a certificate in his favour shall submit an application in Form I, prescribed under Rule 3 of 'Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Amendment Rules, 2009' accompanied by proof of residence, and two recent passport size photographs.

The application shall be submitted to

(i) a medical authority competent to issue such a certificate in the district of the applicant's residence as mentioned in the proof of residence submitted by him with the application, or
(ii) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability :

Provided that where a person with disability is a minor or suffering from mental retardation or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian.

6.8.2 **Issue of disability certificate**

On receipt of an application the medical authority shall, after satisfying himself that the applicant is a person with disability as defined in sub-clause (t) of section 2 of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) issue a disability certificate in his favour in Form II, Form III or Form IV as applicable prescribed under Rule 4 of 'Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Amendment Rules, 2009' .

The certificate shall be issued as far as possible, within a week from the date of receipt of the application by the medical authority, but in any case, not later than one month from such date.

The medical authority shall, after due examination, -

i. give a permanent disability certificate in cases where there are no chances of variation, over time, in the degree of disability, and

ii. shall indicate the period of validity in the certificate, in cases where there is any chance of variation, over time, in the degree of disability.

If an applicant is found ineligible for issue of disability certificate, the medical authority shall explain to him the reasons for rejection of his application, and shall also convey the reasons to him in writing.

A copy of every disability certificate issued under these rules by a medical authority other than the Chief Medical Officer shall be simultaneously sent by such medical authority to the Chief Medical Officer of the District.

6.8.3 **Review of a decision regarding disability certificate**

Any applicant for a disability certificate, who is aggrieved by the nature of a certificate issued to him, or by refusal to issue such a certificate in his favour, as the case may be, may represent against such a decision to the medical authority as specified for the purpose by the appropriate Government:

Provided that where a person with disability is a minor or suffering from mental retardation or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian.

The application for review shall be accompanied by a copy of the certificate or letter of rejection being appealed against.

On receipt of an application for review, the medical authority shall, after giving the appellant an opportunity of being heard, pass such orders on it as it may deem appropriate.

An application for review shall, as far as possible, be disposed of within a fortnight from the date of its receipt, but in any case, not later than one month from such date.

6.8.4 **Validity of Certificate**

A certificate issued under rule 4 of ‘Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Amendment Rules, 2009’ shall render a person eligible to apply for facilities, concessions and benefits admissible under schemes of the Government and of Non-Governmental Organizations funded by the Government, subject to such conditions as may be specified in relevant schemes or instructions of Government, etc., as the case may be."

6.9 **COMPUTATION OF RESERVATION**

(a) In case of Group C and Group D posts reservation shall be computed on the basis of total number of vacancies occurring in all Group C or Group D posts, as the case may be, in the establishment, although the recruitment

of the persons with disabilities would only be in the posts identified suitable for them.

(b) Since reservation is limited to identified posts only and number of vacancies reserved is computed on the basis of total vacancies (in identified posts as well as unidentified posts), it is possible that number of persons appointed by reservation in an identified post may exceed 3 per cent.

(c) In Group 'A' or ' B' posts reservation shall be computed on the basis of vacancies occurring in direct recruitment quota in all the identified posts in the establishment.

6.10 **RESERVATION ROSTERS**

(a). A 100 point reservation roster registers will be maintained in the prescribed format [Annexure II of DOPT OM No. 36035/3/2004-Estt(Res) dated the 29th December, 2005 separately for –

(i) Group 'A' posts filled by direct recruitment,
(ii) Group 'B' posts filled by direct recruitment,
(iii) Group 'c' posts filled by direct recruitment,
(iv) Group 'c' posts filled by promotion,
(v) Group 'D' posts filled by direct recruitment and
(vi) Group 'D' posts filled by promotion.

(b) Each cycles of 100 points shall be divided into three blocks, comprising the following points:

a. 1st Block - point No.l to point No.33
b. 2nd Block - point No. 34 to point No.66
c. 3rd Block - point No.67 to point No. 100

Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities - one point for each of the three categories of disabilities.

All the vacancies reported by different appointing authorities will be entered in the concerned register.

The head of the establishment shall decide the categories of disabilities for which the points 1, 34 and 67 will be reserved keeping in view all relevant facts.

(c) All the vacancies arising in the establishment shall be entered in the relevant roster register for Group C and D. If the post falling at point no. 1 is not identified for the disabled or the head of the establishment considers it desirable not to fill it up by a disabled person or it is not possible to fill up that post by the disabled for any other reason, one of the vacancies falling at any of the points from 2 to 33 shall be treated as reserved for the disabled and filled as such. Likewise a vacancy falling at any of the points from 34 to 66 or from 67 to 100 shall be filled by the disabled. The purpose of keeping points 1, 34 and 67 as reserved is to fill up the first available suitable vacancy from 1 to 33, first available suitable vacancy

from 34 to 66 and first available suitable vacancy from 67 to 100 by persons with disabilities.

(d) There is a possibility that none of the vacancies from 1 to 33 is suitable for any category of the disabled. In that case two vacancies from 34 to 66 shall be filled as reserved for persons with disabilities. If the vacancies from 34 to 66 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 67 to 100. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

(e) After all the 100 points of the roster are covered a fresh cycle of 100 points shall start.

(f) If the number of vacancies in a year is such as to cover only one block or two, discretion as to which category of the disabled should be accommodated first shall vest in the head of the establishment, who shall decide on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

(g) Reservation in Group A and Group B posts is determined on the basis of vacancies in the identified posts only. Separate rosters for Group A posts and Group B posts in the establishment shall be maintained. In the rosters maintained for Group A and Group B posts, all vacancies of direct recruitment arising in identified posts shall be entered and reservation shall be effected the same way as explained above.

6.11 **INTER-SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT**:

(a) If the nature of vacancies in an establishment is such that a person of a specific category of disability cannot be employed, the vacancies may be interchanged among the three categories with the approval of the Ministry of Social Justice & Empowerment and reservation may be determined and vacancies filled accordingly.

(b) If any reserved vacancy cannot be filled due to non-availability of a suitable person with that disability or, for any other sufficient reason, it shall be carried forward as a backlog vacancy to the subsequent 'recruitment year.

(c) In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. If a suitable person with that disability is not available, it may be filled by interchange among the three categories of disabilities. In case no suitable person with disability is available for filling up the post in the subsequent year also, the employer may fill up the vacancy by appointment of a person other than a person with disability.

(d) If the vacancy is filled by a person with disability of the category for which it was reserved or by a person of other category of disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by

reservation. But if the vacancy is filled by a person other than a person with disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years where after the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

(e) In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the disabled candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and- the relatively later carried forward reservation would be further carried forward.

6.12 **CONSIDERATION ZONE, INTER-SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION**

(a) While filling up the reserved vacancies by promotion by selection if adequate number of disabled candidates of the appropriate category of handicap are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the persons with disabilities falling within the extended zone may be considered. In the event of non-availability of candidates even in the extended zone, the reservation can be exchanged so that post can be filled by a person with other category of disability, if possible. If it is not possible to fill up the post by reservation, the post may be filled by a person other than a person with disability and the reservation shall be carried forward for upto three subsequent recruitment years, where after it shall lapse.

(b) In posts filled by promotion by non-selection, the eligible candidates with disabilities shall be considered for promotion against the reserved vacancies and in case no eligible candidate of the appropriate category of disability is available, the vacancy can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the post by reservation even by exchange, the reservation shall be carried forward for upto three subsequent recruitment years where after it shall lapse.

6.13 **HORIZONTALITY OF RESERVATION**

Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called inter-locking reservation) and persons selected against the quota for persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/General candidates depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. Since the persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/General in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with disabilities to indicate whether they belong to SC/ST/OBC or General category.

6.14 **RELAXATION IN AGE LIMIT**

(i) Upper age limit for persons with disabilities shall be relaxable (a) by ten years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group 'C' and Group 'D' posts; (b) by 5 years (10 years for SCs/STs and 8 years for OBCs) in case of direct recruitment to Group 'A' and Group 'B' posts where recruitment is made otherwise than through open competitive examination; and (c) by 10 years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group A and Group B posts through open competitive examination.

(ii) Relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with disabilities.

6.15 **RELAXATION OF STANDARD OF SUITABILITY**

If sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts.

6.16 **MEDICAL EXAMINATION**

In case of medical examination of a person with disability for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with disability of the relevant category and the candidate shall then be examined medically keeping this fact in view.

6. 17 **EXEMPTION FROM PAYMENT OF FEES**

Persons with disabilities shall be exempt from payment of application fee and examination fee prescribed for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the disabled persons) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability.

6.18 **NOTIFICATION OF VACANCIES**

Following points shall be kept in view while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. and while advertising the vacancies:-

(i) Number of vacancies reserved for SCs/STs/OBCs/Ex-Servicemen/Persons suffering from Blindness or Low Vision/Persons suffering from Hearing Impairment/ Persons suffering from Loco motor Disability or Cerebral Palsy, should be indicated clearly.

(ii) In case of vacancies in posts identified suitable to be held by persons with disability it shall be indicated that the post is identified for persons with disabilities suffering from blindness or low vision; hearing impairment; and/or loco motor disability or cerebral palsy, as the case may be, and that the persons with disabilities belonging to the category/categories for which the post is identified shall be allowed to apply even if no vacancies are reserved for them. Such candidates will be considered for selection for appointment to the post by general standards of merit.

(iii).In case of vacancies in posts identified suitable for persons with disabilities, irrespective of whether any vacancies are reserved or not, the categories of disabilities viz blindness or low vision, hearing impairment and loco motor disability or cerebral palsy, for which the post is identified suitable along with functional classification and physical requirements for performing the duties attached to the post shall be indicated clearly.

(v)It shall also be indicated that persons suffering from not less than 40% of the relevant disability shall alone be eligible for the benefit of reservation.

6.19 **CERTIFICATE BY REQUISITIONING AUTHORITY**

The requisitioning authority while sending the requisition to the UPSC, SSC etc. for filling up of posts shall furnish the following certificate to the recruiting agency:-

> "It is certified that the requirements of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and the policy relating to reservation for persons with disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no of cycle no of 100 point reservation roster out of which number of vacancies are reserved for persons with disabilities."

6.20 **ANNUAL REPORTS**

(a) Soon after the first of January of every year, each appointing authority shall send to its administrative Department an Annual Statement showing the representation of the persons with disabilities in services (as on 1st January of the year) in the prescribed form PWD Report I and Statement Showing the number of persons with disabilities appointed during the year in form PWD Report II (Annexure III and IV of DOPT OM No. 36035/3/2004-Estt(Res) dated the 29th December, 2004). The administrative Department shall scrutinize the information received from all appointing authorities under it and send consolidated PWD Report-I and PWD Report- II in prescribed proforma in respect of the Department including information in respect of all attached and subordinate offices under its control to the Department of Personnel and Training by the 31st March of each year.

(b). The reports sent to the DOPT should not include information in respect of public sector undertakings, statutory, semi- Government and autonomous bodies. Statutory, semi-Government and autonomous bodies shall furnish consolidated information to their administrative Department concerned for scrutiny, monitoring and maintenance at their own level. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings.

(b). The attached/subordinate offices shall send information to their administrative Department only and shall not send it direct to DOPT.

(c) The figures in respect of persons with disabilities shall include persons appointed by reservation as well as appointed otherwise.

(d) The PWD Report I relates to persons and not to posts. Therefore, posts vacant etc. should not be taken into account. Persons on deputation should be included in the establishment of the borrowing Department/Office and not in the parent establishment. Persons permanent in one grade but officiating or holding temporary appointment in the higher grade shall be included in the figures relating to the Class of service to which the higher grade belongs.

6.21 **LIAISON OFFICER FOR PERSONS WITH DISABILITIES**

Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to persons with disabilities and shall ensure compliance of these instructions.

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Chapter 7

RESERVATION IN SERVICES FOR EX-SERVICEMEN

7.1 DEFINITION OF EX-SERVICEMEN

The Ex-servicemen (Re-employment in Central Services and Posts) Rules, 1979, as amended from time to time(Notification No. 36034/1/2006-Estt(Res) 04/10/2012) defines ex-servicemen as a person who has served in any rank whether as combatant or non-combatant in a Regular Army, Navy and Air Force of the Indian Union and

(a) who either has been retired or relieved or discharged from such service whether at his own request or being relieved by the employer after earning his or her pension; or

(b) who has been relieved from such service on medical grounds attributable to military service or circumstances beyond his control and awarded medical or other disability pension; or

(c) who has been released from such service as a result of reduction in establishment;

(d) who has been released from such service after completing the specific period of engagement, otherwise than at his own request or by way of dismissal, or discharge on account of misconduct or inefficiency and has been given a gratuity and includes personnel of the Territorial Army namely, pension holders for continuous embodied service or broken spells of qualifying service;

Or

(e) Personnel of Army Postal Service who are part of Regular Army and retired from the Army Postal Service without reversion to their parent service with pension or are released from the Army Postal service on medical grounds attributable to or aggravated by military service or circumstances beyond their control and awarded medical or other disability pension;

Or

(f) Personnel who were on deputation in Army Postal Service for more than six months prior to 14th April, 1987;

Or

(g) Gallantry award winners of the Armed Forces including personnel of Territorial Army;

Or

(h) Ex-recruits boarded out or relieved on medical ground and granted medical disability pension.

7.2 **APPLICABILITY**

Reservation for ex-servicemen applies to all the Central Civil Services and posts and the posts upto the level of Assistant Commandant in all para-military forces. Para military forces mean the Border Security Force, Central Reserve Police Force, Indo-Tibetan Border Police, Central Industrial Security Force, Secretariat Security Force, Assam Rifles and Railway Protection Force.

7.3 **QUANTUM AND MANNER OF RESERVATION TO EX-SERVICEMEN**

7.3.1 Reservation to ex-servicemen is made in the following manner –

(i) Ten per cent of the vacancies in the posts upto of the level of the Assistant Commandant in all para-military forces;
(ii) Ten per cent of the vacancies in Group C posts; and
(iii) Twenty per cent of the vacancies in Group D posts

Including permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely to be made permanent or are likely to continue for three months and more to be filled by direct recruitment in any year shall be reserved for being filled by ex-servicemen.

7.3.2 The Scheduled Castes, the Scheduled Tribes and the Other Backward Class candidates selected against the vacancies reserved for ex-servicemen shall be adjusted against vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes, respectively provided that if a Scheduled Caste or the Scheduled Tribe or the Other Backward Class ex-serviceman is selected against the vacancy reserved for ex-servicemen and vacancy reserved for the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be, is not available to adjust such ex-servicemen, he shall be adjusted in future against the next available vacancy reserved for the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be. In case of recruitment to the vacancy reserved for Ex-servicemen in the Central Para Military Forces, the reserved vacancy remained unfilled due to non-availability of eligible or qualified candidates, the same shall be filled by candidates from non-ex-servicemen category.

7. 4 **AGE RELAXATION**

1) For appointment to vacancies in Group B (Non-Gazetted), Group C and Group D posts in Central Government, an ex-servicemen shall be allowed to deduct the period of actual military service from his actual age and if the resultant age does not exceed the maximum age limit prescribed for the post for which he is seeking appointment by more than three years, he shall be deemed to satisfy the condition regarding age limit.

2) For appointment to any vacancy in Group A and Group B services or posts filled by direct recruitment otherwise than on the results of an Open All

India Competitive Examination, the upper age limit shall be relaxed by the length of military service increased by three years in the case of ex-servicemen and commissioned officers including Emergency Commissioned Officers or Short Service Commissioned Officers.

3) For appointment to any vacancy in Group A and Group B services or posts filled by direct recruitment on the results of an All India Competitive Examination, the ex-serviceman and Commissioned Officers including Emergency Commissioned Officers or Short Service Commissioned Officers who have rendered at least five years military services and have been released –

    i. On completion of assignment (including those whose assignment is due to be completed within one year) otherwise than by way of dismissal or discharge on account of misconduct or inefficiency; or

    ii. On account of physical disability attributable to military service or on invalidation shall be allowed maximum relaxation of five years in the upper age limit.

4) Those ex-servicemen who have already secured regular employment under the Central Government in civil post would be permitted the benefit of age relaxation as admissible for ex-servicemen for securing another employment in any higher post or service under the Central Government irrespective of any Group/post. However, such candidates will not be eligible for the benefit of reservation, if any, for ex-servicemen in Central Government. (O.M.36034/6/90-Estt (SCT) dated 10.10.94)

7.5 **EDUCATIONAL QUALIFICATION**

i. For appointment to any reserved vacancy in Group ‘D’ posts, every ex-serviceman who has put in not less than three years service in the Armed Forces of the Union shall be exempt from the minimum educational qualification, if any, prescribed in respect of such posts;

ii. For appointment to any reserved vacancy in Group C posts, the appointing authority may at its discretion relax the minimum educational qualification where such qualification prescribed is a pass in the middle school examination or any lower examination in favour of ex-servicemen who have put in at least three years service in the Armed Forces of the Union and who are otherwise considered fit and suitable for appointment to such posts in view of their experience and other qualifications;

iii. For appointment to any reserved vacancy in Group C posts to be filled partly by direct recruitment and partly by promotion or transfer, where the minimum educational or technical qualification prescribed for appointment by direct recruitment is higher than that prescribed for promotees or transferees, an ex-serviceman shall be deemed to satisfy the prescribed educational or technical qualification, if he:

a) Satisfies educational or technical qualification prescribed for direct recruitment to the post from which promotion or transfer to the post in question is allowed; and

b) his identical experience of work in a similar discipline and for the same number of years in the Armed Forces of the Union as prescribed for promotes or transferees.

iv. For appointment to any reserved vacancy in Group C posts, a matriculate Ex-serviceman (which includes an ex-serviceman who has obtained the Indian Army Special Certificate of Education or the corresponding certificates in the Navy or the Air Force), who has put in not less than 15 years of service in the Armed Forces of the Union may be considered eligible for appointment to the posts for which the essential educational qualification prescribed is graduation and where –

a) Work experience of technical or professional nature is not essential; or

b) Though non-technical professional work experience is prescribed as essential yet the appointing authority is satisfied that the ex-servicemen is expected to perform the duties of the post by undergoing on the job training for a short duration

v. For appointment to any reserved vacancy in Group C and Group D posts, where the prescribed minimum educational qualification is matriculation, the appointing authority may at his discretion relax the minimum educational qualifications in favour of an ex-serviceman who has passed the Indian Army Class-I Examination or equivalent examination in the Navy or the Air Force and who has put in at least 15 years service in the Armed Forces of the Union and is otherwise considered fit to hold the post, in view of his experience and other qualifications.

7.5 **INTIMATION OF VACANCY**

7.5.1 Vacancies existing in Group C and Group D posts in various offices under each Department should be pooled at a central level (either zonal or divisional or circle) for determining the vacancies which can be earmarked for the ex-servicemen. Out of the vacancies so pooled the share of each category of beneficiaries including the respective carried forward reservation should be identified.

7.5.2 The reserved vacancies for ex-servicemen should be notified to the Directorate General (Resettlement) and the Rajya and Zila Sainik Boards. An advance notice of 3 months is to be given to these organisations. The vacancies are also to be advertised through the local newspaper which will enable the ex-servicemen to apply direct to the recruitment agency.

7.6 All Departments have to ensure that the reservation policy of the Government as spelt out in the instructions issued by Department of Personnel & Training from time to time is implemented fully by them and the organisations under their control.

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Chapter 8

RECRUITMENT OF SPORTSPERSONS

8.1 **ELIGIBILITY FOR RECRUITMENT**

(a) Appointments can be made of sportspersons considered meritorious with reference to the following criteria:

i) Sportspersons who have represented a State or the country in the National or International competition in any of the games/sports mentioned in Annexure ‘A’ to this Chapter.

ii) Sportspersons who have represented their University in the Inter-University Tournaments conducted by the Inter-University Sports Boards in any of the sports/games specified in Annexure ‘A’, as amended from time to time.

iii) Sportspersons who have represented the State School Teams in the National Sports/games for schools conducted by the All India School Games Federation in any of the games/ sports mentioned in Annexure ‘A’.

iv) Sportspersons who have been awarded National Awards in Physical Efficiency under the National Physical Efficiency Drive.

(b) No such appointments can be made unless the candidate is, in all respects, eligible for appointment to the post applied for, and in particular, with regard to age, educational or experience qualifications prescribed under the Recruitment Rules, except to the extent to which relaxations thereof have been permitted in respect of class/category of persons to which the applicant belongs.

8.2 **POSTS TO WHICH APPLICABLE**

(a) Appointment of meritorious sportspersons can be made to any post in Group ‘C’ or erstwhile Group ‘D’, which under the Recruitment Rules applicable thereto, is required to be filled by direct recruitment, otherwise than through the Union Public Service Commission;

(b) No such appointment shall be made to any post in Group ‘A’ or Group ‘B’, by direct recruitment;

(c) A meritorious sportsperson can be considered for appointment under sub para (a) above, notwithstanding the fact that he is already in service of the Government;

(d) In making appointments to any post under the Government by promotion, no preference shall be given to meritorious sportspersons though that fact may be taken into consideration in assessing the overall merit.

8.3 **EXTENT OF SUCH RECRUITMENT**

(a) Ministries/Department of Government of India can recruit meritorious sportsmen in any year in relaxation of the recruitment procedure, to the extent that these including all other reservations under existing orders do not exceed 50% of the total number of vacancies proposed to be filled by direct recruitment.

(b) For the purpose of making appointment of meritorious sportsmen, the appointing authorities may at their discretion notify to the Staff Selection Commission, in all case where the recruitment to the posts have been entrusted to that Commission, vacancies reduced by upto 5% thereof and may fill such vacancies so held by appointing meritorious sportsmen subject to the overall limitations mentioned in sub-para (a) above.

DoPT O.M. No. 14015/1/76-Estt (D) dated 4th August, 1980

8.4 **RELAXATION IN AGE LIMIT FOR RECRUITMENT**

(a) The categories of sportsperson specified in these instructions may be allowed relaxation in upper age limit upto a maximum of 5 years (10 years in case of those belonging to Schedule Castes and Schedule Tribes) for the purpose of appointment to posts specified.

O.M. No. 15012/3/84-Estt.(D) dated 12.11.1987

(b) This concession will be available only to those sportspersons who satisfy all other eligibility conditions relating to educational qualifications etc. and furnish a certificate in the form and from an authority prescribed for the purpose.

8.5 **ADJUSTMENT IN RESERVATION ROSTER**

A person appointed under sports-quota should be adjusted in the recruitment/reservation roster against the category viz. SC/ST/OBC/General to which he/she belongs, e.g., a sportsperson from SC category will be counted against the SC reservation point; if he belongs to ST/OBC he will be counted against ST/OBC point, and if he belongs to General category he will be shown against the General category vacancy point in the reservation roster.

8.6 **INCREMENTS AND INCENTIVES**

8.6.1 **SPORTSPERSONS**

a. The number of increments to be awarded for achieving excellence in National events should be laid down at a scale lower than for excellence in International events say one increment for National event and two increments for International events.
b. The total number of increments to be awarded to an individual should not exceed five in his/her entire career.

(Para (iv) of O.M. No. 6/1/1985-Estt.(Pay-I) Dated 16th July, 1985)

c. The increments so granted would continue to be drawn at the same rate till retirement but this will not count for any service matter like pay fixation on promotion, retirement benefits or DA/CCA etc.)

(Para 3 (vi) of O.M. No. 6/1/1985-Estt.(Pay.I) dated 07.11.1988)

d. The increment(s) is to be considered for all events of sports (both Indoor and Outdoor) at National/International events.

(Para (d) of O.M. No. 6/2/85-Estt(Pay-I) dated 30.01.1989)

8.6.2 **REFEREES / UMPIRES**

Referees/Umpires, who **excel** at the International level, may be granted two (2) advance increments for each event subject to total five increments in the entire career. The increments so granted would be continued to be drawn at the same rate till retirement. The term '**excellence**' would mean that the Umpire/Referee has been accepted as a Referee/Umpire by the International Federation governing the particular sports discipline and has performed the duties in International Competitions recognized by such International Federation. No such incentive will be allowed to those Referees/Umpires, who perform such duties at the National level.

(Para 2 of O.M. 13/26/92-Estt.(Pay.I) dated 11.08.1994)

8.6.3 **COACHES**

Coaches, who are associated with Gold Medal Winning Teams at the Asian Games/World Championship/Olympic Games, can be considered for grant of the same number of increments as available to the Members of the Team and thus, only Coaches, who imparted training to Teams, will be eligible for advance increments.

However this benefit would not be available to (i) Coaches in whose case imparting training to National Teams is a part of their normal duties (for example SAI Coaches) (ii) Coaches training sportsperson who win gold medal in individual events.

Para 2 of O.M. 13/26/92-Estt.(Pay.I) dated 11.08.1994

8.6.4 **MANAGERS/ COACHES/ MASSEURS/ DOCTORS**

Managers/Coaches/Masseurs/Doctors, as may be approved or required by the Federations, under rules to administer/coach/manage the team's participation in sports event of National/International importance may be treated as an integral part of the teams and these officials may also be allowed the same facilities as are available to sports persons for such participation except that the question of grant of rewards in the form of advance increments could be considered on merits, if and when sponsored by the Department concerned. However, the Technical officials concerned with the administration of the tournaments will not be treated as part of the teams for this purpose.

Para 3 (iv) of O.M. No. 6/1/85-Estt.(Pay.I) dated 07.11.1988

8.7 **DEFINITION OF EXCELLENCE**

Sportspersons participating in sporting events (both individual and team events) of national and international importance will be treated as having achieved excellence for the purpose of grant of increment(s) if he/she achieves 1st, 2nd or 3rd position in the finals of sporting events in which more than three individual or teams have participated in the events. If only three or less individuals or teams have participated in the final of a sporting event, the sportsperson/team achieving first position will be treated as having achieved excellence.

Para 2 of O.M. No. 6/2/2009-Pay.I dated 18th May 2010

8.8 **OUT OF TURN PROMOTION FOR SPORTSPERSONS**

8.8.1 A sportsperson who achieved excellence in sports events may be promoted out of turn by upgrading the post- personal to the sportsperson, till it is vacated by that sportsperson, either by his/her subsequent promotion, resignation or on retirement.

The scheme is applicable to all Central Government Civilian Employees and Central Services except Railways Services and services under the control of the Department of Atomic Energy, the erstwhile Department of Electronics, the Department of Space and the Scientific and Technical Services under the Department of Defence Research and Development.

8.8.2 **EVENTS ELIGIBLE FOR OUT OF TURN PROMOTION**

The medal winning performance in sports events to be eligible for out of turn promotion will be restricted to regular disciplines of:

i. Olympic Games,
ii. Commonwealth Games,
iii. Asian Games
iv. World Championships and
v. Record breaking medal winning performance in National Games conducted by Indian Olympic Association in the regular disciplines of Olympics, Commonwealth Games, Asian Games and World Championships

The Scheme also covers differently-abled sportspersons for equivalent events/games organized for them.

8.8.3 **NUMBER OF OUT OF TURN PROMOTION TO BE ALLOWED**

A maximum of three (3) out of turn promotion, to sportspersons for excellence in International/National Sports events, can be allowed in the entire service career, subject to following conditions :

(a) Excellence in international sports events

(i) A sportsperson winning Gold, Silver or Bronze or more than one medal in Olympic Games, Commonwealth Games, Asian Games and World Championships in a particular year will be eligible only for one out of turn promotion in that year.

(ii) Only the medal winning performance in aforesaid sports events will be considered for out of turn promotion. If a sportsperson or more than one sportspersons while competing in a discipline in Olympic Games, Commonwealth Games, Asian Games and World Championships, does not win a medal but gives better performance than the previous national record in the discipline then no out of turn promotion will be allowed.

(iii) In case of a team event, a sportsperson will qualify for out of turn promotion only if he has played at least 50% of the matches in the same event. Reserve player, if any, shall not be entitled for any out of turn promotion.

(iv) An out of turn promotion be considered for performance as a Coach if he/she has trained a sportsperson or a team which goes on to win a medal in any of the international Games/Championships mentioned in para 8.8.2 above. A Coach who is a Government employee will be

considered for out of turn promotion even if the sportsperson(s) he/she has trained is not a Government Servant provided he has already intimated his/her office the name of sportsperson(s) or team which have been receiving training from him. In case more than one Coach has trained a sportsperson or a team which eventually wins a medal then only the main Coach, subject to other conditions will be considered for out of turn promotion.

(v) The number of out of turn promotions allowed to a Coach will be capped at two with a gap of four years. However, the total number of out of turn promotions allowed to a Coach will not exceed three in the entire career including those given to him/her in the past for performance as a sportsperson.

(b) Excellence in national sports events

In case of National Games conducted by Indian Olympic Association record breaking medal winning performance in an individual discipline would be considered for one out of turn promotion during the entire service career. In case more than one sportsperson gives better performance than the existing national record in the discipline in the same National Games, then all sportspersons winning medals shall be considered for one out of turn promotion.

8.8.4 **VACANCY**

As out of turn promotion to sportsperson is to be allowed by upgradation of post personal to the sportsperson, no separate post will be created for grant of out of turn promotion to a Sportsperson/Coach. Such a post will continue to be upgraded in higher grade till it is vacated by the sportsperson either by his/her subsequent promotion, resignation or on retirement. No out-of-turn promotion shall be granted during the probation period. The out of turn promotion will be granted only in the hierarchy of the post and no level jumping will be allowed.

8.8.5 **PROCEDURE**

Out of turn promotion would be allowed on regular basis only. The procedure for regular promotion including vigilance clearance should be followed while considering the cases for out of turn promotion. The composition of DPC for grant of out of turn promotion to the sportsperson will be same as that prescribed in the statutory recruitment rules applicable to the post to which promotion is being made.

8.8.6 **RELAXATION IN ELIGIBILITY/ QUALIFYING SERVICE REQUIRED**

The Appointing Authority for the post prescribed in the relevant recruitment rules shall be competent authority for grant of relaxation from requirement of completing the qualifying service (residency period in the feeder grade), educational qualification, completion of pre-promotion training or any other condition that may be prescribed in the recruitment rules applicable to the post. This shall have prior approval of the Secretary concerned in case of a Ministry/Department and the Head of the organisation in the case of attached and subordinate offices.

8.8.7 **TIME LIMIT FOR CONSIDERING OUT OF TURN PROMOTION**

The entitlement of a sportsperson for out of turn promotion may be processed within a period of three months from the date of occurrence of event which entitles him/her for out of turn promotion. It will be the responsibility of the concerned administrative Department to consider a sportsperson for out of turn promotion within the prescribed time limit.

8.8.8 **DATE FROM WHICH PROMOTION WILL BE EFFECTIVE**

The out of turn promotion will be effective from the date of conclusion of event.

8.8.9 **FIXATION OF SENIORITY**

A sportsperson/Coach appointed to a post/Grade by grant of out of turn promotion in relaxation of provisions of statutory recruitment rules applicable to the post/grade, will be assigned seniority below all the regular personnel appointed (recruited/ promoted) in that particular year.

8.8.10 **PAY FIXATION**

The pay on out of turn promotion of sportsperson will be fixed as in the case of regular promotion.

O.M. No. F.No.14034 / 1 / 2012-Estt. (D) dated 26.07.2012

8.9 **SPECIAL CASUAL LEAVE**

8.9.1 Special Casual Leave is granted to Central Government servants for a period not exceeding 30 days in any one calendar year for:

(a) Participating in sporting events of national/international importance;

(b) Coaching/administration of teams participating in sporting events of national/international importance;

(c) Attending coaching or training camps under Rajkumari Amrit Kaur Coaching Scheme or similar All India Coaching or Training schemes

(d) Attending coaching camps in sports organized by National Sports Federations/Sports Boards recognized by Government of India (Department of Youth Affairs and Sports) (O.M. No. 6/1/85-Estt(Pay-I dated 7.11.88)

(e) Participating in mountaineering expeditions

(f) Attending coaching camps in sports organized by National Sports Federation/Sports Boards recognized by All India Council of Sports; and

(g) Participating in trekking expeditions.

(h) Attending pre-selection trials/camps connected with sporting events of national/international importance.

Para 1 & 2 of O.M. No. 6/1/1985-Estt.(Pay-I) Dated 16th July, 1985

8.9.2 Special Casual Leave is also granted to Central Government servants for a period not exceeding 10 days in any one calendar year for participating in inter-ministerial and inter-departmental tournaments and sports event held in and outside Delhi.

Para 2 of O.M. No. 6/1/85-Estt. (Pay-I) dated 16.07.1985

8.10 **TREATMENT OF PERIOD OF PARTICIPATION/COACHING AS DUTY**

The period of the actual days on which they participate in the events of National/International importance, including pre-participation Coaching Camp as also the time spent in travelling to and from such tournaments may be treated as duty.

Para 3(i) & (ii) O.M. No. 6/1/1985-Estt.(Pay-I) Dated 16th July, 1985

8.11 **TRAVEL CONCESSIONS**

Central Government employees selected for participating in sporting events of national/international importance are allowed to –

a) Travel by First class by train for events within India
b) Economy class by air for international events held outside India.
c) The employees participating in sporting events are treated as on duty and as such they are entitled to DA under the rules as on tour.

Para 3 (iii) O.M. No. 6/1/1985-Estt.(Pay-I) Dated 16th July, 1985 and Para (c) of O.M. No. 6/2/85-Estt. (Pay-I) dated 30.01.1989

8.12 **EVENTS OF NATIONAL IMPORTANCE**

National championships/tournaments being conducted by the recognized National Sports Federations in individual disciplines and National Games conducted by Indian Olympic Association is recognized as events of national importance.

Para 3 (ii) of O.M. No. 6/1/85-Estt.(Pay.I) dated 07.11.1988 and para 1 of O.M. No. 6/2/2004 –Estt (Pay.I) dated 18th March 2008

8.13 **EVENTS OF INTERNATIONAL IMPORTANCE**

The events recognized by the International Sports bodies in the concerned disciplines and in which participation has been with prior approval of the Government(Department of Youth Affairs and Sports) may be treated as sporting event of international importance.

Para 3 (iii) of O.M. No. 6/1/85-Estt.(Pay.I) dated 07.11.1988

Consolidated instructions on incentives for sportspersons in Government of India are available on DOPT website.

DOPT OM No. 14034/01/2013-Estt(D) dated 03.10.2013

ANNEXURE 'A'

List of sports which qualify for appointment of meritorious sportspersons

S.No.	Name of the sport	S.No.	Name of the sport
1.	Archery	**2.**	Athletics (including Track and Field events)
3.	Atya-Patya	**4.**	Badminton
5.	Ball-Badminton	**6.**	Basketball
7.	Billiards and Snooker	**8.**	Boxing.
9.	Bridge	**10.**	Carrom
11.	Chess	**12.**	Cricket
13.	Cycling	**14.**	Equestrian Sports
15.	Football	**16.**	Golf
17.	Gymnastics (including Body Building)	**18.**	Handball
19.	Hockey	**20.**	Ice-Skiing
21.	Ice-Hockey	**22.**	Ice-Skating
23.	Judo	**24.**	Kabaddi
25.	Karate-DO	**26.**	Kayaking and Canoeing
27.	Kho-Kho	**28.**	Polo
29.	Power lifting	**30.**	Rifle Shooting
31.	Roller Skating	**32.**	Rowing
33.	Soft Ball	**34.**	Squash
35.	Swimming	**36.**	Table Tennis
37.	Taekwondo	**38.**	Tenni-Koit
39.	Tennis	**40.**	Volleyball
41.	Weightlifting	**42.**	Wrestling
43.	Yatching		

(Annexure 'A' to O.M. No. 14015/1/76-Estt. (D) dated 4th August, 1980, Para 1 of O.M. No. 14034/4/85-Estt. (D) dated 18th September, 1985, Appendix to O.M. No. 14034/1/91-Estt. (D) dated 21st March, 1991 & Para 3 of O.M. No. 14034/1/2009-Estt. (D) dated 24th November, 2009)

Chapter 9

COMPASSIONATE APPOINTMENTS

9.1.1 **THE SCHEME**

The object of Scheme of Compassionate Appointments is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness or who is retired on medical grounds, thereby leaving his family in destitute and without any means of livelihood, with a view to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency.

No.14014/6/94-Estt(D) dated 9th October, 1998

"Dependent Family Member" means, (a) spouse; or (b) son (including adopted son); or(c) daughter (including adopted daughter); or (d) brother or sister in the case of unmarried Government servant or (e) member of the Armed Forces who was wholly dependent on the Government servant/ member of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be.

9.1.2 **AUTHORITY COMPETENT TO MAKE APPOINTMENT**

Authority competent to make appointment on compassionate ground is Joint Secretary in charge of administration in the Ministry/Department concerned or Head of the Department under the Supplementary Rule 2(10) in the case of attached and subordinate offices, or Secretary in the Ministry/Department concerned in special types of cases.

9.1.3 **POSTS**

Compassionate appointments under the scheme can be made against Group C or erstwhile Group D posts only against direct recruitment quota.

9.1.4 **ELIGIBILITY**

The family is in indigent circumstances due to death or retirement on medical grounds, and deserves immediate assistance for relief from financial destitution, and the applicant for compassionate appointment is eligible and suitable for the post in all respects under the provisions of the relevant Recruitment Rules.

9.1.5 **EXEMPTIONS**

Compassionate appointments are exempted from observance of the requirements of (a) Recruitment through Staff Selection Commission or the Employment Exchange (b) Clearance from the Surplus Cell of the Department of Personnel and Training/Directorate General of Employment and Training and (c) ban orders on filling up of posts issued by the Ministry of Finance (Department of Expenditure).

9.1.6 **RELAXATION OF AGE AND EDUCATIONAL QUALIFICATIONS**

(a) Upper age limit could be relaxed wherever found to be necessary. The lower age limit should, however, in no case be relaxed below 18 years of age.

(b) In exceptional circumstances Government may consider recruiting persons not immediately meeting the minimum educational standards. Government may engage them as trainees who will be given the regular pay bands and grade pay only on acquiring the minimum qualification prescribed under the recruitment rules. The emoluments of these trainees, during the period of their training and before they are absorbed in the Government as employees, will be governed by the minimum of the Pay Band Rs.4440- 7440 without any grade pay. In addition, they will be granted all applicable allowance, like Dearness Allowance, House Rent Allowance and Transport Allowance at the admissible rates. The period spent in the pay band by the future recruits will not be counted as service for any purpose as their regular service will start only after they are placed in the pay band PB-1 of Rs.5200-20200 along with grade pay of Rs.1800/-.

Para 1 of O.M. No.14014/2/2009-Estt.(D) Dated the 11th December, 2009& OM No. 14014/2/2009-Esst.(D) dated the 3rd April, 2012
Note: In the case of an attached/subordinate office, the Secretary in the concerned administrative Ministry/Department shall be the competent authority for this purpose.

(c) Exemption from the requirement of passing the typing test those appointed on compassionate grounds to the post of Lower Division Clerk will be governed by the general orders issued in this regard:-

(i) by the CS Division of the Department of Personnel and Training if the post is included in the Central Secretariat Clerical Service; or

(ii) By the Establishment Division of the Department of Personnel and Training if the post is not included in the Central Secretariat Clerical Service.

(d) Where a widow is appointed on compassionate ground to a Group 'D' post, she will be exempted from the requirement of possessing the educational qualifications prescribed in the relevant rules provided the duties of the post can be satisfactorily performed by her without possessing such educational qualifications.

9.2 **DETERMINATION /AVAILABILITY OF VACANCIES**

1. Compassionate appointments can be made upto a maximum of 5% of regular vacancies falling under direct recruitment quota in any Group 'C' or erstwhile Group 'D' post. The appointing authority may hold back upto 5% of vacancies to be filled by direct recruitment through Staff Selection Commission or otherwise so as to fill such vacancies by appointment on compassionate grounds.

DOP&T OM No. 14014/6/95-Estt.(D) dated 26.09.95

2. The ceiling of 5% of direct recruitment vacancies for making compassionate appointment should not be exceeded by utilising any other vacancy e.g. sports quota vacancy.

9.3 **FAMILY ALREADY HAVING AN EARNING MEMBER**

(a) In deserving cases even where there is already an earning member in the family, a dependent family member may be considered for compassionate appointment with prior approval of the Secretary of the Department/Ministry concerned who, before approving such appointment, will satisfy himself that grant of compassionate appointment is justified having regard to the number of dependents, assets and liabilities left by the Government servant, income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the Government servant and whether he was a source of support to other members of the family.

(b) In cases where any member of the family of the deceased or medically retired Government servant is already in employment and is not supporting the other members of the family of the Government servant, extreme caution has to be observed in ascertaining the economic distress of the members of the family of the Government servant so that the facility of appointment on compassionate ground is not circumvented and misused by putting forward the ground that the member of the family already employed is not supporting the family.

(c) A widow appointed on compassionate grounds will be allowed to continue in service even after her re-marriage.

9.4 **MISSING GOVERNMENT SERVANT**

Cases of missing Government servants are also covered under the scheme for compassionate appointment subject to the following conditions:-

(a) A request to grant the benefit of compassionate appointment can be considered only after a lapse of at least 2 years from the date from which the Government servant has been missing, provided that:

i. an FIR to this effect has been lodged with the Police,

ii. the missing person is not traceable, and

iii. the competent authority feels that the case is genuine;

(b) This benefit will not be applicable to the case of a Government servant: -

i. who had less than two years to retire on the date from which he has been missing; or

ii. who is suspected to have committed fraud, or suspected to have joined any terrorist organisation or suspected to have gone abroad.

(c) Compassionate appointment in the case of a missing Government servant also would not be a matter of right as in the case of others and it will be subject to fulfilment of all the conditions, including the availability of vacancy, laid down for such appointment under the scheme;

(d) While considering such a request, the results of the Police investigation should also be taken into account; and

(e) A decision on any such request for compassionate appointment should be taken only at the level of the Secretary of the Ministry/Department concerned.

9.5 **UNDERTAKING**

A person appointed on compassionate grounds under the scheme should give an undertaking in writing that he/she will maintain properly the other family members who were dependent on the Government servant/member of the Armed Forces in question and in case it is proved subsequently (at any time) that the family members are being neglected or are not being maintained properly by him/her, his/her appointment may be terminated forthwith.

9.6 **REQUEST FOR CHANGE OF POST**

When a person has been appointed on compassionate grounds to a particular post, the set of circumstances, which led to such appointment, should be deemed to have ceased to exist and any request for appointment to any higher post on considerations of compassion should invariably be rejected. An appointment made on compassionate grounds cannot be transferred to any other person and any request for the same on considerations of compassion should invariably be rejected.

9.7 **GENERAL**

(a) Persons appointed on compassionate basis to a post should have the essential educational and technical qualifications and experience required for the post consistent with the requirement of maintenance of efficiency of administration.

(b) A family member of erstwhile Group ‘D’ Government servant can be appointed to a Group ‘C’ post, for which he/she is educationally qualified, provided a vacancy in Group ‘C’ post exists for this purpose.

(c) An application for compassionate appointment should not be rejected merely on the ground that the family of the Government servant has received the benefits under the various welfare schemes. While considering a request for appointment on compassionate ground a balanced and objective assessment of the financial condition of the family has to be made taking into account its assets and liabilities (including the benefits received under the various welfare schemes mentioned above) and all other relevant factors such as the presence of an earning member, size of the family, ages of the children and the essential needs of the family, etc.

(d) Compassionate appointment should not be denied or delayed merely on the ground that there is reorganisation in the Ministry/Department/ Office. It should be made available to the person concerned if there is a vacancy meant for compassionate appointment and he or she is found eligible and suitable under the scheme.

(e) Requests for compassionate appointment consequent on death or retirement on medical grounds of erstwhile Group ‘D’ staff may be considered with

greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.

(f) Compassionate appointment will have precedence over absorption of surplus employees and regularisation of daily wage/casual workers with/without temporary status.

The extant instructions on compassionate appointments have been consolidated, updated consequent to the recommendations of 6th CPC and have been compiled in DoPT OM No. F.No.14014/02/2012-Estt.(D) dated 16/01/2013.

9.8 A compilation on **Frequently Asked Questions (FAQs),** based on the clarifications sought by different Ministries/Departments have been uploaded on the website of DoPT on 30.05.2013.

Chapter 10

APPOINTMENT OF NON-INDIANS

10.1 STANDARD RULE FOR RECRUITMENT

A candidate for appointment to any Central Service or post must be-

(A) A citizen of India, or

(B) A subject of Nepal, or

(C) A subject of Bhutan, or

(D) A Tibetan refugee who came over to India before the 1st January, 1962, with the intention of permanently settling in India, or

(E) A person of Indian origin who migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire, Ethiopia and Vietnam, with the intention of permanently settling in India.

Provided that a candidate belonging to categories (B), (C), (D), and (E) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India.

Provided further that candidate belonging to categories (B), (C), and (D) above will not be eligible for appointment to the Indian Foreign Service.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the Union Public Service Commission or other recruiting authority, but the offer of appointment may be given only after, the necessary eligibility certificate has been issued to him by the Government of India.

DOP&AR O.M. No. 15014/3(s)/76-Estt.(B), dated 1-3-1977 and 15011/1/78-Estt.(B), dated 19-6-1978

10.2 GENERAL POLICY REGARDING APPOINTMENT OF NON-INDIANS

10.2.1 Candidates for employment in civil posts would have to be ordinarily citizen of India. There are, however, certain exceptions in favour of nationals of some neighbouring countries as also persons of Indian origin who had migrated to some other countries and were returning to India for permanent settlement.

10.2.2 There is no special dispensation in favour of persons who have acquired citizenship abroad. They are treated as a rule as at present stands, on par with other foreign nationals.

10.2.3 Appointment of non-Indians to civil posts under the Government of India should be made only in very exceptional circumstances for short periods, in fields where Indian experts are not available. Such appointments would be on contract.

10.2.4 Whenever it is proposed to appoint a non-Indian to civil post, simultaneously suitable steps should be taken to train Indians to fill such posts on a regular basis.

[GoI Home Dept. O.M. No. 20/106/46-Estt.(s), dated 4-11-1946 and MHA O.M. No. 15014/3/(S)/76-Estt.(B), dated 1-3-1977 and DOP&AR O.M. No. 15001/1/78-Estt.(B), dated 19-6-1978.]

10.2.5 The instructions referred to at 2.3 will, however, apply to:-

(1) Appointment of a person not already in permanent Government service, including confirmation of a temporary employee in the post held by him or his appointment to another post.

(2) Posting of a person in permanent Government service in accordance with a well-recognised system to transfer or promotion to a post which is filled ordinarily only after considering the claims for appointment of members of the service to which the person belongs.

(3) Appointment otherwise than described at (2) above, of a person in permanent Government service i.e. appointment to a post for which he is not ordinarily entitled to be considered for appointment by promotion or transfer.

GoI Home Dept. O.M. No. 20/106/46/-Estt.(s), dated 26-11-1946.

10.2.6 This decision also governs the appointment of non-Indians to civil posts under the Armed Forces, and posts in Corporations or Organisations, statutory or otherwise, in which Government has a controlling interest. In the latter case, if appointment to any post in such organization is governed by special provisions in the statute setting up the organization or in the rules framed there under which render it impossible to follow these instructions, the administrative Department/Ministry should examine amending those provisions suitably.

Home Dept. O.M. No. 20/106/46/-Estt.(s), dated 16-12-1946 and D.D.U.O. 1241/D-3, dated 27-1-1947.

10.3 **SCOPE OF RESTRICTIONS**

10.3.1 While the object of Government's policy is eventually to fill all civil posts under Government by Indian Citizens only, it is not their intention to interfere with the posting of a person in permanent Government service in accordance with a well-recognised system of transfer or promotions to a post in the cadre of the service to which the Government servant belongs or to a post which, though not included in that cadre, is ordinarily filled by members of that service. It has also been decided, after taking all the relevant factors into consideration that the

following categories of posts in Indian Embassies abroad, should be exempted from the orders prohibiting appointment of non-Indians:

a) Posts of interprets, translators etc. for which Indians of suitable qualifications are not likely to be available.

b) Ministerial posts of a purely temporary nature not lasting for more than a year, and

c) Class IV posts, such as messengers and peons, etc.

MHA O.M. No. 20/106/46-Apptts, dated 27-7-1948

10.4. **PROCEDURE FOR MAKING APPOINTMENTS**

10.4.1 Ministries and Heads of Departments are competent to decide cases of appointment of non-Indians to posts under their administrative control subject to the conditions that:

(i) The orders on the subject issued by the Department of Personnel and Training from time to time setting out the general policy will continue to be followed by the administrative Ministry.

(ii) The administrative Ministry, in taking a decision will obtain the orders of the Minister-in-charge or of the Deputy Minister.

(iii) A consolidated single return, in duplicate, in the prescribed format of such appointments in a Ministry/Department, attached and subordinate offices, public under-taking etc. under their control, should be forwarded to the Department of Personnel and Training by February each year in respect of the period ending 31st December of previous year.

MHA O.M. No. 1//55/CS(C), dated 14-7-1995 and 14030/1/1986-Estt (B), dated 3-1-1986

10.4.2 Security Vetting: As it is considered necessary from the security point of view to examine, before appointment, whether or not a particular non-Indian is suitable for appointment under the Government of India, the Ministry/Department concerned should furnish sufficiently in advance to the Director, Intelligence Bureau the following information about the person proposed to be appointed:

(i) Full name and not merely initial.

(ii) Date and place of birth.

(iii) Nationality.

(iv) Parentage.

(v) Home Address.

(vi) Present Address.

(vii) Passport Particulars.

(viii) Such other information as may facilitate fixing his identity.

MHA O.M. No. 36/33/49-Appts. Dated 14-5-1949 and No. 36/56/CS(C), dated 13-2-1956

TERMS TO BE GRANTED TO FOREIGN EXPERTS.

10.4.3 If, in connection with the plans for the industrial development of the country and for other objects, it is found necessary to requisition the services of technical experts and advisers belonging to foreign countries, the terms to be granted to these experts, have, in each case, to be decided with the concurrence of the Ministry of Finance. This is all the more necessary as the grant of unusual terms by Ministries without the prior concurrence of the Finance Ministry may create an awkward precedent in obtaining the services of experts in the future.

M.O.F. O.M. No. F. 5(61)-D IV/55, dated 5-12-1995.

10.4.4 Prior concurrence of the Department of Economic Affairs should also be obtained from foreign exchange angle.

M.O.F. Letter No. 1 (69)-EF VII/56 dated 19-9-56 and 8-11-56

10.4.5 The contract of appointment should ordinarily specify that the remuneration and other payments due to the employee will be made in rupee in India, leaving it to him to make his own arrangements for remittance to his home country through banking channels in accordance with normal exchange control regulations. At present foreign nationals are allowed to make a monthly home remittance of Rs. 2,360 or 50% of net emoluments whichever is less; at the time of retirement they are allowed to take:

(i) Currently remittable assets such as savings in bank, provident fund, gratuity and sale proceeds of personal effects in full.

(ii) On capital account i.e. sale proceeds of investments, they will be allowed to take Rs. 1 lakh at the time of retirement and the balance in annual instalments not exceeding Rs. 30,000.

Two copies of the contract, when finalised should be sent to the External Finance Division of the Department of Economic Affairs, who will endorse one copy to the Reserve Bank of India to provide necessary remittance facilities, to the employee or on his behalf to the employing body.

MOF O.M. No. 1807-E.FI/53 dated 15-4-1953

10.4.6 Ministries / Heads of Offices should mention the appointment of non Indians made by them in the Monthly summaries to the Cabinet Secretariat in the following form:

PROFORMA

INFORMATION RELATING TO EMPLOYMENT OF FOREIGN NATIONALS IN GOVT. AND GOVT. UNDERTAKINGS.

Min/Dept	Month	Date of Apptt	Duration of Apptt.	Country of origin	Types or Nature of Job held, such as Teacher, Scientists, Doctors etc.	Assignment held
1	2	3	4	5	6	7

Ref. Cab Sectt. O.M. No. 80/3/84-Cab dated 22.05.84 and 18.07.86

Chapter 11

RECRUITMENT

11.1 RECRUITMENT THROUGH UPSC

11.1.1 Functions of the Union Public Service Commission (UPSC) has been enumerated in Article 320 of the Constitution.

11.1.2 In case of direct recruitment through competitive examination, examination rules laying down inter-alia conditions of eligibility and scheme of examination for direct recruitment are notified by the Government after consultation with UPSC. Based on this, Departments are required to report vacancies on an annual basis required to be filled during a particular recruitment year to the Commission in time for being notified by them in their notice for the information of prospective candidates.

11.1.3 In regard to direct recruitment by selection through interview requisition is to be submitted in UPSC-33 (DOPT-1) proforma as circulated vide DOPT OM. No. 39011/11/2005-Estt (B) dated 27.02.2008 to UPSC under single window system. Under this system Departments are required to bring their proposals by hand (through an authorized representative not below the rank of Under Secretary) for on the spot scrutiny by the designated officer in UPSC. Complete check-list as circulated vide DOPT OM 39011/05/2012-Estt (B) dated 04.07.2012 including annexures containing details in respect of reservation/suitability for Physically Handicapped persons.

11.2 RECRUITMENT THROUGH SSC

11.2.1 Staff Selection Commission (SSC) has been entrusted with the work of making recruitment to

(i) all non-Gazetted Group 'B' posts in the various Ministries/Departments of the Government and their attached and subordinate offices and

(ii) all non-technical Group 'C' posts in the various Ministries/Departments of the Government and their attached and subordinate offices, except those posts which are specifically exempted from the purview of the Staff Selection Commission.

11.2.2 The Commission has Regional offices at New Delhi, Allahabad, Mumbai, Kolkata, Guwahati, Chennai and Bangalore and Sub-Regional offices at Raipur and Chandigarh, which function under the supervision of the SSC (Hqrs).

11.2.3 Information regarding vacancies to be filled up on the basis of open competitive examinations is required to be furnished to the Commission by the indenting departments/offices, firstly, before the issue of advertisements so that the number of expected vacancies are included in the advertisement and, secondly, before compilation of results so that the results include only as many names as are the vacancies. For this, the user departments/offices are required to send requisitions in the proforma to the Staff Selection Commission (SSC).

[Website Link- http://ssc.nic.in/feedback/revised_proforma.pdf]

11.3 **RECRUITMENT THROUGH EMPLOYMENT EXCHANGE**

11.3.1 GENERAL

All vacancies to be filled by direct recruitment in Central Government Establishments other than those filled through the UPSC or agencies like the Staff Selection Commission should be notified to the nearest Employment Exchange/Central Employment Exchange and given wider publicity through publication in the Employment News, etc.

Department are also required to issue instructions to all the Quasi Government Institutions and statutory organizations with which they are concerned requiring them to notify vacancies in the manner and form prescribed in rule 4 of the Employment Exchange (Compulsory Notification of Vacancies) Rules 1960 to the prescribed Employment Exchange and to fall in line with Central Government Departments in the recruitment of staff through the agency of the Employment Service.

11.3.2. Notification of vacancies

11.3.2.1(i) As per the Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 and the Rules framed there under, vacancies in the posts of technical and Scientific nature carrying a basic pay of Rs. 1400/- (pre-revised/ as per 4th CPC) or more per month Occurring in (a) establishments in respect of which the Central Government is the Appropriate Government under the Act and (b) vacancies which an employer may desire to be circulated to the Employment Exchanges outside the State or Union Territory in which the establishment is situated, are to be notified to the Central Employment Exchange. As per the procedure adopted by Central Employment Exchange, such vacancies are being advertised in the Employment News/ Rozgar Samachar.

(ii) Vacancies, which are not filled through UPSC/SSC etc. and for which a reference is to be made to the Central Employment Exchange, advertisement for publication in the Employment News/Rozgar Samachar shall be issued by the Central Employment Exchange only and not by the concerned Employer organisation. Candidates whether registered with the local employment Exchange or not, who respond to the advertisement issued by the Central Employment Exchange, will however, be required to apply directly to the employer organisation in the format prescribed in the advertisement to be issued by the Central Employment Exchange.

11.3.2.2 While notifying Group C & erstwhile Group D vacancies to the Employment Exchange concerned, it should be clearly indicated in the requisition whether or not the vacancies arc reserved for SC/ST /Ex-servicemen. The result of selection of candidates sponsored by the Employment Exchange should be intimated to the Exchange within a period of one month and if any of the vacancies reserved for SC/ST/Ex-servicemen is not filled by a candidate of the respective category sponsored by the Employment Exchange, specific reasons there for should be communicated to the Exchange. These orders apply to physically handicapped persons also.

MHA OM No. 14/121/67-Estt(D), dated 10-4-68 read with MHA OM No. 14/7/70-Estt(D), dated 16-4-701 730P & AR OM No. 14016/3/79-Ests(D), dt. 21-5-79

11.3.2.3 If the Employment Exchange/Directorate General of Employment and Training have reasons to feel that vacancies are not being reserved for Scheduled Castes /Scheduled Tribes candidates, in the manner in which they should be, they may, at their discretion, seek clarification from the recruiting authorities or send a report to the Department of Personnel and Training.

11.3.2.4 Notification of the vacancies to the Employment Exchange should be made in the form at Annexure.
[MHA OM No. 2/11/55-RSP, dt. 7-5-55 as amended by D/o Personnel O.M. No. 14/7/71-Estt.(D), dt. 7-11-71]

11.3.3 EXEMPTIONS FROM THE EMPLOYMENT EXCHANGE PROCEDURE

Ministries are competent to waive the Employment Exchange procedure in all cases, in consultation with the Director General, Employment and Training, under the express approval of an officer not below the rank of a Joint Secretary in the Ministry concerned. In cases of disagreement between the Ministry and the Director General, Employment and Training, a reference should be made to the Department of Personnel and Training
[MHA OM No. 71/12/58-CS(C), dt. 19-12-59]

11.3.4 RELAXATION OF EMPLOYMENT EXCHANGE PROCEDURE ON COMPASSIONATE GROUNDS

Departments are competent to appoint, without reference to the Employment Exchange, a spouse/ son(including adopted son)/daughter (adopted daughter) /brother or sister in the case of unmarried Government Servant/ members of Armed Forces who are wholly dependent on the government servant /member of the Armed Forces at the time of his death in harness or on retirement on medical grounds, as the case may be, to ,a post which is required to be filled through Employment Exchange provided the family of the deceased Government servant stands in need of immediate assistance on account of his sudden death, there being no other earning member in the family. Appointments in such cases are, however, to be made with the approval of the Joint Secretary in charge of Administration in the Department concerned or Head of the Department under the SR 2(10), in case of attached and subordinate offices or Secretary in the Department concerned, in special types of cases .

DoPT OM No.14014/02/2012-Estt (D) dated 16.01.2013

11.3.5. PERIOD OF NOTICE TO THE EMPLOYMENT EXCHANGES

Sufficient time should be given to the Employment Exchange for submitting suitable candidates, the minimum being as follows :

(i) Vacancies required to be circulated 'to other Employment Exchanges under Employment Exchanges (Compulsory Notification of Vacancies) Rule, Time list prescribed in the Rule 5 is as under:—

(a) Vacancies required to he notified to local Employment. Exchanges shall be notified at least 15 days before date of interview/Test.

(b)Vacancies required to be filled through Central Employment Exchange will be notified 60 days before the Interview. To expedite the process, however, employing departments may require that the various Employment Exchanges submit the nominations to them direct.
[MHA OM No. 71/12/53-DGS. dt. 12-3-53 and No. 71/146/54-CS(C). dt. 2-3-56]

(ii) Vacancies reserved for SCs and STs :—
three weeks.

MHA OM No. 71/318/54-CS(C).dt. 7-1-55

(iii) Other vacancies:—

(a) One week in case of local recruitment.

(b) Less than one week in case of real emergency. (The appointing authority should specify briefly the reasons for treating the demand as urgent).

MHA OM No. 71/12/53-DGS dated 12-3-53

11.3.6. Recruitment of priority and non-priority candidates

11.3.6.1 Central Government vacancies notified to the Employment Exchange should be filled by candidates belonging to priority as well as non-priority categories in the ratio 50 : 50. For this purpose, the appointing authorities should maintain a roster starting with a candidate of priority category and while intimating the vacancies to the Employment Exchanges should indicate clearly whether the vacancies are to be filled by priority groups or by non-priority groups.
[MHA OM No. 71 /300/54-CS (C), dt. 28-5-55]

11.3.6.2 In so far as priority categories are concerned for whom 50% of the vacancies are reserved, employing authorities should not ask the Employment Exchanges to submit candidates -with qualifications higher than the minimum required for the post. The restriction applies also to vacancies reserved for Scheduled Castes and Scheduled Tribes.

MHA OM No. 24/16/55-RPS, dated 16-4-56

11.3.6.3 Employing Departments usually make selection on a competition basis from amongst the candidates recommended by the Employment Exchange. This occasionally results in the selection of the candidates entitled to lower priority or even to no priority at all who may be considered more suitable by the employing departments. This procedure runs counter to the policy of Government that candidates belonging to certain categories should have higher priority in the matter of securing employment under Government. It is essential that persons belonging to the Higher priority categories are enabled to secure employment if they are found suitable for it, as early as possible. Therefore, in making recruitment to Central Government Offices, employing Departments should accept for employment candidates nominated by the Employment Exchanges in the order of their priorities. Candidates of a lower priority should not be preferred to candidates belonging to a higher priority group. The latter should not be rejected unless they are found un-suitable for employment in which event a definite

findings to that effect and the reasons for which such candidates were not considered suitable should be recorded by the competent authority. Reasons for such rejections should be communicated to the Employment Exchange if nominees entitled to priority treatment are found to be unsuitable.

MHA OM No. 71/12/51-DGS dated 21-1-54

11.3.6.4 (i) Persons for establishment of Defence Project or Industrial Projects (Government or Quasi-Government), specially Scheduled Castes and Scheduled Tribes (e.g. Adivasis) should be given first preference for appointment to posts carrying lower scales of pay in such projects should be preferred to those who, even if they come for some distance, have been or are about to retrenched from Government Undertakings. The preference mentioned above will be available to unskilled workers.

(ii) In the case of skilled workers, clerks and other non-technical staff whose scales are comparatively low, so long as the basic qualifications and experience are forthcoming, preference should be given in the order of priority mentioned above.

MHA OM No. 14/1/63 MP.dated 19-8-65 read with MHA OM of even No. 21-6-66 and Ministry of Defence OM No. 25/26/66-D(Apptts.). dated. 27-12-67

11.3.7.1 Pursuant to the Judgment of Hon'ble Supreme Court in the case of Excise Superintendent, Malkapatnam, Andhra Pradesh v/s K. B. N. Visweshwara Rao & others [1996 (6) SCALE 676], the earlier policy of making the selection only through the employment exchange in respect of posts for which the recruitment was not being made through regular selection bodies viz. UPSC, SSC etc., was reviewed and it was decided that in respect of such posts, in addition to notifying the vacancies to the Employment Exchange, the requisitioning authority/establishment shall also arrange for the publication of the recruitment notice in the "Employment News/Rozgar Samachar" and also display the recruitment notice on the Office Notice Board and then consider the cases of all the candidates.

11.3.7.2 In respect of vacancies which are not filled through UPSC/SSC, and for which reference is to be made to the Central Employment Exchange, the advertisement for publication in the Employment News/ Rozgar Samachar shall be issued by the Central Employment Exchange only and not by the concerned employer organization.

11.3.7.3 Candidates, whether registered with the local employment exchange or not, who respond to the advertisement issued by the Central Employment Exchange will, however be required to apply directly to the employer organization in the format prescribed in the advertisement to be issued by the Central Employment Exchange.

11.3.7.4 Where the vacancies are required to be reported only to the local employment exchange, in addition to advertisement, such vacancies shall continue to be advertised in the Employment News/Rozgar Samachar by the employer organization and recruitment notices shall be displayed on the Office Notice Board in all cases.

DoPT O.M. No. 14024/2/96-Estt.(D) dated 18th May 1998 and

ANNEXURE

Requisition Form to be used when calling for applicants from Employment Exchanges for Recruitment to Central Govt. vacancies.

(Please use a separate form for each type of post)

1. Office/ Department and Address
2. Name and designation of indenting Officer, Telephone No.
3. Name and designation of the Officer to whom applicants should report for interview/test
4. Date. Time and place of interview; test
5. (a) Designation of the post(s) to be filled :
(b) Scale of pay, allowance
(c) Place of work.
(d) Description of duties
6. (a) Number of posts to be filled
(b) Duration of vacancies.

Permanent	Temporary less three months	Temporary between three months & 1 year	Temporary like to continue beyond 1 year

(c) Age limits, if any.
(i) Reserved for SCs—Priority.
Reserved for SCs—Non-Priority
(ii) Reserved for STs—Priority. .
Reserved for STs—Non-Priority
(iii) Reserved for Ex-servicemen.
(iv) Reserved for handicapped persons
(Specify category)
(v) Unreserved—.Priority
Unreserved—Non-Priority
7. Qualifications required:—
(a) Essential .
(b) Desirable.
8. Whether willing to wait and consider applicants from other Exchange area in case local applicants are not available
9. Any other information considered relevant

Certified that the number of vacancies reserved for SCs/STs/Ex-Servicemen and Handicapped persons as mentioned in Col. 6 (a) above is in accordance with the reserve quota fixed by Govt. for these categories.

Dated Signature of the Head of Office

To

The. Employment Officer, Employment Exchange.

NOTE:—where advertisements are inserted in the newspaper as suggested in paragraph 5(6) of Ministry of Home Affairs OM No.42:21/49-NGS dt. 28-1-52 a copy of the advertisement should be attached to the requisition Form which should b.; snit to the Employment Exchange in any case.

11.4 **SEARCH COMMITTEES/SEARCH-CUM-SELECTION COMMITTEES**

11.4.1. The principles, as set forth in the ensuing paragraphs, shall be kept in view by all concerned Departments while setting up Search Committees and Search-cum-Selection Committees (for posts in autonomous organizations).

11.4.2. **Search Committees for posts in Government:**

Immediately after a post is created, the Recruitment Rules for the same should be framed, if the post is likely to continue for one year or more. Action to fill the post as per the provisions in the Recruitment Rules has to be initiated and the procedure of Search Committee cannot be a substitute for the normal recruitment process.

11.4.3. **Situations in which Search Committees may be constituted, their composition etc**.

(i) The post involved does not fall under the purview of the UPSC;

(ii) Since, as a rule, appointments in Government are to be made on the basis of open advertisement, this requirement has to be followed without fail, and it is only in situations where advertisement may not result in adequate response, that a Search Committee should normally be appointed;

(iii) Constitution of Search Committees cannot be a substitute for advertisement of posts and their role is only to supplement the recruitment effort through advertisements;

(iv) A minimum period of at least four weeks may be given to the candidates to respond to the circular/advertisement for appointment under this mechanism;

(v) Search Committees should be constituted only for sufficiently senior posts at the level of Director (in the Pay Band 4 & Grade Pay Rs.8700) or above, which require specialized scientific/technical knowledge and experience;

(vi) The composition of the Search Committee needs to be approved by the Department of Personnel and Training in each case, if the post

proposed to be filled by this procedure is in the Pay Band 4 & Grade Pay Rs.10000 or above.

(vii) The Committee should be chaired by the concerned Secretary of the Ministry/Department and where it is constituted for a Secretary-level post, a senior and distinguished academician may be invited to chair the Committee. The Committee should normally consist of not more than 5 members including the Chairman;

(viii) Where officers of Government, Autonomous Bodies, PSUs etc. are nominated as Members, they should be at least one level above the post to which recruitment is being made;

(ix) No person who is recipient of grants/funding from the Ministry concerned or who is closely related to a recipient should be invited to join the Search Committee;

(x) The composition of the Committee should be well-balanced. It should invariably include persons of appropriate standing having acknowledged expertise in the relevant field of specialization. At least half of such experts should be from outside the Department;

(xi) The tendency to rely on the same experts for long periods of time is to be avoided. It is necessary to infuse fresh blood in such Committees in order that they may locate personnel who are engaged in research in frontiers of the relevant field;

(xii) The Search Committees/ Search-cum-Selection Committees should recommend panels in the order of merit.

DOP&T OM No.AB.14017/11/2004-Estt. (RR) dated 25.5.2009.

(xiii) The panel recommended by the Committee will remain valid for one year and if no selection is made from the panel within a period of one year, a fresh Committee shall be constituted to prepare a fresh panel. Such a Committee may also consider the names of persons recommended in the earlier panel;

(xiv) In some cases, the Rules themselves prescribe Search Committee/Search-cum Selection Committee and in such cases, it should be ensured that the composition is strictly as per the Rules. Wherever it is necessary, amendments to the Rules may be carried out to ensure that the composition of the Committee is in conformity with these instructions.

11.4.4. **Search-cum-Selection Committees for posts in autonomous/statutory bodies etc**

Though the principles applicable for posts in Government as in para 4 ibid *w*ould generally apply, the following principles would specifically apply to Search-cum-Selection Committees for posts in autonomous/statutory bodies, entities registered under the Societies Registration Act, etc:-

(i) Each Department shall constitute a Search-cum-selection committee, with the concurrence of DOPT, for (a) all appointments to the post of Chief Executives and (b) for all appointments carrying a Pay Band 4 & Grade Pay of Rs. 10000 and above.

(ii) Departments will have the discretion to choose the Chairman of the Committee. They may, however, ensure that the person so chosen is distinguished and of sufficient high standing commensurate with the level of the post for which selection is to be recommended by the Committee;

(iii) The Committee should normally consist of not more than 5 members including the Chairman and at least one outside expert of eminence. The Committee should also include the Chief Executive of the autonomous institution even if the scale of pay of the post of Chief Executive is same as of the post for which selection is being made unless the selection is for the post of Chief Executive ;

(iv) The panel recommended by the Committee will be valid for one year and if no selection is made from the panel within a period of one year, a fresh Committee shall be constituted to prepare a fresh panel. Such a Committee may also consider the names of persons recommended in the earlier panel;

(v) The panel recommended by the Committee will have to be implemented in toto by the Department and any deviation in the matter will require the prior approval of ACC. The powers rested with the ACC should not be exercised by the Departments without the approval of the ACC. DOP&T OM No.AB.14017/11/2004-Estt.(RR) dated the 17.7.2012

(v) Extension in tenure of persons other than the Chief Executives shall be considered by the Search-cum-Selection Committee and its recommendations shall be accepted by the Department. Any proposal to reject the recommendations will require the approval of the ACC. Authority

for approval of extension in tenure of Chief Executives will rest with the ACC;

(vi) All appointments, which are covered by specific statutes, are to be carried out on the basis of the statutory provisions. Wherever the statutes provide for an appointment to the post with the approval of the Central Government, the appointment to the post of Chief Executives of the Pay Band 4 &Grade Pay of Rs. 10000 and above, will be within the purview of ACC and the Search-cum-Selection Committee mechanism envisaged in these instructions will apply;

(vii) Appropriate Recruitment Rules/Regulations for the post involved shall be formulated by the administrative Ministry, wherever the relevant statutes do not incorporate the eligibility conditions. The norms and criteria for selection, shall, in any case, be finalized by the autonomous institution, with the concurrence of the Ministry concerned and the same shall be made widely known well in advance of the selection;

(viii) The vacancy shall be given wide publicity through open advertisement/circulation among various Ministries/Departments/State Governments/ Autonomous bodies/Research institutes etc., as also made available on the website of the Ministry/Department;.

(ix) A minimum period of at least four weeks may be given to the candidates to respond to the circular/advertisement for appointment under this mechanism;

11.4.5. All autonomous institutions, which are not set up under their own statutes, may thereafter modify their Memoranda and Articles of Association, Bye-laws, etc. in order to incorporate fully these guidelines. The institutions may report compliance to the DOPT along with copies of their revised Memoranda/Articles of Association, Bye-laws etc. These institutions, thereafter, will not be required to take approval of DOPT for each Search-cum-Selection Committee constituted by them. The institutions shall, however, send a copy of the Search-cum-Selection Committees constituted by them to the DOPT.

DOP&T OM No.AB.14017/11/2004-Estt.(RR) dated the 30.7.2007

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Chapter 12

OFFER OF APPOINTMENT AND EXTENSION OF JOINING TIME

12.1.1 An offer of appointment issued by different Departments should clearly specify the period (which shall not normally exceed one or two months) after which the offer would lapse automatically if the candidate did not join within the specified period. If, however, within the specified period, a request is received from the candidate for extension of time, it may be considered by the Ministries/Departments but extension beyond three months should not be granted and it may be granted only as an exception where facts and circumstances so warrant and in any case only up to a maximum of six months from the date of issue of the original offer of appointment.

12.1.2 An offer on appointment would lapse automatically after the expiry of six months from the date of issue of the original offer of appointment. The candidates who join within the above period of six months will have their seniority fixed under the seniority rules applicable to the service/post concerned to which they are appointed, without any depression of seniority.

If, even after the extension(s), if any, granted by the Departments, a candidates does not join within the stipulated time (which shall not exceed a period of six month), the offer of appointment should lapse. An order of appointment which has lapsed should not ordinarily be revived later, except in exceptional circumstances and on grounds of public interest. The Commission (UPSC) should in all cases be consulted before such offers are revived.

12.1.3 In a case where after the lapsing of the offer, the offer is revived in consultation with the commission, the seniority of the candidates concerned would be fixed below those who have already joined the posts concerned within the prescribed period of six months; and if the candidates joins before the candidates of the next selection examination join, he/she should be placed below all others of his batch. If however, the candidates join after some or all the candidates of the next selection examination have joined he/she should be—

(a) In case of selection through interview, placed at the bottom of all the candidates of the next batch;
(b) In the case of examination, allotted to the next year's batch and placed at the bottom.

DoPT O.M. No. 9/23/71-Estt.(D) dated 6.6.1978, O.M. No.35015/2/93-Estt.(D) dated 9.8.1995, and O.M. No.20011/1/2008-Estt.(D) dated 11.11. 2010

12.2.1 In order to avoid inconvenience to candidates as also embarrassment to the Administration, the Departments are required to ensure that the offers of appointment are sent to the candidates recommended by the Commission within three to four months of the receipt of Commission's recommendations. Special watch should be kept in respect of cases where the offers are not sent within the specified period mentioned above. In addition to the fortnightly review of such

cases by the Head of Department or Joint Secretary concerned, a quarterly review statement is required to be submitted by the Head of the Department and Joint Secretary concerned to the Secretary to the Department/Ministry in the prescribed proforma by the 10th of the following month. Also particulars of the cases in which offers of appointment to candidates selected by UPSC are not issued within two months of the date of receipt of the recommendations of the Commission should be forwarded to the Department of Personnel and Training for each half-year by the 15th of the following month, i.e., by the 15th July and 15th January each year.

12.2.2 DoPT's O.M No. 39011/02/2002-Estt.(B) dated 05 November, 2002, provides that all Departments to make adequate arrangement to ensure that delays in sending offers of appointment to candidates selected by UPSC are reduced to the minimum and issue letters to the recommended candidates for medical examination and also to the concerned authorities for verification of character and antecedents within ten days from the receipt of recommendation letter from the UPSC and offers of appointment could be issued to the candidates recommended by the Commission within three months from the date of recommendation letter. Similar instructions were also issued in respect of candidates recommended by the SSC to all Ministries/Departments vide O.M. dated 25.9.2006. The above instructions have been reiterated by DoPT vide OM dated 16.8.2012.

GoI MHA OM No.21/23/62-Ests.(B) dated 4.10.1962; No.23/2/65-Ests.(B) dated 11.02.1965; No.30/12/66-Estt.(B) dated 15.9.1966, No.23/97/68-Estt.(B) dated 26.02.1969; and DoPT OM No. 39011/02/2002-Estt.(B) dated 05.11.2002; No. 39011/2/2002-Estt.(B) dated 25.9.2006 and 39011/6/2012-Estt.(B) dated 16.8.2012

Chapter 13

VERIFICATION OF CHARACTER AND ANTECEDENTS

13.1 Appointing authority should satisfy itself that the character and antecedents of the persons proposed to be appointed are such as do not render him unsuitable for appointment to Government service. Detailed instructions regarding procedure to be followed in this behalf are contained in a self contained brochure available with the Department.

13.2 Para 3 (c) of the OM No.18011/9(s)/78-Estt. (B) dated 2nd July, 1982 relates to suitability or otherwise of a person convicted of an offence involving moral turpitude,

> "(c) Normally a person convicted of an offence involving moral turpitude should be regarded as ineligible for Government service; Provided in cases the appointing authority feels that there are redeeming features and reasons to believe that such a person" has cured himself of the weakness, specific approval of the Government may be obtained for his employment.

13.3 Candidates disqualified by the Public Service Commission of a State should not be automatically debarred from appearing at examinations or selections held by the other Public Service Commissions.

MHA letter No. 2/2/58-Estt.(B) dated 27.05.1960

Persons debarred/disqualified by the Union Public Service Commission permanently from appearing at the examination and selection conducted by them should be regarded as unsuitable for appointment under any Department or office of the Central Government

MHA OM no. 2/3/56-Estt.(B) dated 17.12.1956).

13.4 In order that a person who is debarred from employment does not secure employment under Government, particulars of all persons dismissed

from service as well as those removed or discharged from service who are considered unsuitable for employment under the Government of India, should be forwarded to (i) The Superintendent of Police of the District of which a person is permanent resident; (ii) the Deputy Inspector General, CID of the State or corresponding authority, and (iii) The Director, Intelligence Bureau, New Delhi.

13.5 Following are considered unsuitable for employment under Government:

(A) While there is no change in the guiding principles laid down in the circular dated 7th February, 1947, referred to above, specifically the following may be considered undesirable for employment under Government:

(a) Those who are, or have been, members of or associated with anybody or association declared unlawful after it was so declared, provided the body or association continues to be declared unlawful at the time of the verification;

(b) Those who have been charged with, or against whom there is substantial evidence of, participation in or association with any activity or program which is aimed at:

(i) Subversion of the Constitution;

(ii) Overawing or overthrowing by force or by unconstitutional means the Government established by law in India;

(iii) Causing organized breach or defiance of law involving violence;

(iv) Bringing about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which supports any claim for cession or which supports any claim for cession or secession, or which incites any individual or group of individuals to bring about such cession of secession;

(v) Disclaiming, questioning or disrupting the sovereignty and territorial integrity of India or being prejudicial to the security of the State;

(vi) Promoting, or propagating or attempting to create on grounds of religion, race, language, caste or community feelings of enmity or hatred or disharmony between different sections of the people.

(c) Those against whom there is substantial evidence of, participation in or association with, any subversive or criminal activity or such activities as may render them unsuitable for public employment, or are considered likely to affect their integrity and efficiency in service;

(d) Those who have been associated with foreign powers or their agents in a manner which may give rise to a reasonable presumption of activities prejudicial to the national interest.

(B) Participation in any such activities, particularly within 3 years of the date of enquiry, should be considered as evidence that the person is unsuitable for Government employment unless there is, in the interval, positive evidence of a change of attitude.

(C) Normally a person convicted of an offence involving moral turpitude should be regarded as regarded as ineligible for Government service:

Provided in cases where the appointing authority feels that there are redeeming features and reasons to believe that such a person has cured himself of the weakness, specific approval of Government may be obtained for his employment.

NOTE: (i) Mere membership at some stage of a political party which is not banned by the Government during the period of such membership cannot be deemed to ipso facto disqualify a person from Government service except where such membership has

resulted in his taking part in anti-national or communal or similar activities.

(ii) Participation in student politics or students organizations in the University will not be a bar unless it involves participation in extremist activities involving violence, sub version etc. In such cases, the verification report will be considered on the basis of the facts revealed therein.

(MHA OM No. 18011/9(s)/78-Estt.(B) dated 2nd July, 1982)

Procedure for verification of character and antecedents:

The Procedure for verification of character and antecedents have been laid down in the instructions contained in Home Department's OM No. 20/58/45-Estt,.(s) dated 7th February, 1947 and revised by MHA No. 18011/9(s)/78-Estt.(B) dated 2nd July, 1982. The revised procedure gives 3 kinds of verifications – detailed verification, record check and simple verification.

Detailed verification: Detailed verification would be applicable to appointment to:

(a) Group 'A' posts;

(b) Group 'B' posts;

(c) Group 'C' posts of all those offices in which detailed verification is considered particularly necessary in the interest of security by the administrative Ministry or office.

(d) Cases in which simple verification cannot be done because of the candidate's inability to produce a certificate of character.

Record Check:

Record check involves looking into adverse reports in respect of any matter including criminal cases, arrests, debarment by Union Public Service Commission, etc. as maybe revealed by the Police Records.

Record check could be applicable to Group 'C' posts above the level of Lower Division Clerk in the Government of India Secretariat and its attached offices.

Simple Verification:

Simple verification would be applicable to appointments to all other posts viz.:

(a) Posts of LDC and posts of equivalent grade and all Group 'D' posts in the Government of India Secretariat and its attached offices; and

(b) Group 'C' & 'D' posts under the Government of India in subordinate offices.

As an exception to the general procedure in case of persons in categories mentioned in Record Check and Simple Verification and appointed to certain posts or services or departments, detailed verification may be necessary for all levels. Such posts/services/ departments may be identified and persons appointed at all levels to these posts/services/departments may be subjected to detailed verification.

To cite an example, persons appointed at all levels who may have to handle Top Secret/ Secret/ Sensitive matters should be subjected to detailed verification. This category would necessarily include LDCs, Gestetner Operators, Messengers/Peons attached to Secret Sections, Secret R&I, Offices of Joint Secretaries, Secretaries and Ministers, and those employed in the Budget Sessions of the Ministry of Finance/Railways/Defence.

All appointing authorities should clearly indicate at the top of the attestation forms the type of verification required to be done, i.e. Detailed Verification, Record Check or Simple Verification.

Chapter 14

MEDICAL EXAMINATION ON FIRST APPOINTMENT

14.1 BASIC REQUIREMENT

Every new entrant to Government service is required to produce a medical certificate of health.

To ensure that only persons, who are physically as well as mentally sound in health, are admitted to Government service. Every new entrant including a part-time employee on appointment to Government service/post is required to produce a medical certificate of health issued by a competent authority.

Where the post is permanent and the appointment thereto is made in a substantive capacity, the medical certificate of fitness shall be produced before such appointment.

Min of Finance OM No. 45(1)-EV/54, dated 24-3-1954.

14.2 GOVERNMENT OF INDIA'S ORDERS

(1) No appointment in pensionable establishment without medical fitness: Every new entrant to Government service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. Powers of the President have been delegated to the Administrative Ministries to authorize in relaxation of F.R. 10 the drawl of pay and allowances for a period not exceeding two month in respect of fresh appointment to Government service without medical certificate of health.

(2) In view of the Government's decision on family pension communicated in Ministry of Finance OM No. 1(10)-E. V(B) /78, dated the 27th January, 1979 (family pension entitlement without minimum service limit), it has been decided that in no case should a person be allowed to join Government service in a pensionable establishment without having been medically examined and found fit.

(3) All appointing authorities are, however, advised to ensure that this does not result in delay in issuing offers of appointments to the candidates recommended by the UPSC/SSC. An employee as "not fit" for appointment to the post specified, the services of the employee should, subject to the provisions of the Ministry of Health Office Memorandum No. 5-35/55-H II dated the 13th December, 1965 be terminated forthwith. Though medical opinion should not declare a candidate as "fit for temporary employment", it sometimes happens that a candidate is declared "temporarily unfit" as requiring re-examination after a specified period in cases where the condition of temporary unfitness is curable in a reasonable period. There should be no objection to a Government servant declared "temporarily unfit" physically being retained in service for the period specified by the competent medical authority provided that :

(i) the period after which a second medical examination is to be conducted is specified by the competent medical authority;

(ii) the condition leading to temporary unfitness is declared as being curable within a reasonable period;

(iii) the disease is not of such nature as to be a source of risk to others with whom the Government servant may have to come in contact in the course of his/her duties; and

(iv) where the period of such retention is likely to exceed six months, the approval of the Ministry of Finance shall be obtained.

In relaxation of the provisions of F.R. 10, a Government servant so appointed in advance of medical examination should be paid his salary for the period of his employment, if he. is declared "unfit" and for the period of his retention in service or if he is declared "temporarily unfit" as mentioned above.

Where any officer has been declared "temporarily unfit" by the competent medical authority and retained in service in accordance with these orders, the period for which the officer has been declared "temporarily unfit" should be intimated to Audit.

MHA OM No. 5/2/57-RPS, dated 22July , 1957 and M.O.F. UO No. 3617/ E.V(B)/63 dated 25 January. 1964, and MOF, OM No. F 25(24)-EV/66 dated 24th August. 1966.

(4) Delegation of powers and conditions for appointment in anticipation of medical certificate.-

The President has delegated powers to the Administrative Ministries and the Comptroller and Auditor-General of India to authorise, in relaxation of F.R. 10. the drawl of pay and allowances for a period not exceeding two months in respect of fresh recruits to Government service without .a medical certificate of health, subject to the condition that if the person concerned is subsequently found medically unfit, his services should be terminated after the expiry of the period of one month from the date of communication to him of the findings of the Medical Officer/Board, if no appeal for a second medical examination is made by him during this period, or after the case for second medical examination is finally decided, if such an appeal is made and accepted. The condition should be clearly stated in the initial letter of appointment.

The Administrative Ministries and the Comptroller and Auditor-General of India shall, however, exercise this power sparingly and in exceptional circumstances only, e.g. when it is considered necessary in the public interest that a selected person should be appointed immediately in anticipation of his medical examination.

Where the competent authority authorises the drawl of pay and allowances of a newly appointed Government servant for a period not exceeding two months without medical certificate of health, a certificate to this effect shall be furnished in the first pay bill.

MOF OM No. s 67(21)-E V/60 dated 16 December, 1960 and No. F 25(24)-E.V/66 dated 24 August, 1966.

(5) Applicability to promotion to Gazetted post :

In the case of Government servants other than those covered by clauses (a) and (b) of sub-paragraph (4) of the MOF OM No.F. 55(11)-EV/59 dated the 12th February, 1960 read with OM No. 15(1) -EV.(B) /62 dated the 5th July, 1962 who are promoted to hold gazetted posts and who are required to undergo medical examination by the appropriate medical authority, the Administrative Ministries and the Comptroller and Auditor-General may exercise powers to authorise, in relaxation of F.R. 10, drawl of pay and allowances without production of fitness certificate in respect of such Government servants for a period not exceeding two months subject to the condition that if the person concerned is subsequently found medically unfit, he should be reverted to the lower post from which he had been promoted after the expiry of one month from the date of communication *to* him of findings of the examining Medical Authority. If no appeal for a second medical examination is made by him during this period or after the case for second medical examination is finally decided, if such an appeal is made and accepted. This condition should clearly be stated in the relevant orders of promotion to the gazetted post.

MOF.OM No. F. 20(15)-E. V (,65 dated the 16th February, 1966

(6) Complete exemption from medical examination only in exceptional cases :

The Ministries of the Government of India are competent to dispense with the medical certificate of fitness before appointment to Government service in individual cases. A case has come to the notice of this Ministry in which an officer was appointed to a Group 'A' gazetted post without being medically examined by a medical board at the time of his initial appointment and was subsequently exempted by the Administrative Ministry concerned from medical examination by a Standing Medical Board at the time of his confirmation in the post on the assumption that they had powers under F.R. 10 to grant this exemption. This action on the part of the Ministry concerned was irregular as the powers delegated could have been exercised by the Ministry only if the decision to dispense with the medical fitness certificate from the competent authority had been taken before his appointment to the post. The Ministry concerned was thus not, competent to grant exemption to the officer from medical examination at the time of his confirmation without the concurrence of the Ministry of Finance.

Although under F.R. 10 the Ministries are competent to dispense with a medical certificate of fitness before appointment to Government service in individual cases, powers under F.R. 10 should not be exercised by the Administrative Ministries liberally and exemption should be granted only sparingly and in exceptional cases, and in public interest. The medical examination is necessary both in the interests of the employer and the employee. If any relaxation is considered necessary after the examination in a really deserving case, where the individual concerned is highly qualified and otherwise perfectly fit to hold a particular post under the Government of India, exemption should be

granted in consultation with the Ministry of Finance who may consult the Ministries of Home Affairs and Health, where necessary.

MOF.OM No. F. 20(1)-EV.(A)/64 dated the 24 Feb., 1964

(7) Procedure for recording health certificate on first appointment in service.

It has been decided in consultation with the Comptroller and Auditor-General that the existing practice of affixing the medical certificate to the first pay bill of a Government, servant should be dispensed with. However, to meet the requirement of audit, a certificate to the effect that "the certificate in the prescribed form has been obtained in respect of the Government servant" should be furnished to Audit along with the first pay bill of the Government servant. The procedure for furnishing this certificate in respect of Gazetted and non-gazetted officers will be as follows :—

(i) In respect of gazetted officers certificates furnished by the competent authority to whom the medical certificate has been submitted should be attached to the first pay bill.

(ii) In respect of non-gazetted officers, the drawing and disbursing officers should furnish such certificates along with the first pay bills of Government servants concerned.

MOF OM No. F. 25(24)-E V/66, dated the 24th August,1966

(8) Entry in service book of production of medical certificate of fitness on first appointment.

The medical certificate of fitness furnished by a Government servant is an important document and it should be kept in safe custody along with the other - documents connected with his service career. However, an entry in his service book may be made under the signature of the Head of Office that he has furnished the medical certificate of fitness.

MOP.OM No. F. 25(24)-E V/66, dated 12th April, 1967.

14.3 RULES UNDER F.R. 10 & GOVT. OF INDIA ORDERS

A Medical certificate of fitness for Government service shall be in the following form

'I hereby certify that I have examined A.B. a candidate for employment in the Department……., and cannot discover that …….has any disease (communicable or otherwise),constitutional weakness or bodily infirmity except……..I do not consider this a disqualification for employment in the office of……."

A-1 GOVERNMENT OF INDIA'S ORDERS

(1). Affixing of signature/thumb and finger impressions on the physical fitness certificate.

When a candidate for appointment in a non-gazetted post is sent for medical examination the examining Medical Officer or Board should be asked to obtain on the medical certificate the thumb and finger impression of the candidate, in so far as illiterate persons are concerned. These impressions should afterwards be verified by the Head of the Office with those in the Service Bonk. In the case of literate persons, who can sign either in English, Hindi or the regional language concerned, it will be sufficient if the examining Medical Officer or Board is asked to obtain on the medical certificate the signature of the candidate in his presence and this is afterwards verified by the Head of the Office by comparison with that in the Service Book.

GoI C.I.D. No. 5463-183, dated 5 January, 1909 F.D. Letter No. F. 67-R. 1/28 dated 19 May, 1928 and MOF. OM No. F. 20(2)-E. V(A) /64, dated 6 March, 1964

(2) Form of declaration to be given by the candidate.

In the case of non-gazetted appointments to Government service it has been decided that whenever an individual is required to be examined for his physical fitness for Government service, the authority which directs him for medical examination should also attach, with the form of the medical certificate, a declaration form, as indicated below, which is to be filled inby the candidate concerned in the presence of the medical officer.

CANDIDATES' STATEMENT AND DECLARATION

The candidate must make the statement required below prior to his Medical Examination and must sign at Declaration appended thereto. His attention is specially directed to the warning contained in the Note below:-

1. State your name in full (in block letter).....

2. (a) State your age and birth place.....

(b) Do you belong to races such as Gorkhas, Garhwalis, Assamese, Nagaland Tribes etc. Whose average height is distinctly lower, Answer 'Yes or No' and if the answer is 'Yes' state the name of the race.....

3. Have you ever undergone any Refractive / Ocular surgery? Yes/ No

4. If answer to the above is 'yes', what type of surgery and when?

5. Have you ever had any prolonged illness or accident requiring hospitalisation**?**

6. When were you last vaccinated?

7. Have you ever suffered from Hypertension, Diabetes Mellitus, Tuberculosis, HIV, any form of convulsion/seizures (fits) or prolonged breathlessness?

8. Furnish the following particulars concerning your family:-

Father's age if living and state of health	Father's age at death and cause of death	No. of brother living and their age and state of health	No. of brother dead. The age and causes of death
1	2	3	4
1.			
2.			
3.			
Mother's age if living and state of health	Mother's age at death and cause of death	No. of Sister living and their age and state of health	No. of Sister dead. The age and causes of death
1	2	3	4
1.			
2.			
3.			

9. Have you been examined by a Medical Board before?

10. If answer to the above is 'yes' please state what service/services you were examined for?

11. Who was the examining authority?
12. When and where was the Medical Board held?

13. Result of Medical Board's examination if communicated to you or if known.

14. All the above answers are to the best of my knowledge and belief, true and correct and I shall be liable for action under law for any material infirmity in the information furnished by me or suppression of relevant material information. The furnishing of false information suppression of any factual information would be a disqualification and is likely to render me unfit for employment under the Government. If the fact that false information has been furnished or that there has been suppression of any factual information comes to notice at any time during my service my services would be liable to the terminated.

Candidate's signature

Signed in my presence

Signature of the Chairman of the Board

B. (1) Such a certificate shall be signed by the Chairman of the Medical Examination Board in the case of a Gazetted Government servant and by the Medical Superintendent/Chairman of the Medical Examination Board or A District

Medical officer or a medical officer of equivalent status in the case of a Non-gazetted Government servant other than Class IV.

(2) (a) In the case of a female candidate appointed to a gazetted post, the medical certificate shall be signed by a Medical Board consisting of a woman doctor possessing medical qualification included in one of the Schedules to the Indian Medical Council Act. 1956 (102) of 1956), as one of its members, and

(b) in the case of a female candidate appointed to a non – gazetted post (i) in Delhi the medical certificate shall be signed by a Female Medical Officer under the Contributory Health Service Scheme; and (ii) in any other place by a registered female medical practitioner possessing a medical qualification included in one of the schedules to the Indian Medical Council Act, 1956 (102 of 1956) (Indian Medical Central Act, 1970 and Homoeopathy Central Council Act. 1973).

(3) In the case of Group D Government servants the medical certificate shall be signed by the Authorised Medical Attendant possessing a medical qualification included in one of the schedules to the Indian Medical Council Act, 1956 (102 of 1956) and when there is no such Authorised Medical Attendant by a Government Medical Officer of the nearest dispensary or hospital possessing such qualification.

(4) A candidate, who is likely to be employed in a temporary capacity continuously for a period exceeding three months, shall produce either before or within a week from the date of employment, the certificate from the competent medical authority as prescribed in this rule. When, however, a Government servant initially employed in an office in a temporary capacity for a period not exceeding three months is subsequently retained in that office or is transferred without a break to another office and the total period of continuous service under Government is expected to last for a period exceeding three months he shall produce such a certificate within a week from the date of the orders sanctioning his retention in that office or joining the new office.

B-1 GOVERNMENT OF INDIA'S ORDERS:

(1) Procedure for medical examination to gazetted appointments.
The procedure indicated in the following paragraphs should hereafter be observed in the matter of medical examination of persons appointed to gazetted posts under the Central Government :-

(i) All persons not already in service under the Central Government or under the Government of a State should be required to undergo medical examination, by a medical board.
(ii) Persons already in temporary service under the Central Government or under a State, whether in the gazetted or non-gazetted posts, will also be subject, mutatis mutandis, to the general rule in (i) above .

Provided that in case where a person has already been examined by a Medical Board in respect of his previous appointment and if standard of medical examination prescribed for the new post is the same, then he need not be required to undergo a fresh examination.

NOTE 1- A person who is appointed to Government service afresh after a break in service not.-exceeding one year should be treated as in continuous service for the purpose of these orders, the periods of break not being counted. If, however, the period of break exceeds one year, he should be regarded as a fresh entrant to Government service.

NOTE 2- A person who has been in continuous service but in different posts should be deemed for the purpose of these orders to have been in continuous service in the same post.

(1) A permanent Central -Government servant holding a gazetted post under the Centre, when appointed to another gazetted post under the Central Government, need not be subjected to a fresh medical examination by a Medical Board;

(2) A permanent State Government servant holding a gazetted post in the State, when appointed to a gazetted post under the Central Government need not be subjected to a fresh medical examination by a Medical Board;

(3)A permanent non-gazetted State Government servant, when appointed to a gazetted post under the Central Government, will be required to undergo a fresh medical examination by a Medical Board, but when appointed to a non-gazetted post no medical examination will be necessary; and

(4) In case where the rules for recruitment to new appointments prescribe a fresh medical examination in respect of all candidates, all directly recruited/selected candidates, irrespective of whether they are already in permanent or quasi-permanent Government service in the same or in other departments or are fresh appointees, should undergo a medical examination by the prescribed standard and by the prescribed medical authority, provided that a fresh medical examination will not be necessary in the case of –

(a) a person who has already been medically examined by the prescribed medical standard and the appropriate medical authority, irrespective of the fact whether that person was permanent, quasi-permanent or temporary in his previous appointment, and

(b) a person who is already in permanent, or quasi-permanent employee in the same line, and being eligible for promotion to the new appointment against a promotion quota of vacancies, is actually so promoted.

Exemptions under Supplementary Rule 4-A will continue to be granted in the same way as at present by the Ministry of Finance in consultation, where necessary, with the Ministries of Home Affairs and Health.

MOF.OM No. F.53 (8) -V/50, dated 5 October, 1950 No. F.55 (11) -E.V/59, dated 12 February, 1960, and No. F.15 (1) -EV(B) /62 dated 5 July, 1962and U.O. No. 3617-E.(V)/B/63 dated 25 January, 1964.

(2) Communication of adverse medical report

It has been decided in supersession of the earlier orders that in case where a Government servant or a candidate for Government service is declared unfit for retention in Government service or for appointment in the Government service by

an individual Medical Officer /Medical Board, as the case may be, the grounds for rejection may be communicated to him in broad terms without giving minute details regarding the defects pointed out by the Medical Officer/Medical Board. Cases, where the grounds of rejection have not been clearly stated by the Medical Board in their report, may be referred to the Health Ministry for advice.

MO. Health OM No.F.5(11)-45/56- M.II dated 17 November, 1956 received with MOFOM No. F.43(20)-EV/56 dated 28 November, 1956

(3) Re-examination only in case of possible error of Judgement

It has been decided that there should be no right of appeal from the findings of a Civil Surgeon or an 'authorised medical attendant, but that, if Government is satisfied on the evidence placed before it by the candidate concerned of the possibility of an error of judgment in the decision of the Civil Surgeon or the authorised medical attendant, it will be open to them to allow re-examination by another Civil Surgeon or a specialist or by a Medical Board, as may be considered necessary. The price for such examination, if any, will be paid by the candidate concerned.

M.H. OM No.F.7(1)-27/51 M-II dated the 18th January, 1952 and M.H.A. Endorsement No.38/5/52-Ests, dated the 1st February, 1962.

(4) Evidence regarding -possible error of judgment must refer to original certificate

With reference to the instructions contained in Order -(3) above, it has been decided that if any medical certificate is produced by a candidate or Central Government servant as a piece of evidence about the' possibility of an error of judgment in the decision of Medical Board/Civil Surgeon or other medical officer who had examined him in the first instance, the certificate will not be taken into consideration unless it contains a note by the medical practitioner concerned to the effect -that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for service by a Medical Board, a Civil. Surgeon or other medical officer.

M.H. OM No.F.7(1)-6/53, M-II dated the 27th March, 1953

(5) All appeals to be referred to the Ministry of Health

To ensure uniformity of procedure, all appeals shall at first be referred to the Ministry of Health who shall advise on the evidence produced, as to whether there is an error of judgment on the part of the examining medical authority who first conducted the medical examination and whether the appeal should be accepted or not and if accepted, by whom such re-examination should be conducted.

MH O.M. No.F.5(11)-45/56, M-II dated the 26th October, 1956

(6) Re-examination by Special Medical Board in case unfitness on account of visual acuity

If a candidate is declared medically unfit on account of visual acuity, an appeal preferred by him/her should be dealt with by a special Medical Board, the composition of which should include three ophthalmologists. Ordinarily, the finding of the Special Medical Board should be considered as final but a second appeal shall be permissible in doubtful cases and under very special circumstances.

Min. of Health OM No F.5(11)-12/57 M-II (Pt. II) dated 17 December, 1957

(7) Time-limit for preferring appeal for re-examination

With reference to the instructions contained in Order (3) above, appeals should be submitted by those concerned together with the requisite evidence in support of their case within one month from the date of issue of the communication in which the findings of the Medical Officers/Medical Boards were communicated to the candidates/Government servant.

M.H. OM No.F.7(1)-10(53)M-II dated 1st May, 1953 circulated with M.O.F. OM No. 61(5)-EN/53 dated 23 June, 1953

In case no appeal is preferred by a candidate who is already in service within one month of the date of the communication to him of the findings of the examining medical authority, his service shall be terminated on the expiry of the period of one month and ordinarily no appeal shall be allowed after expiry of that period.

M.H. OM No. F.5-35/55M-II dated 13 December, 1953

(8) Applicability to extra-Departmental Agents, part-time and work-charged staff

Part-time employees are also required to produce medical certificate of fitness in the same manner and under the same conditions as whole-time employee. The medical examination fees, where paid by the person concerned to the medical officer or board, as the case may be, will also be reimbursable to him in the usual manner.

M.F. OM No. F-45(1)-EV/54 dated the 24th March, 1954

NOTE 1—The above decision also applies to the part-time Government servants /contingent staff in the .P&T Department E.D. Agents in the P&T Department are treated as part-time employees for this purpose.

(D G. P. & T's letter No. S.P.B. 61/10/54 dated 17 December, 1954)

NOTE 2 —It has been decided that the Extra Departmental Agents and other Part-time Government servants need not be medically examined on their absorption in Group C and D posts provided that –

(i) at the time of their appointment as Extra-Departmental Agents or part-time-employees, they have been medically examined by a medical authority which is recognised by the appointing authority as equivalent to that prescribed for Class III or Class IV posts to which they are appointed subsequently. .

(ii) that there is no break between their service as part-time employees or Extra-Departmental Agents, and regular employees.

(D.G. MT's Circular letter No..34/1/60-S.P.B.-I dated the 20th July, 1961 issued in consultation with Ministries of Finance, Home Affairs and. Health and D.G., P&T's Letter No.34/5/65-S.P.B.1 dated the 30th September, 1965)

(9) Medical examination of non-gazetted employees by doctors of C.H.S.

It has been decided in consultation with the Department of Personnel and Training that for purposes of medical examination of non-gazetted Government employees, General Duly Medical Officers of the Central Health Services who are In-Charges of the Central Government Hospitals/Dispensaries in far-flung remote areas and all the Specialist Grade II Officers of Central Health Services maybe treated as equal in status to Civil Surgeons/District Medical Officers and the medical fitness certificates issued by them could be accepted.

MH & F.W. OM No. 17011./12/79-MS, dated the 26th September, 1979

(10) Re-appointment of non-gazetted staff without fresh medical examination where break in service does not exceed one year

A question has been raised whether a non-gazetted Government servant appointed to a post in Government service afresh after a break in service not exceeding one year can be treated as in continuous service for the purpose of medical examination on the analogy of the orders contained in Note 1 below paragraph 1(ii) of Order (1) above. It has now been decided that the orders contained in the said Note will apply in the case of non-gazetted Government servants also provided the break in service is not due to medical reasons or to resignation.

M.F. OM No.F.55(5)-E.V(B)/59 dated 18 February, 1960 and U.O. No. 3617-E.V(B) /63 dated 25 February, 1964

(11) Procedure in case of temporary servant declared unfit

In accordance with the instructions contained in Government of India's Orders (3) and (4) above, candidates/Government servants who are declared unfit by Civil Surgeon, etc. have been given the right to appeal within one month from the date of issue of communication in which the findings of the Medical Officers, etc., are communicated to them. While candidates for appointment to Government service who are declared unfit for Government service are not allowed to join duty till they are declared fit by the second or subsequent medical authority as a result of admission of their appeal, the following questions have now been raised as to what should be done in the case of a temporary Government servant declared medically unfit :—

(a) Whether he should be discharged from service (i) immediately on receipt of the adverse report, or (ii) after one month of the date of communication to him of the findings of the Civil Surgeons etc., or

(b) Whether he should be allowed to continue in service until either his request for an appeal board is rejected or until the appeal board, if agreed to, has been constituted and has given its verdict.

2. After a detailed examination of the above questions it has now been decided that the procedure indicated in paragraphs 3 to 5 below should be observed in future to deal with such cases.

3. Normally an officer should be medically examined before his appointment. In certain cases, however, when an officer is required to join immediately for work or for training, the appointment may be made without first obtaining the medical certificate, though the appointment should be subject to the officer being declared

medically fit. In all such cases, if an officer is declared unfit on medical examination and he prefers an appeal on the basis of Orders (3) and (4) above he should be retained in service till the case is finally decided.

4. Similarly, in the case of a Government servant whose appointment is made on a temporary basis on the strength of a medical certificate issued by a lower authority or without such a certificate, it may be necessary to get a certificate of fitness from the appropriate medical authority. If the appropriate medical authority finds that the person is not fit for retention in service at all and if an appeal for a second medical examination from the Government servant concerned is accepted, the person concerned should be allowed Ito continue in service till the verdict of appropriate medical authority is known. In case it is decided not to accede to the request for further medical examination the services of the officer should be terminated forthwith.

5. It has also been brought to the notice that the instructions contained in Orders (3) and (4)above are not usually followed in a number of cases. For a proper observance of the procedure in the above paragraph it is necessary that the intimation regarding unfitness should immediately, on receipt, be communicated to the person concerned with a note that appeal, if any, must be made by the candidate/Government servant concerned within one month of the communication of the findings of the Civil Surgeon/Medical Officer/Medical Board, and that if any medical certificate is produced as a piece of evidence about the possibility of an error of judgement in the decision of the Civil Surgeon/Medical Officer/Medical Board who examined him in the first instance, the certificate must contain a note by the Medical Practitioner concerned to the effect that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for service by a Civil Surgeon/Medical Officer/Medical Board.
In case no appeal is preferred by the candidate/Government servant within one month of the date of communication to him of the findings of the Medical Officer/Board, his service should be terminated forthwith on the expiry of the period of one month and ordinarily no appeal should be allowed after the expiry of that period.

Health OM No. 5(35) /55-H-II dated 13 December, 1955

*(*12) Employment of women candidates in a state of pregnancy

All candidates with pregnancy will be ‘Fit’ for all types of services except the services which require physical training. Those requiring physical training will be declared ‘Fit’ after confinement. In such cases the vacancy against which the woman candidate was selected should be kept reserved for her. She should be re-examined for medical fitness six weeks after the date of confinement. If she is found fit she may be appointed to the post kept reserved for her and allowed the benefit of seniority in accordance with para 4 of annexure to M.H.A OM No. 9/11/55-RPS, dated 22 December, 1959

(13) Medical examination of candidates having leprosy

After careful consideration of the development of knowledge and treatment in the field of leprosy, it has been decided that candidates having suffered from Leprosy

and having had completed adequate treatment as per guidelines should not be regarded as physically unfit for public services subject to the following conditions:-

i. In addition to the normal medical examination by the appropriate medical authority prescribed in the rules from time to time for physical fitness for initial appointment to Government service, all suspicious cases should be referred to a qualified Dermatologist at the time of their initial appointment.

ii. It should he specifically certified by the Dermatologist who examines the candidate at the time of their first appointment that the candidate concerned has taken the full course of treatment after verifying from the available records of treatment.

iii. Ministries, in consultation with the Department of Health may exclude certain specific posts where high standard of physical fitness is necessary by such exclusion should he reduced to the minimum as the main purpose of this order is to break the psychological barrier between treated leprosy patients and the public.

iv. The confirmation of such a Government servant should proceed as per present guidelines for other Government servants.

In all cases of doubt or where a departure is required to be made from the above procedure the case should be referred to the Department of Health.

(14) Appointment in another suitable post of person declared medically unfit:

Many instances have come to the notice of the Department of P & A.R. where persons have become medically unfit for discharging the duties of the posts for which, they were recruited. The question whether they could be considered for other posts for which they may be suitable has been considered and it has been decided in consultation with the Staff Selection Commission and D.G.E. & T. that a Group 'C' or Group 'D' Officials found medically unfit for the post he is holding and from which he is proposed to be discharged or has been discharged may, wherever practicable, be considered for another identical/equivalent post for which he may be found suitable against direct recruitment quota without insisting on the condition of appointment through the employment exchange/SSC for this purpose. His previous service under Central Government should be deducted from his actual age and if the resultant age does not exceed the prescribed maximum age-limit by more than three years, he should be deemed to satisfy the condition of upper age-limit for appointment to the post in question under the Central Government.

MHA O.M. No. 14034/1/80-Estt(D), dated 30 October, 1980

Ex-T.B. Patients who were discharged from Central Government service on account of affliction with T.B. but who have subsequently been declared non-infective and medically fit for Government service by a T.B. Specialist or an Authorised Medical Attendant, are eligible for reappointment to the posts previously held by them, if vacancies exist or to equivalent posts in their own Department, the usual condition regarding age-limits not being enforced in their case. Such persons will be eligible for re-appointment by the Ministry/Department concerned without the intervention of Employment Exchanges when-ever there

are suitable vacancies. If such persons cannot be re-employed in the Ministry/Department concerned. For want of vacancies, employment assistance will be rendered to them by Employment Exchanges. For this purpose, as also for the purpose of relaxation of age-limits these persons will be treated as "Retrenched Central Government employees."

[MHA OM No. 37/1/52-DGS, dated 10th July, 1945]

Central Government employees discharged on account of affliction with Pleurisy/Leprosy and subsequently declared non-infective and medically fit may be re-appointed in the same or equivalent posts of the Ministry/Department concerned without the intervention of the Employment Exchanges.

MHA OM No. 37/1/52-DGS dated 10 July 1954, OM No. 13/4/56-RPS dated 29 September 1956 and OM No. 13 /4 1 57-RPS dated 14 July, 1958

C. Except where a competent authority by general or special order directs otherwise. the following classes of Government servants are exempted from producing a medical certificate of health :

(1) A Government servant recruited through a competitive examination who had to undergo medical examination in accordance with the regulations prescribed for appointment to service under Government.

(2) A qualified student of the Thomson College, Roorkee, permanently appointed to the Public Works Department within 18 months from the date of the health certificate granted to him on the completion of the College course.

(3) A Government servant appointed in a temporary vacancy for a period not exceeding three months.

(3-A) A Class IV Government servant of the Indian Posts and Telegraphs Department confirmed in his grade before the 15th May, 1942 on promotion to Class III service subject to his being examined for communicable diseases.

(4) A temporary Government servant, who has already been medically examined in one office, if transferred to another office without a break in his service.

(5) A retired Government servant re-employed immediately after retirement.

NOTE : (a) The production of medical certificate is necessary when—

(1) a Government servant is promoted from non-qualifying service paid from a local fund to a post in Government service;

(2) a person is re-employed after resignation or forfeiture of past service.

(b) When a person is re-employed in circumstances other than those referred to in clause (a) (2) above, the appointing authority will decide whether a medical certificate should be produced.

GOVERNMENT OF INDIA'S ORDERS

(6) Medical examination before undergoing training

It has been decided that candidates entering the subordinate service in the Posts and Telegraphs Department must produce the medical certificate of fitness before undergoing the prescribed training.[F.A. (C's) endorsement No. Es. B-2-1 /41, dated 10 March, 1941

(7) Medical examination on fresh appointment-after resignation

As an exception to the provision of clause (2) of Note 1 above the Government of India have decided that a person re-employed after resignation should be exempted from producing a medical certificate of fitness if the resignation was for taking up another appointment under Government or quasi-Government body for which he applied with the approval of and through the appropriate departmental authority, provided that he was medically examined by a competent medical authority and declared fit according to the medical standards not lower than those required in his new post.
MOF OM No. F.67422).E.: V/60 dated the 13th December. 1960
NOTE :—In the case of -a Government servant to whom the above provision applies, the appointing authority for the new post shall ascertain from the previous employer whether he had previously undergone examination by the appropriate medical authority and by the prescribed standard, if any.
(Explanation II, Para 3. Section I. Chapter I of 'A Hand Book on Medical examination—Second Edition).

(8)Medical examination on deputation to gazetted post in another department

Government of India have decided that the non-gazetted Central Government servants .deputed to hold gazetted posts in other Departments of the Government of India. need not be. subjected to fresh medical examination by Medical Boards, provided that they had been examined by competent medical authority and declared fit for holding their previous appointment.
[M.O.F. OM No. 15(2)-E.V(B)/62 dated the 18th August, 1962]

(9) The following further decisions of general nature have been reached in consultation with the Ministry of Health and the Ministry of Home Affairs (Now Department of Personnel &Trg) :

(i) A permanent Central Government servant holding a gazetted post under the Centre, when appointed to another gazetted post under the Central Government, need not be subjected to afresh medical examination by a Medical Board;
(ii) A permanent State Government servant holding a gazetted post in the State, when appointed to gazetted post under Central Government need not be subjected to a fresh medical examination by a Medical Board.
(iii) A permanent non-gazetted State Government servant, when appointed to a gazetted post under the Central Government, will be required to undergo a fresh medical examination by a Medical Board, but when appointed to a non-gazetted post no medical examination will be necessary.
(iv) In case where the rules for recruitment to new appointment prescribe a fresh medical examination in respect of all candidates, all directly

recruited/selected candidates, irrespective of whether they are already in permanent or quasi-permanent Government service in the same or in other Department or are fresh appointees, should undergo a medical examination by the prescribed standard and by the prescribed medical authority, provided that a fresh medical examination will not be necessary in the case of :

(a) a person who is already in employment of the Government and has already undergone medical examination by a medical authority which are recognised by the appointing authority as equivalent to those prescribed for the new appointment for which he is recruited or selected and

(b) a person who is already in permanent or quasi-permanent employment in the same line, and being eligible for promotion to the new appointment against a promotion quota of vacancies, is actually so promoted.

M/O Finance OM No. 55 (ii) -EV/59, dated 12-2-60

NOTE-A person who has already been medically examined by the prescribed medical standards and the appropriate medical authority, should not be subjected to fresh medical examination at the time of his appointment to the new post, irrespective of the fact whether that person was permanent, quasi-permanent or temporary in his previous appointment.

M.O:F. O.M. No.F.15(1)/EV(B) /62 dated. 5-7-62

All the Ministries, etc. of the Government of India were required to amend the recruitment rules in respect of Class I and Class II with which they were concerned in consultation with the U.P.S.C. in the light of decisions contained in the above paragraph and which should also be kept in mind while framing any new set of recruitment rules.

MA) Finance No. F.(15) (1)/EV(B)/62 dated 5-7-.62

D. STANDARD OF FITNESS

(1)For employment in the I.A.S., I.P.S., I.F.S. and other Central Services, recruitment to which is made by competitive examination through U.P.S.C. as prescribed in Medical Regulations and Medical Report form for I.A.S., I.P.S., I.F.S. and Central Services"—Annexure-I.

(2)For employment in the Engineering Services and Survey of India—as laid down in the relevant regulations.

(3)Civil Aviation Department Technical (Gazetted post) :

In the case of Assistant Aerodrome Officers (Grade I and Grade II) of the Civil Aviation Department, the International Civil Aviation Organisation medical standards for Air Traffic Controllers would apply

(4) Other Class I and Class B Gazetted posts

As prescribed in the "Medical Regulations and Medical Report form for I.A.S., IPS, I.F.S. and Central Services" unless specific provision is made to the contrary.

M.O. Health OM -No. F7(1)-28/52-M-II dated 7-4-53

(5) For employment in non-gazetted posts

No specific standard of physical fitness other than visual acuity have been prescribed for" examining candidates for non-gazetted appointments. Designation and nature of duty should be indicated in the letter to the medical authority and it

is left to the discretion of the examining medical officer to determine whether in his existing state of health the candidate is fit to discharge the duties required of him continuously and efficiently. The standard of visual acuity for employment in non-gazetted post will be as is given in Annexure II
Standard of visual acuity for employment in non-gazetted post in the Aerodrome Organisation of the Civil Aviation Department, who have to deal with aircraft operations, is given in Annexure III

M.O. Health O.M. No. 5(ii)-12/57-M.II, dated 17-12-1957

(6) Physically handicapped persons
(i) Cases of physically handicapped persons seeking employment in the 'public services that may be referred to the appointing and medical authority shall be viewed with the utmost sympathy.

M.H.A. OM No. 20,129/57-Estt(D)-dated 15-1-1958

(ii) On nomination of the physically handicapped persons by the Employment Exchange for appointment against posts under the Government, they should not be subjected to the usual medical-examination on first appointment in Government service, but the question of their appointment should be decided on the basis of the reports of the Medical Board attached to the special Employment –Exchanges for the Physically Handicapped. These persons need not be examined by the Medical Board at the time of their registration with the Employment Exchange, but they should be sent for medical examination to the Medical Board attached to the Special Employment Exchanges after they have actually been selected for .a particular post.

MHA OM No. 5/1/60-Estt(d) dated 28-6-60 No. 5/1/62-Estt(D) dated 31-7-67 and No. 5/1/66-Estt(D) dated 12-10-66 and 8-12-1967

E. STAMMERING
Stammering of mild degree is not to be considered a physical defect requiring disqualification of a candidate for a clerical post.

F. DEAF MUTENESS OR DEAFNESS NOT A DISQUALIFICATION:

In the case of appointment to Class III or Class IV posts of the artisan class or those involving manual or skilled labour or a routine type of work, deaf muteness or deafness by itself need not be regarded as a disqualification against appointment, provided that the person concerned is otherwise fit and qualified to hold the post. Subject to this and .to any other rules and order in force, the possibility of affording avenues of employment to deaf or deaf-mute persons should be examined at the time of making recruitment to any posts.

MHA.OM No. 60/1'37/50-Estt. dated 28-7-50

G. PROCEDURE FOR MEDICAL-EXAMINATION

(1) No medical officer in Government employment shall examine a candidate for determining his/her physical 'fitness for Government service under Government of India except on written request from the Head of the Office concerned.
Late Deptt. of E.H &L letter No. 16/4/41-H, dated 18-1-41 re-circulated with Government of India. M.O. Health letter No. 7(1) /2/53.-MII dated 17-2-1953

(2) Procedure for addressing Medical Officer
When a candidate including a person already in Government service is required to produce a medical certificate of fitness from a Government Medical Officer the head of the office concerned should make a written request to that officer to have the candidate examined giving full particulars indicating—

(a) the name and address of the candidate and also the post for which he is a candidate;
(b) the correct date of birth of the candidate;
(c) the date of entry into Government service;
(d) the status and nature of duties of the post;
(e) specific standards, if any, of physical fitness prescribed for the post;
(f) whether the candidate has prior to the appointment suffered from tuberculosis.

M/o Health OM No. 7(1)10/53-M.II dated 3-10-53 and OM No. 7(1) 24/53-HII, dated 16-10-54

(3) Administrative Medical Officers to be addressed direct by heads of offices

Signature and/or Thumb impression on the certificate
The signature of the candidate (or his thumb and finger impressions if he is illiterate) shall be obtained on the body of the certificate by the examining Medical Authority in his presence and the Head of the Office shall later verify this with reference to the signature or thumb impressions in the service book of the person concerned.

(4) Ex-T.B. Patients
The authority sending a candidate who has been ex-T.B. patient, for medical examination should inform the medical examining authority that the candidate had suffered from tuberculosis.
If the medical examination is to be conducted by a Medical Board, one of the members of the Board should be a TB Expert / Chest Physician

H. CATEGORIES FOR REPORTING THE FINDINGS BY MEDICAL AUTHORITIES
The finding of the examining medical authority shall be recorded under one of the following three categories only:-

(1) Fit
(2) Unfit
(3) Temporarily unfit

The last category is only in respect of those who, in the opinion of the medical authority are suffering from a temporary ailment, e.g. Trachoma, Hydrocele etc. And which can be cured by treatment in a short period. All candidates with pregnancy will be ‘Fit’ for all type of services except the services which require physical training. Those requiring physical training will be declared ‘Fit’ after confinement. Any other category shall be avoided.

I. CONFIDENTIAL NATURE OF THE MEDICAL REPORTS

On the conclusion of the examination, the examining medical authority will communicate its finding to the Head of the Office concerned. These finding shall normally be treated as confidential. But in case where a Government servant or a candidate for Government service is declared unfit for appointment in Government service by the examining medical authority as the case may be, the grounds for rejection may be communicated to the candidate in broad terms without giving minute details regarding the defects pointed out by the examining medical authority. The report of the cases in which the grounds of rejections have not been clearly stated by the Medical Board, may be referred to the Health Ministry for advice. However, in cases where candidates are declared only temporarily unfit by the medical authority on account of minor curable defect after treatment the same may be intimated to the candidate also. The department may arrange re-examination of those candidates after treatment. All candidates with pregnancy will be 'Fit' for all type of service except the services which require physical training. Those requiring physical training will be declared 'Fit' after confinement. In such case the vacancy against which the woman candidate was selected should be kept reserved for her. If she is found fit she may be appointed to the post kept reserved for her and allowed the benefit of seniority in accordance with para 4 of annexure to M.H.A. No. 9/11/55-RPS, dated 22 December, 1959.

J. MISCELLANEOUS

A—Fees to be borne by the candidates

The fees for the following kinds of medical examination shall be borne by the candidates themselves :

(i) Medical examination of candidates recruited through competitive examination held by U.P.S.C. for appointment to gazetted post e.g. I.A.S., I.P.S., I.F.S. and other Central Services.

(ii) Second and subsequent medical examination allowed on appeal in all cases.

The fees for the following medical examination shall be borne by the Government of India :

(i) Medical examination of candidates for appointment to posts either through the UPSC by advertisement or through any other agency.

(ii) Medical examination of gazetted Government servants already in temporary Government service who are asked by their departments/offices to appear before a Medical Board.

M/o Health OM No. 7(1)-25 /51-M.II, dated 15-10-51

(iii) Class IV Government servants stationed in or passing through Calcutta, medically examined by private registered practitioner, upto the limit prescribed from time to time.

(iv) Medical examination of a non-gazetted Government servant who is already permanent or quasi-permanent, when appointed to a gazetted post which is not in the normal line of promotion and requires a different medical standard from that

required in his permanent or quasi-permanent appointment or the rules for recruitment to which prescribe a fresh medical examination in respect of all candidates.

(v) Re-examination of the aforesaid candidates at the instance of the medical Boards.

(vi) Medical examination of woman candidates by private Registered Medical Practitioners outside Delhi for appointment to non-gazetted posts; restricted to the extent prescribed from time to time.

M/o Health OM No.F7(1)-11 /51-M II dated 10-4-51

(vii) Medical examination of local recruits at present in the Indian Missions abroad by one of the doctors on the approved panel for treatment of India-based staff :

Provided that the fee for medical examination shall not exceed the fee charged by approved doctor for his first consultation at his clinic.

M/o External Affairs OM No. 15 (53)-ETI /51. dated 28-4-52

(viii) Medical examination of part time employees.

M/0 Finance OM No. 45(1)EV/54, dated 24-3-54

In all the States other than Union Territories the candidate concerned shall first pay the price/fee directly to medical officer and then claim reimbursement from the department concerned after joining duty. No reimbursement will be allowed in the case of candidate who are found unfit.

Travelling allowance is, not admissible for a journey undertaken to procure a health certificate on first appointment to Government service.

B—Incidental charges to be borne by the candidates

The expenses incurred on the radio-graphic examination of the chest, other X-ray examination, Medical Specialist fee, hospitalization charges, laboratory fees for blood sugar and other test called for by the Medical Specialist shall be borne by the candidates themselves in all cases.

M/o Health O.M. No. 5(11)-37/60-M U**,** dated 21-11-60

ANNEXURE I

Regulations as to the physical examination of candidate 2, for admission into Technical and Non-Technical Civil Service Class I and class II (Gazetted) under the Government of India except technical Posts under the civil aviation Department, Land Defence Services Personnel
The classification of various Services under the two categories, namely
"Technical" and "Non-technical" will be as under :—

A. Technical
(1) Railway Engineering Service (Civil, Electrical, Mechanical and Signal), Railway Traffic Service. Special Class Railway Apprentice and posts on the Marine Establishment.
(2) Central Engineering "Class 1 & 11, Telegraph Engineering Class I, Electrical Engineering Classes I & II, Survey of India, Class I & II and Class I & II posts in the Engineering branch of the Overseas Communication Service, Technical Officers, Class 1 & 11 of the Inspection Wing of the Directorate General of Supplies &Disposals.
(3) Indian Forest Service.
(4) Indian Police Service.

B. Non-Technical
IAS, IFS, IA & AS, Indian Customs Service, Indian Railway Accounts Service, Indian Railway Stores Service, Railway Protection Force, Railway Board Secretariat Service Class II and all other Class I &II posts in Railways, Indian Defence Accounts Service, Income Tax Officers (Class I, Grade II and Class II) Service, Indian ,Postal Service (Class I) and Military Lands and Cantonment Service, Class I & II, Geological Survey of India, Class 1 & II and other Central Civil Services Class I and II ; Technical Officers of Wireless Planning and Coordination Organisation, Classes I and II
NOTE:

1. These Regulations are published for the convenience of candidates and in order to enable them to ascertain the probability of their coming up to the required physical standard. The regulations *are* also intended to provide guidelines to the medical examiners and a candidate who does not satisfy the minimum requirements prescribed in the regulations, cannot be declared fit by the medical examiners., while holding that a candidate is not fit according to the norms laid down in these regulations, it would be permissible for a medical board to recommend to the Government of India for reasons specifically recorded in writing that he/she may be admitted to service without disadvantage to Government.
2. It should, however, *be* clearly understood that the Government of India reserve to it, absolute discretion to reject or accept any candidate after considering the report of the Medical Board.

1. To be passed as fit for appointment a candidate must be in good mental and bodily ' health and free from any physical defect likely to interfere with the efficient performance of the duties of his/her appointment.
2. (a) In the matter of the correlation of age, height and chest girth of candidates of Indian (including Anglo-Indian) race, it is left to the Medical Board to use whatever correlation figures are considered most suitable as a guide in the examination of the candidates. If there be any disproportion with regard to height, weight and chest girth, the candidate should be hospitalised for investigation and X-ray of the chest taken before the candidate is declared fit or not fit by the Board

(b) However, for certain services the minimum standards for height and chest girth without which candidate cannot be accepted, are as follow:-

	Height	Chest Girth (fully expended)	Expansion
(i) Railway Engineering Service (Civil, Electrical, Mechanical and Signal), Transportation (Traffic and Commercial Departments). Post on the Marine Establishment of the Class I & II posts in the Engineering Branch of the Overseas Communication Service.	152 cms 150 cms	84 cms 79 cms	5 cms (for men) 5cms(for women)
(ii) Indian Police Service, Railway Protection Force	165 cms 150 cms	84 cms 79 cms	5 cms (for men) 5cms (for women)
(iii) Indian Forest Service	163 cms 150 cms	84 cms 79 cms	5 cms (for men) 5cms (for women)

The minimum height prescribed is relaxable in case of candidates belonging to races such as Gorkhas,Garhwalis, Assamese, Nagaland Tribals etc., whose average height is distinctly lower.

3. The candidate's height will be measured as follows:-

He/ She will remove his/her shoes and be placed against the standard with his/her feet together and the weight thrown on the heels and not on the toes or other sides of the feet. He/ She will stand erect without rigidity and with the heels, calves, buttocks and shoulders touching the standard; the chin will be depressed to bring the vertex of the head level under the horizontal bar, and the height will be recorded in centimetres and parts of a centimetre to halves.

4. The candidate's chest will be measured as follows :-

He/ She will be made to stand erect with his/her feet together, and to raise his/her arms over his/her head. The tape will be so adjusted round the chest that its upper

edge touches the inferior angles of the shoulder blades behind and lies in the same horizontal plane when the tape is taken round the chest. The arms will then be lowered to hang loosely by the side, and care will be taken that the shoulders are not thrown upwards or backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times and the maximum expansion of the chest will be carefully noted, and the minimum and maximum will then be recorded in centimetre. 84-89, 86-93.5 etc. In recording the measurements, fractions of less than half a centimetre should not be noted.
N.B. The height and chest of the candidates should be measured twice before coming to a final decision.

The candidate will also be weighed and his/her weight recorded in kilograms, fractions of half a kilogram should not be noted.

5. (a) The candidate's eye-sight will be tested in accordance with the following rules. The result of each test will be recorded:

(i) General – The Candidate's eyes will be submitted to a general examination directed to the detection of any disease or abnormality. The candidate will be rejected if he suffers from any morbid conditions of eye, eyelids or contiguous structure of such a sort as to render or are likely at future date to render him unfit for service.

(ii) Visual Acuity—the examination for determining the acuteness of vision includes two tests—one for distant the other for near vision. Each eye will be examined separately.

(b) There shall be no limit for maximum naked eye vision but the naked eye vision of the candidates shall however be recorded by the Medical Board or other medical authority in every case as it will furnish the basic information in regard to the condition of the eyes.

(c) The following standards are prescribed for distant and near vision with or without glasses for different types of services.

(d) (i) The candidate who have Myopia of more than 6.00 D including spherical & cylindrical error should be referred to special Myopia Board. The board will examine the candidate for degenerative changes in retina (indirect ophthalmoscopy as well direct ophthalmoscopy) and if the macular area is healthy then the candidate should be declared 'fit'. If the candidate is having only peripheral degenerative changes which can be treated then the candidate should be declared 'temporarily unfit' till the candidate gets treated. However, if degenerative changes are only in periphery and require no treatment then the candidate should be declared 'fit'. This is for both technical services and non-technical services.

(ii) For cases of myopia up to 6D fundus examination should be done and if the candidate is having only peripheral degenerative changes which can be treated then the candidate should be declared temporarily unfit till the candidate gets

treated. However if degenerative changes are only in periphery and require no treatment then the candidate should be declared fit. This is for both technical services and non-technical services. Such cases, up to 6D myopia need not be referred to Myopia Board.

(e) Field of vision; the field of vision shall be tested in respect of all services by the confrontation method. When such test gives unsatisfactory or doubtful result the field of vision should be determined on the perimeter.

Class of Service

		IPS and other Police Services, Group 'A' and 'B' and IRTS/RPF (Technical Services)			
		Better Eye (corrected vision)	Worse Eye	Better Eye (corrected vision)	Worse Eye
1	Distant Vision	6/6 or 6/9	6/12 or 6/9	6/6 or 6/9	6/18 to Nil or 6/12
2	Near Vision	J1**	J2**	J1** J2	J3 to Nil** J2
3	Types of Corrections permitted	Spectacles, CL and Refractive surgery like Lasik, ICL, IOL etc.		Spectacles, CL and Refractive Surgery like Lasik, ICL, IOL etc.	
4	Limits of refractive error permitted	No limits, However the candidates who have Myopia of more than 6.00 D including spherical & cylindrical error should be referred to Special Myopia Board. The Board will examine the candidate for degenerative changes in retina (indirect ophthalmoscopy) and if the macular area is healthy then the candidate should be declared fit. If the candidate is having only peripheral degenerative changes which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative changes are only in periphery and require on treatment then the candidate should be declare		No limits. However the candidates who have myopia of more than 6.00 D including spherical & cylindrical error should be referred to special Myopia Board. The board will examine the candidate for degenerative changes in retina (indirect ophthalmoscopy as will as direct ophthalmoscopy) and if the macular area is healthy then the candidate should be declared fit. If the candidate is having only peripheral degenerative changes which can be treated declared temporarily unfit till the candidate gets treated. The candidates who have myopia up to 6.00 D without any involvement of macular	

		fit. The candidates who have myopia up to 6.00 D without any involvement of macular area of retina then these candidates are fit and those who have macular degenerative changes will be declared unfit.	area of retina then these candidates are fit and those who have macular degenerative changes will be declared unfit.
5.	Colour vision requirement	High Grade	Low Grade
6.	Binocular vision needed	Yes	No
7.	Squint	Unfit (due to absence of binocular vision)	Fit

- To be referred to a Special Board of Ophthalmologists.

** Near vision for Railway Services viz. IRTS, IRAS, IRPS and RPF is J 1 in better eye and J 2 in worse eye.

(f) Night Blindness: Broadly there are two types of night blindness: (1) as a result of Vitamin A deficiency and (2) as a result of organic disease of Retina-common cause being Retinitis Pigmentosa. In (1) the fundus is normal, generally seen in younger age group and ill-nourished persons and improves by large doses of Vitamin A. In (2) the retina is often involved and mere fundus examination will reveal the condition in majority of cases. The patient in this category is an adult and may not suffer from malnutrition. Persons seeking employment for higher posts in the Government will fall in this category (2). For both (1) and (2) dark adaptation test will reveal the condition be done. Both these tests (dark adaptation and ERG) are time-consuming and are not available at most of the centres. These tests cannot be included in the routine examination. Depending upon the nature of job, the individual ministries/department should indicate whether these are required for the particular job.

For Railway Services (IRTS, IRAS, IRPS and RPF) – Night Blindness need not be tested as a routine but only in special cases. No standard test for the testing of night blindness or dark adaption is prescribed. The medical Board should be given the discretion to improvise such rough test e.g. recording of visual acuity with reduced illumination or by making the candidate recognise various objects in a darkened room after he has been there for 20 to 30 minutes. Candidate's own statement should not always be relied upon but they should be given due consideration.

(g) Colour Vision: The testing of colour vision shall be essential in respect of the Technical Services mentioned above. As regards the Non-Technical Services/post the Ministry/Department concerned will have to inform the Medical Board that the candidate is for a service requiring colour vision examination or not.

Colour perception should be graded into higher and lower grade depending upon the size of aperture in the lantern as described in the table below:-

Grade	High Grade Colour Perception	Lower Grade Colour Perception
1	2	3
Distance between the lamp and candidate	16ft	16ft
Size of aperture	1.3mm	13mm
Time of exposer	5 Seconds	5 Seconds

For the IPS and other Police Services, Group 'A' and 'B' Indian Railway Traffic Service Group A posts in the Railway Protection Force and for other Services concerned with the safety of the public, higher grade of colour vision is essential but for other lower, grade of colour vision should be considered sufficient. Satisfactory colour vision constitutes recognition with ease and without hesitation of signal red, green and yellow colours. The use of Ishihara's plates, Showing good light and a suitable Edrige Green's Lantern shall be considered quite dependable for testing colour vision. While either of the two tests may ordinarily be considered sufficient in respect of services concerned with road, rail and air traffic, it is essential to carry out the lantern test. In doubtful case where a candidate fails to qualify when tested by only one of the two tests, both the tests should be employed. However, both the Ishihara's plates and Edrige Green's Lantern shall be used for testing colour vision of candidate for appointment to the Indian Railway Traffic Service and Group 'A' posts in the Railway Protection Force.

(h) Ocular condition other than visual acuity-

(i) Any organic disease or a progressive refractive error involving the macular area of the Retina, which is likely to result in lowering visual acuity, should be considered a disqualification.

(ii) Squint: for technical services where the presence of binocular vision is essential squint, even if the visual acuity in each eye is of the prescribed standard should be considered a disqualification. For other service the presence for squint should not be considered as a disqualification if the visual acuity is of the prescribed standard. For Railways Technical Services binocular vision is essential.

(iii) If a person has one eye or if he has one eye which has normal vision and the other eye is amblyopic or has subnormal vision the usual effect is that the person is lacking stereoscopic vision for perception of depth. Such vision is not necessary for many civil posts. The medical board may recommend as fit, such persons provided the normal eye has –

(a) **6/6 distant vision J1 near vision with or without correction with glasses/contract lens/refractive surgery like Lasik, ICL, and IOL etc.**
(b) Has full field of vision
(c) Normal colour vision wherever required.

Provided the board is satisfied that the candidate can perform all the functions for the particular job in question.

The above relaxed standard of visual acuity will NOT apply to candidates for posts/services classified as ''TECHNICAL'' Ministry/Department concerned will have to inform the Medical Board that the candidate is for a ''TECHNICAL'' post or not.

(iv) Contact lenses: During the medical examination of candidate the use of contact lenses is not to be allowed. It is necessary that when conducting eye test the illumination of the typed letters for distant vision should have an illumination of the typed letters for distant vision should have an illumination of 15 foot-candles.

GUIDELINES FOR SPECIAL OPHTHALMIC BOARD

Special ophthalmic Board for eye examination shall consist of 3 Ophthalmologists:

(a) Cases where the Medical Board, had recorded visual function within normal prescribed limits but suspects a disease of progressive and organic nature, which is likely to cause damage to the visual function, should refer the candidate to a Special Ophthalmic Board for opinion as part of the first Medical Board.

(b) All cases of any type of surgery on eyes, IOL, refractive corneal surgery, doubtful cases of colour defect should be referred to special Ophthalmic Board.

(c) In such cases where a candidate is found to be having high myopia that is more than 6.00D including spherical and cylindrical error the Central Standing Medical Board/State Medical Board should immediately refer the candidates for a Special Board of three Ophthalmologists constituted by the Medical Superintendent of the hospital/A.M.O. with the head of the Department of Ophthalmology of the Hospital or the senior most Ophthalmologist as the Chairman of the Special Board. The Ophthalmologist/Medical Officer who has conducted the preliminary ophthalmic examination cannot be a part of Special Board.

The examination by the Special Board should preferably be done on the same day. Whenever it is not possible to convene the special board of three Ophthalmologists on the day of the medical examination by the

Central Standing Medical Board/State Medical Board, the Special Board may be convened at an earliest possible date.

The special Ophthalmic Board may carry out details investigations before arriving at their decisions.

GUIDELINES FOR REPORTING ON BORDER LINE UNFIT CASES

In border line cases of substandard visual acuity, subnormal colour vision, the test will be repeated after 15 minutes by the Ophthalmic Board consisting of three Ophthalmologists like High Myopia Board.

In additional Annexure A is recommended for Ophthalmology

7. Blood Pressure

As a general rule any systolic pressure over 140mm of Hg and diastolic over 90mm of Hg should be regarded as suspicious and the candidate should be hospitalised by the Board before giving their final opinion regarding the candidate's fitness or otherwise. The hospitalisation report should indicate whether the rise in blood pressure is of a transient nature due to excitement etc. or is due to any other disease. In all such cases X-Ray Chest, ECG, Echocardiography, Haemogram, Fundoscopy, Lipid Profile, KFT, Serum Electrolytes and urine, should be done for evolution of micro and macro vascular complications. If the Medical Board feels necessary, further specific tests can be done after admission of the candidate. Candidate will be declared 'Fit' only if he/she is free from any complication of Hypertension.

Method of taking blood Pressure

Standard ISI marked BP instrument should be used as a rule. The measurement should not be taken within fifteen minutes of any exercise of excitement. Provided by the patient and particularly his arm is relaxed he may be either lying or sitting. The arm is supported comfortably at the patient's side in a more or less horizontal position. The arm should be freed from the cloth to the shoulder. The cuff completely deflated should be applied with the middle of the rubber over the inner side of the arm and its lower edge an inch or two above the bend of the elbow. The following report of cloth bandage should spread evenly over the bag to avoid bulging during inflation.

The brachial artery is located by palpation at the bend of the elbow and the stethoscope is then applied lightly and centrally over it below but not in contact with the cuff. The cuff is inflated to about 200 mm of Hg. and then slowly deflated. The level at which a sound of "LUP" is heard, it represents the systolic blood pressure**.** When more air is allowed to escape the sound will be hard to increase in intensity. The level at which the well heard clear sound changes to soft muffed fading sounds as "DHUP" represent the diastolic blood pressure. The measurement should be taken

in a fairly brief period of time as prolonged pressure of the cuff is irritating and at times painful to the patient and will vitiate the reading. Rechecking is necessary should be done only a few minutes after complete deflation of the cuff,. Sometimes as the cuff is deflated sounds are heard at a certain level. This silent Gap may cause confusion in the readings.

8. Diabetes Mellitus:

All candidates should be subjected to Fasting Blood Sugar and HbA1C after 8-10 hours/overnight fasting to rule out presence of Diabetes Mellitus. If a candidate is found to be having above normal levels of Blood Glucose and / or HbA1C, he/she will be subjected to following biochemical and radiological tests for evaluation of micro and macro vascular complications of Diabetes Mellitus:

(a) Fasting Blood Sugar with 8-10 hours/overnight fasting and 2 hours OGTT after 75 gm of Glucose.
(b) Haemogram
(c) Lipid Profile
(d) KFT

For Micro Vascular changes:

(a) Nephropathy-Micro albuminuria.
(b) Retinopathy-Fundus examination and if required FFA
(c) Neuropathy-On clinical examination.
(d) Ultra sound whole abdomen-if required.

For Macro Vascular Changes:

(a) ECG
(b) Doppler for peripheral vascular diseases (Arterial)
(c) TMT-if required
(d) ECHO-if required

Candidate will be declared ‘Fit’ only if he/she is free from any complication of Diabetes Mellitus.

9. All candidates with pregnancy will be ‘Fit’ for all types of services except the services which require physical training. Those requiring physical training will be declared ‘Fit’ after confinement**.**

10. The following additional points should be observed:-

(a) The candidate’s hearing in each ear is good and that there is no sign of disease of the ear. In case it is defective the candidate should be got examined by the ear specialist; provided that if the defect in hearing is remediable by operation or by use of a hearing aid a candidate cannot be declared unfit on that account provided he/she has no progressive disease in the ear. This provision is not applicable in the case of Railway services

and Military Engineering Services. The following are the guidelines for the medical examining authority in this regard;

1	Marked or total deafness in one ear, other ear being normal.	Fit for non-technical jobs if he deafness is up to 30 decibel in higher frequency.
2	Perceptive deafness in both ears in which some improvements is possible by a hearing aid.	Fit in respect of both technical and non-technical jobs if the deafness is up to 30 decibel in speech frequencies of 1000-4000 Hz.
3	Perforation of tympanic membrane of central or marginal type.	(i) One ear normal other ear perforation of tympanic membrane present. Temporarily unfit. under improved condition of Ear Surgery a candidate with marginal or other perforation in both ears should be given a chance by declaring him temporarily unfit and then he may be considered under 4 (ii) below. (ii) In candidate where marginal or attic perforation is present in both ears, if after operation hearing improves to serviceable level (upto 30 db air conduction threshold in speech frequencies i.e 1000-4000 Hz in the better ear with or without hearing aid), should be declared 'fit'. (iii) Central perforation both ears- Temporarily Unfit
4	Ears with mastoid cavity involvement with subnormal hearing on one side/on both sides.	(i) Either ear normal hearing other ear mastoid cavity involvement - fit for both technical and non-technical jobs. (ii) Candidates having Mastoid cavity involvement in both side having sub-normal hearing even in one ear, with or without hearing aid, should be declared 'Fit'.
5	Persistently discharging ear operated/ un-operated	Temporarily Unfit for both Technical and non-Technical jobs.
6	Chronic Inflammatory/allergic conditions of nose with or	(i) A decision will be taken as per circumstances of

	without bony deformities of nasal septum	individual case. (ii) If deviated nasal septum is present with Symptoms- Temporarily Unfit
7	Chronic Inflammatory conditions of tonsils and/ or Larynx.	(i) Chronic Inflammatory conditions of tonsils and/ or Larynx- Fit (ii) Hoarseness of voice of severe degree if present then Temporarily unfit.
8	Benign or locally /malignant tumours of the E.N.T.	(i) Benign Tumours-Fit (ii) Malignant Tumour-unfit.
9	Otosclerosis	If the hearing is within 30 Decibels after operation or with the help of hearing aid-fit
10	Congenital defect of ear, nose or throat	(i) If not interfering with function-Fit. (ii) Stuttering of severe degree- Unfit.
11	Nasal/polyp	Fit

(B) That his teeth are in good order and that he is provided with dentures where necessary for effective mastication (Well filled teeth will be considered as sound)
(C) That the chest is well formed and his chest expansion sufficient and that he heart and lungs are sound;
(D) That there is no evidence of any abdominal disease:
(E) That his limbs, hands and feet are well formed and developed and the there is free and perfect motion of all joints;
(F) That there is no congenital malformation or defect;
(G) That he does not bear traces of acute or chronic disease pointing to an impaired constitution.
(H) That he bears marks of efficient vaccination;
(I) That he is free from communicable disease.
(J) Grade-I Haemorrhoids should be declared 'Fit'
(K) Absence of one Testis in the scrotum should be declared 'Fit' However possibility of undescended testis is to be ruled out.
(L) Candidates with Varicose Veins not requiring prolonged standing as part of their job profile should be declared 'Fit'
(M) Diseases as Hernia, Hydrocele, Varicose Veins, Haemorrhoids etc. Which can be cured by surgical means should be declared only 'Temporarily Unfit' and should be declared 'Fit' after successful surgery.
(N) All candidates with malignancies detected at the time of entry into service should be declared 'Unfit'
(O) All candidates having transplanted organs should be declared 'Unfit' except corneal Transplant.

11. Screening of the chest should be done as a routine in all cases for detecting any abnormality of the heart and lungs, which may not be apparent to

ordinary physical examination. Where it is considered necessary a skiagram should be taken.

When any defect is found it must be noted in the certificate and the medical examiner should state his/her opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate.

NOTE: Candidates are warned that there is no right of appeal from a Medical Board, special or standing, appointed to determine their fitness for the above services. If however, Government is satisfied on the evidence produced before them of the possibility of an error of judgement in the decision of the first Board, it is open to Government to allow an appeal to second Board. Such evidence should be submitted within one month of the date of the communication in which the decision of the first Medical Board is communicated to the candidate, otherwise no request for an appeal to second Medical Board will be considered.

It any medical certificate is produced by a candidate as a piece of evidence about the possibility of an error judgement in the decision of the first Board, the certificate will not be taken into consideration unless it contains a note by the medical practitioner concerned to the effect that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for service by the Medical Board.

The procedure regarding filing an appeal, described in NOTE below para 11 is not applicable so far as the candidates for the Combined Competitive Examination are concerned. The candidates for this examination will be required to deposit an appeal fee of Rs. 50 in such manner as may be prescribed by the Government of India in this behalf by the Department of Personnel &Training. This fee will be refundable only to those candidates who are declared fit by the Appellate Medical Board whereas in the case of others, it will be forfeited. The candidates, may if they like, enclose medical certificates in support of their claim of being fit. The appeals should be submitted within 21 days of the date of communication in which the decision of the first Medical Board is conveyed to the candidate; otherwise, requests for second medical examination by an Appellate Medical Board will not be entertained. The second medical examination by the Appellate Board will be arranged at New Delhi only at candidate's own cost. No travelling allowance or daily allowance will be admissible for the journeys performed in connection with the said medical examination. Necessary action to arrange medical examination by the Appellate Medical Board will be taken by the Department of Personnel & Trg on receipt of appeals accompanied by the prescribed fee.

Medical Board's Report

The following intimation is made for the guidance of the Medical Examiner:

The standard of physical fitness to be adopted should make due allowance for the age and length of service if any, of the candidate concerned.

No person will be deemed qualified for admission to the Public Service who shall not satisfy Government, or the appointing authority, as the case may be that he/she has no disease, constitutional affliction, or bodily infirmity unfitting him/her. or likely to unfit him/her for that service.

It should be understood that the question of fitness involves the future as well as the present and that one of the main objects of medical examination is to secure continuous effective service and in the case of candidates for permanent appointment to prevent early pension or payments in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective eservice and the rejection of a candidate need not be advised on account of the presence of a defect which in only a small proportion of cases is found to interfere with continuous effective service.

The Board should normally consist of three members, (1) a Physician (ii) a Surgeon and (iii an Ophthalmologist, all of whom should as far as practicable be of equal status. A lady doctor will be co-opted as a member of the Medical Board whenever woman candidate is to be examined.

Candidates appointed to the Indian Defence Accounts Service are liable for field service in or foul: of India. In the case of such a candidate, the Medical Board should specifically record their opinion as to his fitness or otherwise for field service.

The report of the medical board should be treated as confidential.

In cases where a candidate is declared unfit for appointment in the Government service the grounds for rejection may be communicated to the candidate in broad terms without giving minute details regarding the defects pointed out by the Medical Board.

In cases where a Medical Board considers that a minor disability disqualifying a candidate for Government service can be cured by treatment (medical or surgical) a statement to that effect should *be* recorded by medical board. There is no objection to candidate being informed of the Board's opinion to this effect by the appointing authority and when a cure has been effected it will be open to the authority concerned to ask for another medical board.

In the case of candidates who are to be declared ‘Temporarily Unfit’ the period specified for re-examination should not ordinarily exceed six months at the maximum. On re-examination after the specified period these candidates should not be declared temporarily unfit for a further period but a final decision in regard to their fitness for appointment or otherwise should be given.

NOTE: All the investigations will be charged by the respective hospital as per existing policy for general public.

(A) Candidate's statement and declaration:

The candidate must make the statement required below prior to this Medical Examination and must sign the Declaration appended thereto. His attention is specially directed to the warning contained in the note below:-

1. State your name in full (in block letter).....

2. (a) State your age and birth place.....

   (b) Do you belong to races such a Gorkhas. Garhwali's, Assamese, Nagaland Tribes etc whose average height is distinctly lower. Answer 'Yes' or 'No', and if the answer is 'Yes' state the name of the race?

3. Have you ever undergone any Refractive/Ocular surgery? Yes/No

4. If answer to the above is ''yes'' what type of surgery and when?

5. Have you ever had any prolonged illness or accident requiring hospitalization?

6. When you were last vaccinated?

7. Have you ever suffered from Hypertension, diabetes Mellitus, Tuberculosis, HIV, any form of convulsions/seizures (fits) or prolonged breathlessness?

8. Furnish the following particulars concerning your family:-

Father age if living and state of health	Father age at death and cause of death	No of brothers living and their age and state of health	No. of brothers dead their age and causes of death
1	2	3	4
1.			
2.			
3.			

Mother's age if living and state of health	Mother's age at death and cause of death	No of Sisters living and their age and state of health	No. of Sisters dead their age and causes of death
1	2	3	4
1.			
2.			
3.			

9. Have you been examined by a Medical Board before?

10. If answer the above is ''Yes'' Please state what service/services you were examined for?

11. Who was the examining authority?

12. When and where was the Medical Board held?

13. Result of the Medical Board's examination if communicated to you or if known

14. All the above answers are to the best of my knowledge and belief, true and correct and I shall be liable for action under law for any material infirmity in the information furnished y suppression of relevant material information. The furnishing of false information or unfit for employment under the government. If the fact that false information has been furnished or that there has been suppression of any factual information comes to notice at any time during my service, my services would be liable to the terminated.

Candidate's signature

Signed in my presence

Signature of Chairman of the Board

Note: - The candidate will be held responsible for the accuracy of the above statement. By will fully suppressing any information he/she will incur the risk of losing the appointment and, if appointed, of forfeiting all claim to superannuation allowance or gratuity.

(B)Report of the Medical Board on (Name of Candidate).....

Physical Examination:

1. General development Good.....Fair.....Poor.....

   Nutrition: Thin.....Average.....Obese.....
   Height: (Without Shoes)
   Weight.....Best Weight.....When.....any recent changes in weight.....
   BMI :.....(BMI>30Temporaily unfit)

   Temperature.....
   Girth of chest: (1) After full inspiration.....
   (2) After full Expiration.....

2. Skin: Any obvious disease
3. Eyes:

(1) Any disease
(2) Night blindness
(3) Defect in colour vision
(4) Field of vision
(5) Visual acuity
(6) Fundus examination

(7) Any refractive surgery done and when.....

Acuity of vision	Naked eye	With glasses	Strength of glass Sph. Cyl. Axix
1	2	3	4
Distant vision	RE		
	LE		
Near vision	RE		
	LE		
Hypermetropia (Manifest)	RE		
	LE		

4. Ears- Inspection.....
   Hearing:
   Right Ear.....
   Left Ear.....
5. Glands ..... Thyroid.....

6. Condition of teeth.....

7. Respiratory system: Does physical examination reveal anything abnormal in the respiratory organs.....

   If yes explain fully.....
8. Circulatory system:
   (a)Heart : any Organic Lesions.....
   Heart Rates:
   Standing.....
   After hopping 25 times.....
   2 Minutes after hopping.....
   (b)Blood Pressure:
   Systolic.....Diastolic.....

9. Abdomen:
   Girth.....Tenderness.....
   Hernia.....
   (a) Palpable : liver.....Spleen.....
   Kidneys.....Mass.....
   Hemorrhoids.....Fistula.....
10. Nervous System: Indication of nervous or mental disabilities.....

11. Loco motor System: Any abnormality.....

12. Genitourinary System:
    Any evidence of Hydrocele, Varicocele etc (for males).....

Date of LMP (for females).....
Pelvic Examination (for married females).....

13. Is there anything in the health of the candidate likely to render him unfit for the efficient discharge of his duties in the service for which he is a candidate?

    Note- All candidate with pregnancy will be 'Fit' for all types of services except the services which require physical training. Those requiring physical training will be decaled 'Fit' after confinement.

14.(i)State the service for which the candidate has been examined:-

(a) Indian Administration Service & Indian Foreign Services.

(b) IPS & Delhi- Himachal Pradesh Police Service

(c) Central Services, Class I & II.

(d) Indian Forest Services

(ii) Has he/ she been found qualified in all respects for efficient and continuous discharge of his/her duties in

-

(a) Indian Administrative Service& Indian Foreign Service
.

(b) IPS & Delhi- Himachal Pradesh Police Service

……

(see specially height, chest, eye-sight,colour blindness and locomotor system)

(c)Transportation, Traffic & Commercial Departments Of the Indian Railways.....
(see specially height, chest, eye-sight,colour blindness)

(d)Other Central Services. Class I/II

(e) Indian Forest Service.

(iii) Is the candidate fit for FIELD SERVICES

(iv)

15. Investigations:

i. Blood Sugar- Fasting.....
ii. Hb count .....
iii. Chest X-Ray Examination.
iv. Urine Analysis:
(a) Physical appearance.....
(b)Sp.Gr.....
(c)Albumin.....
(d)Sugar.....
(e)Casts.....
(f)Cells.....
(g)Pregnancy test(for married females).....

Note: The Board should record their finding under one of the following three categories:-

(i)Fit.....
(ii)Unfit on account of.....
(iii)Temporarily unfit on account of.....
(iv)Fit only for specified vacancy reserved for physically impaired.....

Signature Chairman
Member
Member

Place, Date
Seal of the Medical Board

ANNEXURE II

Standards of Visual Acuity for Employment in non-gazetted posts

Class of service	Distant Vision		Near Vision	
	Better Eye	Worse Eye	Better Eye	Worse Eye
*All non-gazetted posts other than Class IV posts and also excluding the Operations, Fire Foreman and Fire Operations in the Civil Aviation Department.	6/6 Or 6/12 Or 6/9	Nil 6/12 6/18	N6	N8
Class IV	6/9 Or 6/18 Or 6/12	Nil 6/18 6/24	N6	N8

When the age of the time of first appointment is 35 years or more the correct visual acuity will be reduced by one step as under:

*All non-gazetted posts other than Class IV posts and also excluding the Operations, Fire Foreman and Fire Operations in the Civil Aviation Department.	6/9 Or 6/18 Or 6/12	Nil 6/18 6/24	
Class IV	6/12 Or 6/24 Or 6/18	Nil 6/24 6/36	

*The posts which involve security and safety issues like Drivers, Security Guards etc. Should have following criteria:

		Aerodrome Operators Grade I, Aerodrome Operators Grade II , Fire Foreman, Fire Operators	
		Better eye (Best corrected vision)	Worse eye (Best corrected vision)
1	Distant vision	6/6 or 6/9	6/12 or 6/9
2	Near vision	N6	N8
3	Types of corrections permitted	Spectacles, CL and Refractive Surgery like Lasik , ICL,IOL etc.	
4	Limit of refractive	No limit.. However the candidate who has myopia of more than 6.00 D including spherical& cylindrical error should be referred to special myopia board. The board will examine the candidate for degenerative changes in retina (indirect ophthalmoscopy as well as direct	

		ophthalmoscopy) and if the macular area is healthy then the candidate should be declared fit. If the candidate is having only peripheral degenerative change which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative change are only in periphery and require no treatment then the candidate should be declared fit. The candidate who have myopia up.6.00 D without any involvement of macular area if retina are fir those who have macular degenerative changes will be declared unfit.
5	Color vision requirements	High Grade
6	Binocular vision needed	Yes
7	Squint	Unfit (due to absence of binocular vision)

(a)

(i) No limit for the amount of refractive error in respect of non-gazetted services is prescribed provided their visual acuity is in accordance with the standards mentioned above.

(ii) In respect of non-gazetted services under the Ministry of Railways the existing practice of testing colour vision followed by that Ministry is to be continued. In respect of other non-gazetted services as test for colour perceptions to be carried out only when specifically asked by the department concerned.

(iii) In respect of Aerodrome Operators and Fire Foremen. Fire Operators in the Civil Aviation Department the visual standard as indicated in Appendix III would apply.

(iv) The presence of squint is not to be considered as a disqualification if the visual acuity is of the prescribed standards except for the posts which involve security and safety issues like Drivers, Security Guards etc.

(v) The loss of one eye is not a disqualification for non-gazetted services provided the prognosis about the functioning eye is good and its vision is not likely to be endangered by the condition of the worse eye and the visual acuity standards mentioned above are fully satisfied, except for the posts which involve security and safety issues like Drivers, Security Guards etc.

(vi) The above standards for not apply in the case of candidates for the posts of inspector. Sub-Inspector and Sepoy in the Central Excise Department.

If the duties of non-gazetted posts other than Class IV include field worked and such posts as those of Air Survey Draftsmen and Photogrammetric Operators who are required to have binocular vision the standards of visual acuity will be the same as are prescribed for Class I and Class II Technical posts (of appendix) Squint, even if the visual acuity is of prescribed standard is to be considered as disqualification. One-eyed persons are also not to be accepted for such posts.

(Note:-Government may relax any one of the conditions in favour of any candidate for special reason)

ANNEXURE III

Standards of visual acuity of Government servants in the Aerodrome Organisation of the Civil Aviation Department who have to deal with Aircraft Operations.

		Aerodrome Operators Grade I, Aerodrome Operators Grade II, Fire Foreman , Fire Operators	
		Better eye (Best corrected vision)	Worse eye (Best Corrected vision)
1.	Distant vision	6/6 or 6/9	6/12 or 6/9
2.	Near vision	N6	N8
3.	Types of corrections permitted	Spectacles, CL and refractive Surgery like Lasik, ICL,IOL etc.	
4	Limits of refractive error permitted	No limit. However the candidate who have myopia of more than 6.00D including spherical & cylindrical error should be referred to special myopia Board . The board will examine the candidate for degenerative changes in retina(indirect ophthalomoscopy as well as direct ophthalmoscopy) and if the macular area is healthy then the candidate should be declared fit. If the candidate is having only peripheral degenerative change which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative changes are only in periphery and require no treatment then the candidate should be declare fit. The candidate who have myopia up to 6.00 D without any involvement of macular area of retain these candidate are fit and those who have macular degenerative changes will be declared unfit.	
5.	Color vision Requirements	High Grade	
6.	Binocular vision Needed	Yes	
7.	Squint	Unfit (due to absence of binocular vision)	

Note:

(a) Night blindness should be cause for rejection

(b) Field of vision should be normal.

(c) The Aerodrome Operators Grade I, will be examined with reference to these standards annually. Aerodrome Operators Grade II, Fire Foreman and Fire Operation will be examined after every two years.

ANNEXURE
RECOMMENDATION

OPHTHALMOLOGY (GEOLOGIST)

Distant Vision		Near Vision	
Better Eye	Worse Eye	Better Eye	Worse Eye
6/9 or 6/6	6/9 or 6/12	0.6	0.8

There should not be restriction of power of refractive error. However the candidate who have Myopia of more than 6.00 D including spherical& cylindrical error should be referred to special Myopia Board. The Board will examine the candidate for degenerative changes in retina (indirect ophthalmoscopy as well as direct ophthalmoscopy) and if the macular is healthy then the candidate should be declared fit. If the candidate is having only peripheral degenerative change which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative change are only in periphery and require no treatment then the candidate should be declared fit.

The candidate who have myopia up.6.00 D without any involvement of macular area if retina are fir those who have macular degenerative changes will be declared unfit. if the candidate is having only peripheral degenerative changes which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative changes are only in periphery and require then the candidate should be declared fit.

Color Vision

High grade color vision

Binocular Vision

Required

Squint

Unfit due to absence of binocular vision

One eyed

Unfit

ANNEXURE
RECOMMENDATION

OPHTHALMOLOGY (GEOLOGIST)

Distant Vision	Near Vision
Better Eye	Worse Eye
N.5	N.5

Type of correction permitted

Glasses/ Contact lens/Refractive Surgery like ICL, LOL etc. should be permitted.

Limits of refractive error permitted.

No limit.. However the candidate who has myopia of more than 6.00 D including spherical& cylindrical error should be referred to special myopia board. The board will examine the candidate for degenerative changes in retina (indirect ophthalmoscopy as well as direct ophthalmoscopy) and if the macular area is healthy then the candidate should be declared fit. If the candidate is having only peripheral degenerative change which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative change are only in periphery and require no treatment then the candidate should be declared fit.

The candidate who have myopia up.6.00 D without any involvement of macular area if retina are fit those who have macular degenerative changes will be declared unfit. if the candidate is having only peripheral degenerative changes which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative changes are only in periphery and require then the candidate should be declared fit.

Color Vision
Low grade Fit
Squint
Unfit because of absent binocular vision
One eyed Person
Unfit

Field of Vision & Night blindness
No change

ANNEXURE
RECOMMENDATION

OPHTHALMOLOGY (COMBINED MEDICAL SERVICE EXAMINATION)

	Indian Railway Medical Service (Technical)		Service other then IRMS (Technical)	
Distant vision	Better Eye 6/9 or 6/6 with or Without glasses	Worse Eye 6/9 or 6/12 with Or without glasses	Better Eye (Corrected Vision) 6/6 or 6/9	Worse Eye 6/12,6/18 Or nil with or without glasses
Near vision	With or without glasses J 1	With or without glasses J 2	J1 J2 With or without glasses	J2,J3 or Nil With or without glasses

Type of correction permitted	Spectacles/ refractive surgery like Lasik ICL,IOL etc.& contact lens	Spectacles/ refractive surgery like Lasik ICL,IOL etc.& contact lens
Limit of refractive error permitted	No limit.. However the candidate who has myopia of more than 6.00 D including spherical& cylindrical error should be referred to special myopia board. The Board will examine the candidate for degenerative changes in retina (indirect ophthalmoscopy as well as direct ophthalmoscopy) and if the macular area is healthy then the candidate should be declared fit. If the candidate is having only peripheral degenerative change which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative change are only in periphery and require no treatment then the candidate should be declared fit. The candidate who have myopia up.6.00 D without any involvement of macular area if retina are fir those who have macular degenerative changes will be declared unfit. if the candidate is having only peripheral degenerative changes which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated.	No limit.. However the candidate who has myopia of more than 6.00 D including spherical& cylindrical error should be referred to Special Myopia Board. The Board will examine the candidate for degenerative changes in retina (indirect ophthalmoscopy as well as direct ophthalmoscopy) and if the macular area is healthy then the candidate should be declared fit. If the candidate is having only peripheral degenerative change which can be treated then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative change are only in periphery and require no treatment then the candidate should be declared fit. The candidate who have myopia up.6.00 D without any involvement of macular area if retina are fir those who have macular degenerative changes will be declared unfit. if the candidate is having only peripheral degenerative changes which can be treated then the candidate

Color vision requirements	However if degenerative changes are only in periphery and require then the candidate should be declared fit.	then the candidate should be declared temporarily unfit till the candidate gets treated. However if degenerative changes are only in periphery and require then the candidate should be declared fit.
Binocular Vision needed		Low Grade color vision is acceptable.
		Not required
Squint	Higher grade color perception	
		Fit
	Required	
	Unfit, as binocular vision is absent	

For teaching/ non-teaching specialist condition will remain same except-

1.Color Vision-High grade colour vision is required for all surgical specialties, Pathology, Microbiology, Histopathology, Biochemistry, Radiology, super specialty Cardiology. In rest other specialties low grade colour vision will be acceptable.
2. Binocular vision is required for the all surgical specialties requiring use of binocular Microscope like Ophthalmology, ENT, CTVS, Neuro, Burns & Plastic etc.

Chapter 15

OTHER MANPOWER RESOURCES

15.1 **CONSULTANTS**

15.1.1 The applicable directives for appointment of consultants and outsourcing of services are contained in Chapter 6 of General Financial Rules 2005relating to 'Procurement of Goods and Services'. The Generic guidelines in this regard are also contained in the 'Manual of Policies and Procedure of Employment of Consultants' published by the Ministry of Finance, Department of Expenditure. Some of the provisions contained in the General Financial Rules are as under:

Departments may hire external professionals, consultancy firms or consultants for a specific job, which is well defined in terms of content and time frame for its completion or outsource certain services.

Rule 163 GFR

The Chapter on 'Procurement of Goods and Services' contains the fundamental principles applicable to all Departments regarding engagement of consultant(s) and outsourcing of services. Detailed instructions to this effect may be issued by the concerned Departments. However, Departments shall ensure that they do not contravene the basic rules contained in the chapter.

Rule 164 GFR

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Identification of work/services required to be performed by Consultants**:**
Engagement of consultants may be resorted to in situations requiring high quality services for which the concerned Department does not have requisite expertise. Approval of the competent authority should be obtained before engaging consultant(s).

Rule 165 GFR

Preparation of scope of the required work/service:
Departments should prepare in simple and concise language the requirement, objectives and the scope of the assignment. The eligibility and pre-qualification criteria to be met by the consultants should also be clearly identified at this stage.

Rule 166 GFR

Estimating reasonable expenditure **:**
Department proposing to engage consultant(s) should estimate reasonable expenditure for the same by ascertaining the prevalent market conditions and consulting other organisations engaged in similar activities.

Rule 167 GFR

Identification of likely sources :
List of potential consultants may be prepared on the basis of formal or informal enquiries or 'Expression of Interest' be sought by publication in at least one national daily and Departments web site, depending on the financial limit prescribed from time to time and other instructions contained in Rule 168 GFRs

Short–listing of Consultants: On the basis of responses received from the interested parties as per Rule 168 GFR, consultants meeting the requirements should be shortlisted for further consideration. The number of short listed consultants should not be less than three.

Rule 169 GFR

Terms of Reference, Request for Proposal, Receipt and opening of proposals, Evaluation of bids:

General principles in this regard are contained in Rule 170 to 175 GFRs.

Consultancy by nomination:

Under some special circumstances, it may become necessary to select a particular consultant where adequate justification is available for such single – source selection in the context of the overall interest of the Department. Full justification for single source selection should be recorded in the file and approval of the competent authority obtained before resorting to such single source selection.

Rule 176 GFR

The instructions/guidelines issued by the Department of Personnel & Training were withdrawn vide Office Memorandum No. 160l2/30/2008-Estt.(Allowance) dated 8th April, 2009 with a view of bringing about uniformity in all cases of engagement of consultants.

15.2 **OUTSOURCING OF SERVICES**

A Department may outsource certain services in the interest of economy and efficiency and it may prescribe detailed instructions and procedures for this purpose without, however, contravening the basic guidelines in this regard.

Rule 178 GFR

Identification of contractors, Tender Enquiry, invitation of bids and evaluation of bids; General instructions in this regard are contained in Rule 179 to 183 GFRs.

Outsourcing by Choice:

Should it become necessary, in an exceptional situation to outsource a job to a specifically chosen contractor, the Competent Authority in the Department may do so in consultation with the Financial Adviser. In such cases the detailed justification, the circumstances leading to the outsourcing by choice and the special interest or purpose it shall serve shall form an integral part of the proposal.

Rule 184 GFR

15.3 **CASUAL LABOURERS**

15.3.1 Casual labourers/ persons on daily wage basis are recruited for work of purely casual/ seasonal/ intermittent nature for which no post can be created. These persons are not paid emoluments in the pay scale of any post but are given daily wages. The casual workers are not subject to other conditions of service

relating to conduct or discipline etc. of Central Government employees holding civil posts.

POLICY ON ENGAGEMENT OF CASUAL LABOURERS AND PERSONS ON DAILY WAGES

15.3.2. As per policy, the Departments should ensure that there is no engagement of casual workers for attending to work of a regular nature. Each Head of Office should also nominate an officer who would scrutinize the engagement of each and every casual worker and the job for which casual labour is being employed to determine whether the work is of casual nature or not.

15.3.3 The following guidelines exist in the matter of engagement of casual workers on daily wage basis:-

(i) Persons on daily wages should not be recruited for work of regular nature.
(ii) Recruitment of daily wagers may be made only for work which is casual or seasonal or intermittent nature or for work which is not of full time nature, for which regular posts cannot be created.
(iii) The work presently being done by regular staff should be reassessed by the administrative Departments concerned for output and productivity so that the work being done by the casual workers could be entrusted to the regular employees. The Departments may also review the norms of staff for regular work and take steps to get them revised, if considered necessary.
(iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.
(v) In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour or the State Government/ Union Territory Administration, whichever is higher, as per the Minimum Wages Act, 1948. However, if a Department is already paying daily wages at a higher rate, the practice could be continued with the approval of its Financial Adviser.
(vi) The casual workers may be given one paid weekly off after six days of continuous work.
(vii) The payment to the casual workers may be restricted only to the days on which they actually perform duty under the Government with a paid weekly off as mentioned at (vi) above. They will, however, in addition, be paid for a National Holiday, if it falls on a working day for the casual workers.

DOPT OM No. 49014/2/86-Estt(C) dated 07.06.1988

15.4 CASUAL LABOURERS (GRANT OF TEMPORARY STATUS AND REGULARISATION) SCHEME OF GOVERNMENT OF INDIA, 1993

15.4.1. The guidelines in the matter of recruitment of persons on daily-wage basis in Central Government were reviewed in the light of the judgment of the

Central Administrative Tribunal, Principal Bench, New Delhi delivered on 16.02.1990 in the Writ Petition filed by Shri Raj Kamal & Others Vs Union of India. It was then decided that while the existing guidelines contained in OM dated 07.06.1988 may continue to be followed, the grant of temporary status to the casual employees, who were employed and had rendered one year of continued service in Central Government offices other than Departments of Telecommunications, Posts and Railways may be regulated by a new scheme.

15.4.2 SALIENT FEATURES OF THE SCHEME

1. The Scheme came into force w. e. f. 01.09.1993.
2. This scheme is applicable to casual labourers in employment of the Ministries/ Departments of Government of India and their attached and subordinate offices, on the date of issue of the orders. It is not applicable to casual workers in Railways, Department of Telecommunication and Department of Posts or any other Ministry/ Department who have their own schemes.
3. As per the Scheme, 'Temporary' status would be conferred on all casual labourers (CL-TS) who are in employment on the date of issue of the OM and who had rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week). Such conferment of temporary status was to be without reference to the creation/ availability of regular Group `D' posts.
4. Also, conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement was to be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work. It was also stipulated that such casual labourers who acquire temporary status will not, however, be brought on to the permanent establishment unless they were selected through regular selection process for Group `D' posts. (pl also see para15.4.6.2below)
5. Part-time casual employees cannot be granted temporary status.

DOPT OM No. 51016/2/90-Estt(C) dated 10.09.1993
[Appendix]

15.4.3 SCHEME A ONE-TIME MEASURE

Earlier various Benches of the CAT and some High Courts had repeatedly taken the view that the scheme is an ongoing affair and that any casual employee who is engaged for 240 days or more (206 days in case of five days a week offices) acquired a right to temporary status. The Hon'ble Supreme Court finally decided the matter in SLP (Civil) No. 2224/2000, in the case of Union of India & Anr. Vs. Mohan Pal etc. The Supreme Court has directed that:-

> "The Scheme of 1-9-93 is not an ongoing Scheme and the temporary status can be conferred on the casual labourers under that Scheme only on fulfilling the conditions incorporated in clause 4 of the scheme, namely, they should have been casual labourers in employment on the date of the

commencement of the scheme and they should have rendered continuous service of at least one year i.e. at least 240 days in a year or 206 days (in case of offices having 5 days a week). We also make it clear that those who have already been given 'temporary' status on the assumption that it is an ongoing Scheme shall not be stripped of the 'temporary' status pursuant to our decision"

DOPT OM No. 40011/6/2002-Estt(C) dated 06.06.2002

15.4.4 TERMINATION OF THE SERVICES OF A CASUAL LABOURER WITH TEMPORARY STATUS (CL-TS)

The Supreme Court in the SLP (Civil) No. 2224/2000, in the case of Union of India & Anr. Vs. Mohan Pal etc., have also considered the question as to whether the services of casual labourers who had been given 'temporary status' could be dispensed with as per clause 7 as if they were regular casual labourers and observed that-

"The casual labourers who acquire 'temporary' status cannot be removed merely on the whims and fancies of the employer. If there is sufficient work and other casual labourers are still to be employed by the employer for carrying out the work, the casual labourers who have acquired 'temporary' status shall not be removed from service as per clause 7 of the Scheme. If there is serious misconduct or violation of service rules, it would be open to the employer to dispense with the services of a casual labourer who had acquired the 'temporary' status"

DOPT OM No. 40011/6/2002-Estt(C) dated 06.06.2002

15.4.5 ENTITLEMENTS UNDER THE SCHEME

Temporary status entitled the Casual Labourers to the following benefits:-

(i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group `D' official including DA, HRA and CCA.

(ii) Benefits of increments at the same rate as applicable to a Group `D' employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for at least 240 days, 206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status. [Please see paragraph 15.4.15]

(iii) Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service. (pl also see ix below)

(iv) Maternity leave to lady casual labourers as admissible to regular Group `D' employees will be allowed.

(v) After rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group `D' employees and would be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group `D' employees, provided they furnish two sureties from permanent Government servants of their Department.

(vi) Until they are regularized, they would be entitled to Productivity Linked Bonus/ Ad-hoc bonus only at the rates as applicable to casual labourers.

(vii) If any additional benefits were admissible to casual workers working in Industrial establishments in view of provisions of Industrial Disputes Act, they shall continue to be admissible to such casual labourers.

DOPT OM No. 51016/2/90-Estt(C) dated 10.09.1993

(viii) The benefit of transport allowance was extended to CL-TS, subject to certain conditions.

DOPT OM No. 49014/3/97-Estt.(C) dated 01.04.1998

(ix) CL-TS were allowed the benefit of paternity leave, subject to certain conditions.

(x) The limit on accumulation of total number of days of leave for CL-TS will be 300 days as in the case of regular Government employees.

(xi) It was further provided that physically handicapped CL-TS will be entitled to transport allowance at double the normal rate subject to the terms and conditions contained in Ministry of Finance, Department of Expenditure OM No. 19029/1/78-E-IV B dated 31.08.1978.

[NOTE: Counting of past service and GPF benefits are admissible only in the case of CL-TS regularized before 01.01.2004. Please also see paragraph No. 15.4.17]

15.4.6 PROCEDURE FOR FILLING UP OF GROUP `D' POSTS

15.4.6.1 The Scheme envisaged that two out of every three vacancies in Group `D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel and Training from amongst casual workers with temporary status. However, regular Group `D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfill the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation

equivalent to the period for which they have worked continuously as casual labourer.

15.4.6.2 On regularisation of casual worker with temporary status, no substitute in his place would be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions. Following the acceptance of recommendations of the 6th Central Pay Commission, Group D posts do not exist. Hence, regularisation cannot be done by the Departments themselves and cases of regularisation of CL-TS have to be referred to Department of Personnel & Training for consideration. [Please see paragraph no. 15.4.16.2 below].

DOPT OM No. 51016/2/90-Estt(C) dated 10.09.1993

15.4.7 CASUAL LABOURERS NOT INITIALLY ENGAGED THROUGH EMPLOYMENT EXCHANGE

Since it is mandatory to engage casual employees through employment exchange, the engagement of casual employees other than through employment exchange is irregular. Hence such casual employees cannot be bestowed with temporary status.

DOPT OM No. 49014/2/93-Estt(C) dated 12.07.1994

15.4.8 EXCEPTIONS FOR ENGAGING THE CASUAL LABOURERS

15.4.8.1 The instructions for engagement of casual workers enunciated in DOPT OM No. 49014/2/86 Estt.(C) dated 07.06.1988 as amplified from time to time, inter-alia, provided that casual workers and persons on daily wages should not be recruited for work of regular nature. They could be engaged only for work of casual or seasonal or intermittent nature, or for work which is not of full time nature for which regular post cannot be created. DOPT OM No. 28036/1/2001-Estt. (D) dated 23.07.2001 also provided that no appointment shall be made on ad-hoc basis by direct recruitment from open market.

15.4.8.2. A Constitution bench of the Supreme Court in Civil Appeal No. 3595-3612/1999 etc., in the case of Secretary State of Karnataka and Ors. Vs. Uma Devi and Others, has reiterated that any public appointment has to be in terms of the Constitutional scheme. However, the Supreme Court in para 44 of the aforesaid judgement dated 10.04.2006 has directed that the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure the services of such irregularly appointed, who are duly qualified persons in terms of the statutory recruitment rules for the post and who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or tribunals. The Apex Court has clarified that if such appointment itself is in infraction of the rules or if it is in violation of the provisions of the Constitution, illegality cannot be regularized.

DOPT OM No. 49019/1/2006-Estt(C) dated 11.12.2006

15.4.9 AGE LIMIT FOR GRANT OF TEMPORARY STATUS

No age limit has been prescribed for grant of temporary status. However, for the purpose of subsequent regularisation, the conditions regarding age and educational qualifications prescribed in the relevant recruitment rules will apply. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

DOPT OM No. 49014/2/93-Estt(C) dated 12.07.1994

[Note: All cases for regularisation should be referred to Department of Personnel & Training as after the acceptance of recommendations of 6th Central Pay Commission, there are no Group 'D' posts]

15.4.10 PAYMENT OF WAGES

Since the casual employees on grant of temporary status would be entitled for wages on actual basis, their wages will have to be debited to the sub-head `wages'.

DOPT OM No. 49014/2/93-Estt(C) dated 12.07.1994

15.4.11 WEEKLY OFF TO CASUAL LABOURERS

The casual workers are given one paid weekly off after six days of continuous work. Since the facility of paid weekly off is admissible after 6 days of continuous work, this would not be admissible to casual employees working for 5 days in a week.

DOPT OM No. 49014/2/93-Estt(C) dated 12.07.1994

15.4.12 ASSESSING LEAVE ENTITLEMENT

Qualifying period should be reckoned with reference to actual number of days duty performed ignoring days of weekly off, leave and absence etc. All days of duty will be counted irrespective of intervening spells of absence, which do not constitute break in service.

DOPT OM No. 49014/2/93-Estt(C) dated 12.07.1994

15.4.13 FREQUENCY AT WHICH LEAVE WILL BE CREDITED

Leave is to be credited twice a year. On the 1st of January and 1stof July credit will be afforded for the preceding half year or fraction thereof, on a pro-rata basis at the rate of one day for every 10 days of work.

DOPT OM No. 49014/2/93-Estt(C) dated 12.07.1994

15.4.14 NORMS FOR FIXATION OF PAY OF CL-TS ON THEIR REGULARISATION

The pay of casual workers with temporary status on their regularisation against erstwhile Group D posts in identical grades will be fixed after taking into account the increments already earned by them in the Group D pay scale which was taken into account for payment of wages while working as casual worker with

temporary status. Such counting of the past increments earned on regularisation will be only for the purpose of pay fixation and will not entitle them to claim seniority or any other benefits like promotion etc. on the basis of such casual service.

15.4.15 APPLICABILITY OF REVISED GROUP 'D' PAY SCALES TO CL-TS

Following the recommendations of the 6th Central Pay Commission, the wages of Casual Labourers, who were granted the Temporary Status in terms of the provisions of the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1993 and were in receipt of wages based on the pre revised S-I scale as on 01.01.2006, is worked out and paid on the basis of the Pay Band I with Grade Pay of Rs. 1800/- w.e.f. 01.01.2006 provided they are matriculate. In case of similarly placed non-matriculate CL-TS, the benefit of wages w.e.f. 01.01.2006 is extended only after imparting the requisite training by the respective administrative Ministries/Departments on the lines indicated in the MOF O.M. No. 1/1/2008-IC dated 24.12.2008.

DOPT OM No. 49011/31/2008-Estt.(C) dated 23.01.2012

15.4.16 REGULARISATION POST 6TH CENTRAL PAY COMMISSION REPORT

15.4.16.1 Para 8 of the O.M. dated 10.09.1993 provided for regularization of CL-TS which envisaged that two out of every three vacancies in Group 'D' cadres in respect of offices where the Casual Labourers had been working would be filled as per extant recruitment rules and in accordance with the instructions issued by DOP&T from amongst Casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for the post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourers.

15.4.16.2 Though the said scheme had provided for regularization of CL-TS in Group 'D', in view of the changed situation, after implementation of the recommendation of the 6th CPC, when erstwhile Group 'D' employees have been upgraded to Group 'C'. Any regularisation of CL-TS against Group 'C' posts can be done only with the approval of Department of Personnel & Training.

15.4.17 IMPLICATIONS OF THE INTRODUCTION OF NEW PENSION SCHEME TO CL-TS

In the light of introduction of New Pension Scheme in respect of persons appointed to the Central Government service on or after 01.01.2004, the Scheme of 1993 has been modified as under:-

(i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its

relevance, no credit of casual service, as specified in para 5 (v) of the Scheme of 1993, shall be available to the casual labourers on their regularisation against Group `D' posts on or after 01.01.2004.

(ii) No further deduction towards General Provident Fund is effected from the Casual Labourers w.e.f. 01.01.2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 01.01.2004, are to be paid to them. Interest up to 30.04.2004 was allowed on the GPF accumulations of the CL-TS.

DOPT OM No. 49014/1/2004-Estt(C) dated 26.04.2004 and 23.07.2004

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Chapter 16

FORMALITIES ON JOINING THE SERVICE

16.1 **RECORDS OF SERVICE**

16.1.1 The Service Book of a Government servant is a document to record all the events in his/ her entire service period and career recording each and every administrative action qua the Government servant right from the stage of his recruitment till his retirement to reflect the history of service of a Government employee (SR 199).

16.1.2. Such a Service Book is to be maintained for a Government servant from the date of his/her first appointment to Government service and it must be kept in the custody of the Head of Office in which he is serving and transferred with him from office to office (SR 198).

16.1.3 The Service Book of a Government employee is required to be maintained in a prescribed form and the same is required to be maintained in duplicate. The first copy shall be retained by the respective Head of Office and the second copy shall be given to the Government servant for safe custody. A revised format has been prescribed vide O.M. No.17011/1/99-Estt.(L) dated 11th March, 2008.

16.1.4 The Part I of the prescribed format of the Service Book is required to reflect the Bio data of the employee concerned, which may include the following details:

a) Date of Birth [Refer to para 16.2 below]

b) Whether the Government servant belongs to Scheduled Caste/Scheduled Tribe or Other Backward Class

c) Educational Qualifications at the time of first appointment

16.1.5. The instructions for maintenance of Service Book, which is part of the format states that the entries in this part will be made at the time of first appointment of the government servant and attested by the Head of Office or any other officer duly authorized in this behalf. Additions and alterations in this part are also to be similarly attested.

16.1.6. The Part II A of the prescribed format includes entries of the following certifications in respect of a Government employee:

a) Medical Examination - The original medical certificate has been kept in safe custody in Vol. II of the Service Book.

b) Character & Antecedents – The verification report is to be retained in safe custody in Vol. II of the Service Book.

c) Marital Status - It is required to be certified that the Government employee concerned has furnished declaration regarding her/his not

having contracted bigamous marriage and the relevant declaration is also to be retained in of Vol. II of the Service Book.

d) Oath of Allegiance to the Constitution also forms part of the said Part of the Service Book with the same being retained in Vol. II of the Service Book

e) Declaration of Home Town is also required to be made by the Government employee concerned and the same also being retained in Vol. II of the Service Book

16.1.7. The said part also contains a certification of the competent authority that correctness of the entries against S. No. 5-8 of Part I—"Bio-data" has been verified from original certificates considered as valid documentary evidence for the respective purposes. Attested copies of these certificates have been filed in Vol. II of the Service Book.

16.1.8. The Part II A of the prescribed format includes entries of the following certifications in respect of a Government employee:

a) Family Particulars with due certification that the Government servant concerned, has furnished the details of the family members which have been filed in Vol.II of the Service book.

b) Nomination for Central Govt. Employees Group Insurance Scheme (CGEGIS) with similar certification as indicated above.

16.1.9. The instructions for maintenance of Service Book, which is part of the format states that the first seven certificates in Part II-A of the format will be recorded at the time of initial appointment of the government servant and the last entry at the appropriate stage. All these entries are not subject to change/revision subsequently. Further, the declarations, nominations and related notices like change of nomination for GPF, D.C.R Gratuity, Family Pension, Central Government Employees Insurance Scheme and Leave Encashment, testimonials and other documents referred to and relied upon in this part will be kept in Vol. II of the service book of the government servant and will be retained by the Head of Office for safe custody.

16.1.10. The declarations of Government servants electing the scales of pay and statements showing the fixation of initial pay in the relevant scales of pay in support of the entries in the Service Books should be pasted in the Service Books. The GPF Account Number allotted to the Government Servant should be entered on the right hand top of page 1 of the Service Book.

16.1.11. Each entry in the Service Book is to be attested by the Head of Office, or if he himself is the Head of Office, by his immediate superior. The Head of Offices are permitted to delegate to subordinate Gazetted Officers under them powers to attest entries in Service Book. Such subordinate Gazetted Officers are also authorized to keep these documents in their custody and to attest entries in the leave account.

16.1.12. At a fixed time early in the year, the Service Books shall be taken up for verification by the Head of Office who, after satisfying himself that the services of the government servant concerned are correctly recorded in each of the Service Book shall record in each case a certificate in prescribed form (SR 202 read with GFR 257).

16.1.13 In January each year, the Government servant shall hand over his copy of the Service Book to his office for updation. The office shall update and return it to the Government servant within thirty days of its receipt. In case the Government servant's copy is lost by the Government servant, it shall be replaced on payment of a sum of Rs.500/-. (GFR 257)

16.1.14 Service Book must be shown to the Government servants every year and their signatures obtained therein in token of their having inspected the Service Book. In the case of a Government Servant on foreign service, his signature shall be obtained in his Service Book after the Audit Officer (P&AO, as the case may be), has made therein necessary entries connected to his foreign service in terms of provisions of SR 203.

16.1.15 On a Government servant completing eighteen years of service or on his being left with five years of service before the date of retirement, whichever is earlier, the Head of Office in consultation with the Accounts Officer shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government servant, determine the qualifying service and communicate to him, in Form 24, the period of qualifying service so determined. [Rule 32 of CCS (Pension) Rules].

16.2 **DATE OF BIRTH**

16.2.1 Every person newly appointed to a service or a post under Government shall, at the time of the appointment, declare the date of birth by the Christian era with confirmatory documentary evidence such as a Matriculation Certificate, where prescribed qualification for appointment is Matriculation or above. In other cases Municipal Birth Certificate or Certificate from the recognised school last attended shall be treated as a valid document.

GFR 256

The Date of Birth of the Government employee gets a mention in Note 6 under Fundamental Rule 56 regulating the age of retirement of the employee. It states that the date on which a Government servant attains the age of fifty-eight years or sixty years (or any other age of retirement prescribed by the Government)) shall be determined with reference to the date of birth declared by the Government servant at the time of appointment and accepted by the Appropriate Authority on production of, as far as possible, a confirmatory documentary evidence such as High School or Higher Secondary or Secondary School Certificate or extracts from Birth Register.

16.2.2 Alteration in the date of birth can be made by Government servant only within five years of his entry into Government service, with the sanction of a Ministry or Department of the Central Government etc. subject to the following conditions.

a) A request in this regard is made within five years of his entry into Government service;
b) It is clearly established that a genuine bona fide mistake has occurred; and
c) The date of birth so altered would not make him ineligible to appear in any school or University or Union Public Service Commission examination in which he had appeared, or for an entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service.

The Government policy regarding rejection of belated claim for alteration in date of birth is reinforced by the observations made by the Supreme Court in the judgment in Civil Appeal No.502 of 1993 (Union of India Vs. Harnam Singh).
DoP&T O.M.No.19017/7/792-Estt (A) dated 30th November, 1979 and

DoP&T O.M.No.19017/2/92-Estt (A) dated 19th May, 1993

16.3 EDUCATIONAL QUALIFICATION AND PROFICIENCY STANDARDS

16.3.1 General Principles:

(1) Educational qualifications should be prescribed as soon as a new post is created, in the relevant recruitment rules/orders.

(2) Educational qualifications apply alike to permanent and temporary appointment.

(3) Educational qualifications do not apply to posts filled by promotion in regular line, unless otherwise provided in the relevant recruitment rules/orders.

16.3.2 Educational and other Qualifications for Direct Recruits:

With respect to provisions for educational and other qualifications required for direct recruits the minimum educational qualifications and experience required for direct recruitment may be indicated as precisely as possible, if necessary, these may be divided into two parts, viz., “Essential Qualifications” and “Desirable Qualifications”. These requirements vary from post to post depending upon the scale of pay and the nature of duties. But they should be determined, as far as possible, keeping in view the provisions in the approved Recruitment Rules for similar posts and higher and lower posts in the same hierarchy. The Ministries/Departments need to clearly specify the educational qualifications and should avoid usage of the term ‘or equivalent’.

16.3.3 **Educational Qualification for promotion:**

The educational qualifications are not generally insisted upon in the case of promotion to posts of non-technical nature; but for scientific and technical posts, these should be insisted upon, in the interest of administrative efficiency, at least in the case of senior Group A posts in the Pay Band-3 Grade Pay Rs.6600 and above. Sometimes the qualifications for junior Group A posts and Group B posts may not be insisted upon in full but only the basic qualification in the discipline may be insisted upon. For example, if a degree in Civil Engineering is the qualification prescribed for direct recruits, the promotees may be required to possess at least a Diploma in Civil Engineering.

OM No. AB.14017/48/2010-Estt.(RR) dated 31 December, 2010

16.3.4 **Educational qualifications and Proficiency standards prescribed for direct recruitment**.

The educational qualifications for recruitment to the various public services shall be as shown below:

I. Superior Services All India and Central Services, Group A	University Degree essential
II. Middle Group Services (i) Central Group B (Gazetted) (ii) Central, Group B (Non-Gazetted) and Assistants in office not participating in C.S.S.	University Degree essential
III. Central Group C, Non-Gazetted	
(a) MTS	Matriculation pass or equivalent from a recognized Board or Industrial Training Institute pass Certificate from a recognized Institute
(b) Lower Division Clerks	(i) 12th class pass or equivalent qualification from a recognized Board or University. (ii) should pass type writing in English with a minimum speed of 35 words per minute or in Hindi with a minimum speed of 30 words per minute on computer (35 words per minute and 30 words per minute correspond to 10500 KDPH/9000 KDPH on an average of 5 key depression for each word).

(c) Stenographers	(i) 12th class pass or equivalent qualification from a recognized Board or University. (ii) Skill Test Norms: (a) For Stenographers in Pay Band-1 Dictation: 10 minutes @ 80 words per minute Transcription: 50 minutes (English), 65 minutes (Hindi) on computers (b) For Stenographers in Pay Band-2: Dictation: 10 minutes @ 100 words per minute Transcription: 40 minutes (English), 55 minutes (Hindi) on computers

16.3.5 **Proof of Educational Qualifications:**

Appointing authority should ensure that claims regarding educational and other special qualifications and age are scrutinized strictly at the time of appointments.

MHA OM No.2/29/54-RPS, 19-11-54

16.3.6 **Degree/Diploma and Certificates Recognized for Recruitment:**

(1) Those awarded by-

(i) Universities in India incorporated by an Act of the Central or State Legislature and other educational institutions established by an Act of Parliament or declared to be deemed to be Universities under Section 3 of the UGC Act, 1956.

MHA OM No.26/4/52-CS dt. 30-9-52 and MHA OM No.6/1/64-Estt.(D) dated 10-4-64

(ii) Board of Secondary and Intermediate Education duly set up and recognized by the Central Government or the State Government concerned.

MHA OM No.26/4/52-CS dt.30-9-52

(2) Those specially recognized by the Central Government as equivalent to particular degrees, diplomas or certificate. For technical qualifications a reference may be made to "List of Technical and Professional Qualifications recognized by Government of India" issued by the Ministry of Human Resource Development.

16.4 **OATH OF ALLEGIANCE**

1. All new entrants to Government service are required to take an oath of allegiance to the Constitution of India in the prescribed form. Conscientious objectors to oath taking may make a solemn affirmation in the prescribed form.
2. The oath/affirmation can be taken/ made in English or Hindi or in any official regional language with which the Government servant is conversant. The prescribed forms in English and Hindi are given in **Annexure I**. Heads of office may get the same translated into regional language, where required.
3. Full-time Government servants who are foreign nationals, are also required to take/make an oath/affirmation in the form given in **Annexure II**.
4. The taking of oath should be made one of the terms of appointment of persons to Government service.
5. The oath/affirmation should be taken/ made before the Head of Department of Office as may be appropriate, or a gazetted officer who may be authorised in this behalf. The signed copy of the Oath/Application may be kept in vol-II of the Service Book and entry made in the service book in the appropriate place.

ANNEXURE I

FORM OF OATH / AFFIRMATION

‘‘I,_____, do swear / solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by Law established, that I will uphold the sovereignty and integrity of India, and that I will carry out the duties of my of office with loyalty, honesty and impartiality,’’

(SO HELP ME GOD)

Signature_____
Name_____
Date_____ Designation_____

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ANNEXURE II

FORM OF OATH FOR GOVERNMENT SERVANTS
WHO ARE FOREIGN NATIONALS

I.....a citizen of ..... temporarily residing in and holding a civil post under the Government of India do swear/solemnly affirm that, having the faith and allegiance I own to*.....I will, during the period of my service as aforesaid, be faithful to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality.

(So help me God)

*Here insert the name of the country conferred.

Signature_____
Name_____
Designation_____

16.5 **DECLARATION OF HOME TOWN UNDER LTC RULES**

16.5.1 Every new entrants in Government service is required to declare his/ her home town to avail the benefits of Leave Travel Concession.
The Home Town once declared and accepted by the Controlling Officer shall be treated as final. In exceptional circumstances, the Head of the Department or if a Government servant himself is the Head of the Department, the Administrative Ministry, may authorize a change in such declaration, provided that such a change shall not be made more than once during the service of the Government servant.

Rule 5 of CCS (LTC) Rules, 1988

16.5.2 The declaration made by the Government Servant initially may be accepted. A detailed check may be applied only when he seeks a change. The following criteria may be applied to determine whether the Government servant's declaration may be accepted :

(i) Whether the place declared by the Government servant is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and if so, whether after his entry into service, the Government servant had been visiting that place frequently.
(ii) Whether the Government servant owns residential property in that place or whether he is a member of a joint family having such property there.
(iii) Whether his near relations are resident in that place.
(iv) Whether, prior to his entry into Government service, the Government servant had been living there for some years.

Note: The criteria, one after another need be applied only in cases where the immediately preceding criterion is not satisfied.

Where the Government servant or the family of which he is a member owns a residential or landed property in more than one place, it is left to the Government servant to make a choice giving reasons for the same, provided that the decision of the Controlling Officer whether or not to accept such place as the town of the Government servant shall be final. Where the presence of near relation at a particular place is not to be the determining criterion for the acceptance of declaration of 'hometown', the presence of near relation should be more or less permanent nature.

MHA O.M.No.43/15/57-Estt (A) dated 24th June, 1958,GoI Decision below Rule 5 of CCS (LTC)Rules

16.6 **DECLARATION OF MOVABLE / IMMOVABLE PROPERTY**

Rule 18 (1) (i) of the CCS (Conduct) Rules, 1964 prescribes that every Government servant shall on his first appointment to any service or post submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding-

1. The immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
2. Shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
3. Other movable property inherited by him or similarly owned, acquired or held by him; and
4. Debts and other liabilities incurred by him directly or indirectly.

[These Rules are explained in detail under the chapter of “Movable, Immovable and Valuable Property” in the CCS (Conduct) Rules, 1964]

Note: For All India Services please see the relevant provision in the appropriate rules, e.g.: Rule 16(1) of AIS (Conduct) Rules, 1968 in respect of AIS officers**.**

THE SCHEDULE
[See Rule 18 (1)]

Return of Assets and Liabilities on First Appointment on 31December, 20..

1. Name of the Government servant in full…….
   (in block letters)

2. Service to which he belongs……..

3. Total length of service upto date…….
   (i) in non-gazetted rank.
   (ii) in gazetted rank.

4. Present post held and place of posting…….

5. Total annual income from all sources during the Calendar year immediately proceeding the 1st day of January 20…..

6. Declaration

I hereby declare that the return enclosed namely, Forms I to V are complete, true and correct as on……to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of sub-rule (1) of rule 18 of the Central Services (Conduct) Rules, 1964.

Date……. Signature…….

Note 1. This return shall contain particulars of all assets and liabilities of the Government servant either in his own name or in the name of any other person.

Note 2. If a Government servant is a member of Hindu Undivided Family with coparcenary rights in the properties of the family either as a 'Karta' or as a member, he should indicate in the return in Form No. I the value of his share in such property and where it is not possible to indicate the exact value of such share, its approximate value. Suitable explanatory notes may be added wherever necessary.

FORM NO. I
Statement of immovable property on first appointment as on 31st December, 20….
(e.g. Lands, House, Shops, Other Buildings, etc.)

Sl. No.	Description of property	Precise location (Name of District, Division, Taluk and Village in which the property is situated and also its distinctive number, etc.)	Area of land (in case of land and buildings)	Nature of land in case of landed property	Extent of interest	If not in own name, state in whose name held and his/her relationship, if any to the Government servant
1	2	3	4	5	6	7

Date of acquisition	How acquired (whether by purchase, mortgage, lease inheritance, gift or otherwise) and name with details of person/persons from whom acquired (address and connection of the Government servant, if any, with the person/persons concerned) Please see Note 1 below)	Value of the property (see Note 2 below	Particulars of sanction of prescribed authority if any	Total annual income from the property	Remarks
8	9	10	11	12	13

Date…….. Signature…….

Note (1) For purpose of Column 9, the term "lease" would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the Government servant, such a lease should be shown in this Column irrespective of the term of the lease, whether it is short term or long term, and the periodicity of the payment of rent.
Note (2) In Column 10 should be shown –
(a) where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition;
(b) where it has been acquired by lease, the total annual rent thereof also; and
(c) where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

FORM NO. II
Statement of liquid assets on first appointment as on 31st December, 20….

(1) Cash and Bank balance exceeding 3 months' emoluments.
(2) Deposits, loans, advances and investments (such as shares, securities, debentures, etc.)

Sl. No.	Description	Name & Address of Company, Bank etc.	Amount	If not in own name, name and address of person in whose name held and his/her relationship with the Government servant	Annual income derived	Remarks
1	2	3	4	5	6	7

Date Signature……..

Note 1. In column 7, particulars regarding sanctions obtained or report made in respect of the various transactions may be given.

Note 2. The term "emoluments" means the pay and allowances received by the Government servant.

FORM NO. III
Statement of movable property on first appointment as on 31st December, 20…..

Sl. No.	Description of items	Price or value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purchased on hire purchase or instalment basis	If not in own name, name and address of the person in whose name and his/her relationship with the Government servant	How acquired with approximate date of acquisition	Remarks
1	2	3	4	5	6

Date…… Signature……

Note 1. In this Form information may be given regarding items like (a) jewellery owned by him (total value); (b) silver and other precious metals and precious stones owned by him not forming part of jewellery (total value), (c) (i) Motor Cars (ii) Scooters/Motor Cycles; (iii) refrigerators/air-conditioners, (iv) radios/radiograms/television sets and any other articles, the value of which individually exceeds Rs. 1,000 (d) value of items of movable property individually worth less than Rs. 1,000 other than articles of daily use such as cloths, utensils, books, crockery, etc., added together as lumpsum.

Note 2 : In column 5, may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.

Note 3 : In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

FORM NO. IV

Statement of Provident Fund and Life Insurance Policy on First Appointment as on 31st December, 20…..

S. No.	Policy No. and date of policy	Name of Insurance Company	Sum insured date of maturity	Amount of annual premium	Type of Provident Funds /GPF / CPF, Insurance Policies account No.	Closing balance as last reported by the Audit/ Accounts Officer along with date of such balance	Contribution made subsequently	Total	Remarks (if there is dispute regarding closing balance the figures according to the Government servant should alsobe mentioned in this column)
1	2	3	4	5	6	7	8	9	10

Date…… Signature ……

FORM NO. V
Statement of Debts and Other Liabilities on First Appointment as on 31st December, 20…..

Sl. No.	Amount	Name and address of Creditor	Date of incurring Liability	Details of Transaction	Remarks
1	2	3	4	5	6

Date ……. Signature……

Note 1. Individual items of loans not exceeding three months emoluments or Rs. 1,000 whichever is less, need not be included.

Note 2. In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.

Note 3. The term "emoluments" means pay and allowances received by the Government servant.

Note 4. The statement should also include various loans and advances available to Government servants like advance for purchase of conveyance, house building advance, etc. (other than advances of pay and traveling allowance), advance from the GP Fund and loans on Life Insurance Policies and fixed deposits.

Chapter 17

PROBATION AND CONFIRMATION

17.1 **PROBATION**

17.1.1 A person is appointed on probation in order to assess his suitability for absorption in the service to which he has been appointed. Probation should not, therefore, be treated as a mere formality. No formal declaration shall be necessary in respect of appointment on probation. The appointing authority may declare successful completion, extend the period of probation or terminate the services of a temporary employee on probation, on the basis of evaluation of performance.

17.1.2 Probation is prescribed when there is direct recruitment, promotion from one Group to another or for officers re-employed before the age of superannuation. The probation shall stand successfully completed on issue of orders in writing. It is, however, not desirable that a Government servant should be kept on probation for long periods.

17.2 **PERIOD OF PROBATION**

17.2.1 The period of probation is prescribed for different posts/services in Central Government on the following lines:

Sl. No.	Method of appointment	Period of probation
PROMOTION		
1	Promotion from one grade to another but within the same group of posts e.g. from Group 'C' to Group 'C'	No probation.
2	Promotion from one Group to another e.g. Group 'B' to Group 'A'	2 years or the period of probation prescribed for the direct recruitment to the post, if any.
DIRECT RECRUITMENT		
3	(i) For direct recruitment to posts except clause (ii) below (ii) For direct recruitment to posts carrying a Grade Pay of Rs. 7600 or above or to the posts to which the maximum age limit is 35 years or above and where no training is involved; Note: Training includes 'on the job' or 'Institution training'	2 years 1 year
4	Officers re-employed before the age of superannuation.	2 years

5	Appointment on contract basis, tenure basis, re-employment after superannuation and absorption	No probation.

DoPT OM No. 21011/2/80-Estt.(C) dated 19.05.1983 and
OM No. AB.14017/5/83 -Estt.(RR) dated 07.05.1984

(A) DIRECT RECRUITMENT

If a Government servant is appointed to another post by direct recruitment either in the same department or a different department, it may be necessary to consider him for confirmation in the new post in which he has been appointed by direct recruitment irrespective of the fact that the officer was holding the earlier post on a substantive basis. Further confirmation in the new entry grade becomes necessary because the new post may not be in the same line or discipline as the old post in which he has been confirmed and the fact that he was considered suitable for continuance in the old post (which was the basis for his confirmation in that post) would not automatically make him suitable for continuance or confirmation in the new post the job requirements of which may be quite different from those of the old post.

OM No. 18011/3/88-Estt(D) dated 24.09.1992

(B) PROMOTION

(i) Persons who are inducted into a new service through promotion shall also be placed on probation but there shall be no probation on promotion from one grade to another but within the same group of posts, except when the promotion involves a change in the Group of posts in the same service, e.g., promotion from Group 'B' to Group 'A' in which case the probation would be for the prescribed period.

OM No. 21011/2/80-Estt.(C) dated 19.05.1983

(ii) If the recruitment rules do not prescribe any probation, an officer appointed on regular basis (after following the prescribed DPC procedure, etc.) will have all the benefits that a person confirmed in that grade would have.

OM No. 18011/1/86-Estt.(D) dated 28.03.1988

(C) There shall be no probation in the cases for appointment on contract basis, tenure basis, re-employment after superannuation and absorption.

OM No. 21011/2/80-Estt.(C) dated 19.05.1983

17.3 **PROGRESS DURING PROBATION**

1. Instead of treating probation as a formality, the existing powers to discharge probationers should be systematically and vigorously used so that the necessity of dispensing with the services of employees at later stages may arise only rarely.

2. Concentration of attention on the probationer's ability to pass the probationary or the departmental examination, if applicable, should be an essential part of the qualification for confirmation but there should be a very careful assessment of the outlook, character and aptitude for the kind of work that has to be done in the service before a probationer is confirmed.

3. A probationer should be given an opportunity to work under more than one officer during this period and reports of his work obtained from each one of those officers. The probation reports for the whole period may then be considered by a Board of senior officials for determining whether the probationer concerned is fit to be confirmed in service. For this purpose, separate forms of report on the probationers should be used, which are distinct from the usual Annual Performance Appraisal Report (APAR) forms. The probation reports, unlike APAR, are written to help the supervising officer to concentrate on the special needs of probation and to decide whether the work and conduct of the officer during the period of probation or the extended period of probation are satisfactory enough to warrant his further retention in service or post. The probation reports thus do not serve the purpose for which the APARs are written and vice versa. Therefore, in the case of all probationers or officers on probation, separate probation reports should be written in additional to the usual APARs for the period of probation.

4. Save for exceptional reasons, probation should not be extended for more than a year and in no circumstance an employee should be kept on probation for more than double the normal period.

5. A probationer, who is not making satisfactory progress, should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement. This can be done by giving him a written warning to the effect that his general performance has not been such as to justify his confirmation and that, unless he showed substantial improvement within a specified period, the question of discharging him would have to be considered. Even though this is not required by the rules, discharge from the service being a severe, final and irrevocable step, the probationer should be given an opportunity before taking the drastic step of discharge.

OM No. F.44/1/59-Ests(A) dated 15.04.1959

6. During the period of probation, or any extension thereof, candidates may be required by Government to undergo such courses of training and

instructions and to pass examinations, and tests (including examination in Hindi) as Government may deem fit, as a condition to satisfactory completion of the probation.

17.4 **TERMINATION OF PROBATION**

1. The decision whether an employee should be confirmed or his probation extended should be taken soon after the expiry of the initial probationary period, that is within six to eight weeks, and communicated to the employee together with the reasons in case of extension. A probationer who is not making satisfactory progress or who shows himself to be inadequate for the service in any way should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement.

OM No. F.44/1/59-Ests(A) dated 15.04.1959

2. On the expiry of the period of probation, steps should be taken to obtain the assessment reports on the probationer to: -

   a) Confirm the probationer/issue orders regarding satisfactory termination of probation, as the case may be, if the probation has boon completed to the satisfaction of the competent authority; or

   b) Extend the period of probation or discharge the probationer or terminate the services of the probationer as the case may be, in accordance with the relevant rules and orders, if the probationer has not completed the period of probation satisfactorily.

OM No. 21011/2/80-Estt.(C) dated 19.05.1983

3. In order to ensure that delays do not occur in confirmation, timely action must be initiated in advance so that the time limit is adhered to.

OM No. 18011/2/98-Estt.(C) dated 28.08.1998

4. If it appears to the Appointing Authority, at any time, during or at the end of the period of probation that a Government servant has not made sufficient use of his opportunities or is not making satisfactory progress, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from service.

5. A Probationer reverted or discharged from service during or at the end of the period of probation shall not be entitled to any compensation.

17.5 EXTENSION OF PROBATION PERIOD

1. If during the period of probation, a probationer has not undergone the requisite training course or passed the requisite departmental examinations (proficiency in Hindi, etc.), if any prescribed, the period of probation may be extended by such period or periods as may be necessary, subject to the condition that the total period of probation does not exceed double the prescribed period of probation.

2. The Appointing Authority may, if it so thinks fit, extend the period of probation of a Government servant by a specified period not exceeding more than double the normal period. In such cases, periodic reviews should be done and extension should not be done for a long period at one time.

3. Where a probationer who has completed the period of probation to the satisfaction of the Central Government is required to be confirmed, he shall be confirmed in the Services/ Post at the end of his period of probation, having been completed satisfactorily.

17.6 LEAVE TO PROBATIONER, A PERSON ON PROBATION

1. A person appointed to a post on probation shall be entitled to leave under the rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post. Where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave as a permanent Government servant.

2. The period of joining time availed of by a probationer on return from leave should be counted towards the prescribed period of probation if but for the leave, he would have continued to officiate in the post to which he was appointed.

3. If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend –

   i. beyond the date on which the probation period as already sanctioned or extended expires, or
   ii. beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

Rule 33 CCS(Leave) Rules 1972

17.7 **CONFIRMATION**

1. On completion of the period of probation or any extension thereof, officers shall, if considered fit for permanent appointment, be retained in their appointments on regular basis and be confirmed in the due course against the available substantive vacancies, as the case may be.

2. If, during the period of probation or any extension thereof, as the case may be Government is of the opinion that an officer is not fit for permanent appointment, Government may discharge or revert the officer to the post held by him prior to his appointment in the service, as the case may be.

3. Confirmation will be made only once in the service of an official which will be in the entry grade post/service/cadre provided further confirmation shall be necessary when there is fresh entry subsequently in any other post/service/cadre by way of direct recruitment or otherwise. Confirmation is de linked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation, as prescribed under relevant rules, may be considered for confirmation. A specific order of confirmation will be issued when the case is cleared from all angles.

OM No. 18011/1/86-Estt.(D) dated 28.03.1988

4. On satisfactory completion of the period of probation or extension thereof, the Government may confirm a temporary Government servant to his appointment from the date of completion of the period of his probation or extension thereof.

OM No. 18011/1/86-Estt.(D) dated 28.03.1988

5. The date from which confirmation should be given effect to is the date following the date of satisfactory completion of the prescribed period of probation or the extended period of probation, as the case may be. The decision to confirm the probationer or to extend the period of probation as the case may be should be communicated to the probationer normally within 6 to 8 weeks. *Confirmation of the probationer after completion of the period of probation is not automatic but is to be followed by formal orders. As long as no specific orders of confirmation or satisfactory completion of probation are issued to a probationer, such a probationer shall be deemed to have continued on probation.*

OM No. 21011/2/80-Estt.(C) dated 19.05.1983

6. Where probation on promotion is prescribed, the appointing authority will on completion of the prescribed period of probation assess the work and conduct of the officer himself and incase the conclusion is that the officer is fit to hold the higher grade, he will pass an order declaring that the person concerned has successfully completed the probation. If the

appointing authority considers that the work of the officer has not been satisfactory or needs to be watched for some more time he may revert him to the post/service/cadre from which he was promoted, or extend the period of probation, as the case may be.

OM No. 18011/1/86-Estt.(D) dated 28.03.1988

7. Since there will be no confirmation on promotion before an official is declared to have completed the probation satisfactory, a rigorous screening of his performance should be made and there should be no hesitation to revert a person to the post or grade from which he was promoted if the work of the officer during probation has not been satisfactory.

OM No. 18011/1/86-Estt.(D) dated 28.03.1988

8. A Government servant appointed by transfer would duly have been confirmed in the earlier post. In such a case further confirmation in the new post would not be necessary and he could be treated as permanent in the new post. Where, however, a Government servant who has not already been confirmed in the old post is appointed by transfer, it would be necessary to confirm him in the new post. In such cases, he may be considered for confirmation after watching him for two years. Within that period of two years, the officer would earn two reports in the new grade and the DPC may consider his case for confirmation on the basis of these APARs.

OM No. 18011/3/88-Estt(D) dated 24.09.1992

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Chapter 18

SENIORITY

18.1 **SENIORITY OF DIRECT RECRUITS**

18.1.1 The relative seniority of all direct recruits in a grade is determined by the order of merit in which they were selected. Persons appointed as a result of an earlier selection will be en bloc senior to those appointed on the basis of the results of subsequent selection, irrespective of their order of confirmation. In case of recruitment through examination, the date of publication/announcement of the results shall be the differentiating criteria.

DoPT O.M. No. 22011/5/76-Estt. (D) dated 24.06.1978, O.M. No. 20011/5/90-Estt (D) dated 4.11.1992

18.1.2 The inter se seniority of candidates nominated from reserve panel will be fixed as per consolidated merit given by UPSC/SSC/Recruiting agency, subject to the instructions contained in DoPT O.M. No. 41019/18/97-Estt.(B) dated 13th June 2000 in operating or requesting for nominations from the reserve panel.

Though, all possible efforts would be made by the UPSC and other selecting authorities to send the panels for more than one requisitions in chronological order of the dates of receipt thereof in order to avoid recommending more than one panels on a same date, in case of such an eventuality (i.e. different panels on the same date) following procedures are to be followed for fixation of the inter se seniority of the candidates from the two panels:

I. Chronology of recommendation letters from the recruiting agency;

II. Where the date of recommendation letter is same, chronology of interview board reports and

III. Where both (i) and (ii) are also same, then the chronology of requisition made by the respective Ministries/Departments.

O.M. No. 20011/1/2008-Estt (D) dated 11.11.2010

18.2 **SENIORITY OF PROMOTEES**

18.2.1 Where promotions (by Selection or Non-selection) are made on the basis of recommendations of a DPC, the seniority of an officer assessed as ‘fit’, in the higher grade (to which they are promoted) shall be same as in the feeder grade (from which they are promoted), irrespective of their date of confirmation. Where, however, a

person is considered as unfit for promotion and is superseded by a junior, such persons shall not, if he/she is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who were promoted by earlier DPC. In other words, persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection.

O.M. No. 9/11/55-RPS dated 22.12.59 & O.M. No. 20011/5/90-Estt (D) dated 4.11.1992

18.2.2 Where promotions to a grade are made from more than one grade and quotas have been laid down for each feeder grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. The officers in each grade, assessed as fit by the Departmental Promotion Committee shall be interpolated in the ratio prescribed for each grade in the recruitment rules for the higher post.

O.M. No. 9/11/55-RPS dated 22.12.59

18.2.3. Where promotions to a grade/post are made from more than one grade and no quota has been fixed for various feeder grades, owing to a small number of posts in the promotion grade, the aforesaid principle would not be viable. In such cases it would be required to prepare a combined eligibility list of the candidates from various feeder grades with due regard to the inter-se seniority of the candidates of various feeder grades. Whereas specific criteria need to be issued/incorporated in the Recruitment Rules by the cadre controlling authorities for preparation of combined eligibility list of the candidates from various feeder grades/ broad parameters as under may be kept in view while preparing such list:

I. Date of completion of the qualifying service prescribed in the relevant recruitment rules, in the feeder grade for promotion.

II. If the aforesaid date is same than date of completion of the qualifying service in the feeder-to-feeder grade

III. Inter-se seniority of the officers in each feeder grade will be maintained.

18.2.4 **SENIORITY OF PROMOTEES BELONGING TO SC/ST**

Officers belonging to SC/ST on their promotion by virtue of instructions on reservation roster will be entitled to consequential seniority also. In other words, the candidates belonging to general/OBC category promoted through a later DPC will be placed junior to those belonging to SC/ST promoted through earlier DPC, even though their promotion was by virtue of the rules on reservation. It is clarified that reservation roster/points are only meant for identifying the vacancy that goes to a particular category of officer and no way acts as a determinant for fixation of seniority of the officer in a panel recommended by the DPC.

O.M. No. 35014/7/97-Estt.(D) dated 8.11.2002 &O.M. No.20011/1/2001-Estt. (D) dated 1.11.2002

18.3 **RELATIVE SENIORITY OF DIRECT RECRUITS AND PROMOTEES**

18.3.1 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between available direct recruits and promotees, based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

18.3.2 If adequate number of direct recruits does not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits are not available the promotees will be bunched together at the bottom of the seniority list below the last position upto which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number of vacancies for direct recruits and promotees as determined according to the quota for that year. The additional, direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee (or direct recruit as the case may be), in the seniority list based on the rotation of vacancies for that year. The principle holds good for determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent year.

O.M. No. 35014/2/90-Estt(D) dated 07.02.1986 and O.M. No. 22011/7/86-Estt.(D) dated 03. 7.1986

18.3.3 Starting point in the recruitment roster for the purpose of inter se seniority of officers through Direct Recruitment, Promotion, Absorption etc should be that mode of recruitment prescribed in the Recruitment Rules for which the selection process had been completed first. For this purpose, the date of the completion of the selection process will be determined as follows: -

Direct Recruitment

a. Through examination conducted by UPSC or any other authorities: Date of publication/ announcement of results

b. Through interviews conducted by UPSC or any other authorities: Date of Commission's letters containing their recommendation.

Promotion

a. Where UPSC is associated : Date of UPSC's letter containing their recommendations ratifying the promotion

b. Where UPSC is not associated or its concurrence is not required: Last date of DPC meeting

c. Limited Departmental Examination: Date of announcement of results.

A new roster will have to be started in the following cases:

a. From the date the recruitment rules are notified in the gazette.

b. When there is an amendment to the Recruitment Rules which changes the percentage allotted for the various modes of recruitment.

OM No. 28011/6/76-Estt, Dated 24th June, 1978

18.4 **SENIORITY OF PERSONS APPOINTED BY ABSORPTION**

18.4.1 The relative seniority of persons appointed by absorption to a Central service from the Subordinate Offices of the Central Government or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such absorption.

OM No. 9/11/55-RPS dated 22.12.1959

18.4.2 Where such absorptions are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such persons appointed by absorption vis-à-vis direct recruits or promotees, shall be determined by rotation of vacancies amongst the available direct recruits, promotees and persons appointed by absorption which shall be based on the quotas reserved for direct recruitment, promotion and absorption respectively in the Recruitment Rules.
Where the vacancies in any quota or quotas are carried forward, the principles stated earlier will apply, mutatis mutandis, in determining inter-se seniority of the appointees.

18.4.3 The principle laid down above will not present any difficulty where recruitment by absorption is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by absorption to indicate the inter se order of merit of the selected persons in such cases.

18.4.4 Seniority of persons absorbed after being on deputation- In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for "Deputation/Absorption)", his seniority in the grade in which he/she is absorbed will normally be counted from the date of absorption. If he/she has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his/her parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he/she will be given seniority from

- The date he/she has been holding the post on deputation, (or)
- The date from which he/she has been appointed on a regular basis to the same or equivalent grade in his parent department, whichever is earlier.

These instructions have taken effect from December 14, 1999.

The fixation of seniority of an absorbee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

O.M. No. 20020/7/80-Estt.(D) dated 29.5.1986 and O.M. No. 20011/1/2000-Estt.(D) dated 27.3.01

18.4.5 *Seniority of persons who are transferred and absorbed directly without being on deputation-* In the case of a person who is initially taken on deputation and absorbed later, would be applicable also for persons who are transferred and absorbed directly without being on deputation i.e. where the recruitment rules provide for recruitment through absorption. The matter has been considered and it has been decided that, in such cases also the provision as contained in the afore-said O.Ms would be applicable i.e. the date he has been holding the post on deputation or the date from which he has been appointed on the regular basis to the same or equivalent grade in his parent department, whichever is earlier.

O.M. No. 20011/1/2008-Estt(D) dated 11.11.2010

18.5 **SENIORITY OF OFFICERS IN GRADES MERGED IN PURSUANCE OF RECOMMENDATIONS OF SIXTH CENTRAL PAY COMMISSION.**

18.5.1 The recommendations of Sixth CPC provides that where all the posts in one or more pre-revised scales are merged with a higher pre-revised scale and given a common replacement scale/ grade pay/ pay scale, the suitability of the incumbents need not be assessed for granting them the higher replacement scale/ grade pay/pay scale, there is also no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay. The recommendation of 6th CPC has been accepted on 29.08.2008 and the merger of pay scale(s) of the post has been made effective w.e.f. 01.01.2006.

18.5.2 The seniority of officers holding post in grades which have been merged (except merged grades of MTS) in pursuance to recommendation of Sixth Central Pay Commission will be determined as follows .-

I. The status of a government servant as on 29.08.2008 including those who have earned promotion between 01.01.2006 to 29.08.2008 will be protected as appointment/promotions are made as per the provisions of statutory recruitment rules applicable to the post/grade.

II. The seniority of government servant which existed on 29.08.2008 (date of acceptance of recommendation of 6th CPC) will be maintained i.e. the holder of post having higher pay scale or post which constituted promotion post for the posts in the feeder grade, will rank *en bloc* senior to those holding post having lower pay scale or the posts in feeder grade.

III. Where posts having different pay scales prior to 6th CPC recommendation and now after merger have come to lie in the same Pay Band with same Grade Pay, the inter-se seniority of all the employees will be fully maintained with employee in a higher pre-revised pay scale being placed higher vis-a-vis an employee in a lower pay scale. Within the same pre-revised pay scale, seniority which existed prior to revision would continue.

IV. Where recruitment for the posts in different pre-revised pay scale(s) was initiated separately for each posts, prior to acceptance of recommendation of 6th CPC i.e. prior to 29.08.2008 but selected individual joined duty on or after 30.08.2008 in the revised pay scale(s) against the posts which have been granted same Grade pay, such officers will be assigned seniority en bloc below those officers who were in position as on 29.08.2008.

V. The availability of officers nominated on the basis of panel of promotion given by DPC or selection list given by selecting Authority will be decided as on 29.08.2008. In ease a officer from the panel given by DPC or selection list given by selecting Authority has joined on or prior to 29.08.2008, then status of all the officers included in panel given by DPC or selection list will be protected and all officer will be considered available and their seniority determined by following the basic principle of seniority i.e. order of panel given by DPC or merit list given by selecting Authority. In case all the officers included in the panel given by DPC or selection list given by selecting Authority joins after 29.08.2008, then the seniority of such officers within a grade, will be determined by placing them below all available officers as on 29.08.2008 but maintaining their inter se seniority in order of panel of DPC or merit list given by selecting authority.

OM No. 20020/4/2010-Estt.(D) 13/09/2012

18.6 **SENIORITY FOR MERGED GRADE OF MTS**

VI. The posts in the erstwhile Group 'D' for the purpose of determination of seniority, can be grouped into five different categories as under:

S.No.	Pre-revised pay scale of the post	Category
1.	2750-70-3800-80-4590	I
2.	2650-65-3300-70-4000	II
3.	2610-60-2910-65-3300-70-4000	III
4.	2610-60-3150-65-3540	IV
5.	2550-55-2660-60-3200	V

VII. The determination of seniority of merged grade will be regulated as per following guidelines:

a. As on 29.08.2008, holders of posts in Category-I will be en bloc senior to the holder of posts in Category-II, similarly holder of the posts in Category-II will be senior to holder of the posts in Category-III and so on.
b. While merging the different grade(s), the inter se seniority in a post which existed as on 29.08.2008 is to be maintained.
c. Within same category, where different stand alone posts have been merged, inter se seniority will be determined based on length of continuous officiation in the post.
d. Only the regular service in the grade is to be counted for determination of service and ad-hoc service, if any, is to be ignored.
e. Seniority is to be determined based on the substantive post held by the employee irrespective of the fact that such employee has been allowed financial up-gradation to the next higher grade under ACP Scheme or any other scheme.
f. In case of employees who joined a erstwhile Group `D' post either by promotion or direct recruitment between 01.01.2006 to 29.08.2008, inter-se seniority will be determined as per guidelines laid down in this Department's O.M. of even number dated 13.09.2012.

O.M. No. 20020/4/2010-Estt (D) dated 30th April, 2013

The contents of all extant instructions on seniority (except of merged grades) which have been issued from time to time, have been consolidated under a single compilation "Instructions and Guidelines on Seniority" contained in DoPT O.M. No. 20011/1/2008-Estt(D) dated 11/11/2010.

Chapter 19

VIGILANCE CLEARANCE

19.1. NEED FOR VIGILANCE CLEARANCE

It is necessary to ensure that an officer is clear from vigilance angle while considering him for promotion. There are also other circumstances such as empanelment under Central Staffing scheme, foreign assignment/ training, sensitive posting, deputation, acceptance of notice of voluntary retirement/ resignation, when the officer applies for passport etc.

19.2 FOR PROMOTION

19.2.1 Vigilance clearance for promotion may be denied only in the following three circumstances:-

1) Government servants under suspension;
2) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
3) Government servants in respect of whom prosecution for a criminal charge is pending.

Note: Judicial proceedings shall be deemed to be instituted in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made.

19.2.2 It may thus be noted that vigilance clearance cannot be denied on the grounds of pending disciplinary/criminal/court case against a Government servant, if the three conditions mentioned in Para 2 of this Department's O.M. dated 14.09.1992 are not satisfied. The legally tenable and objective procedure in such cases would be to strengthen the administrative vigilance in each Department and to provide for processing the disciplinary cases in a time bound manner. If the charges against a Government servant are grave enough and whom Government does not wish to promote, it is open to the Government to suspend such an officer and expedite the disciplinary proceedings.

19.2.3 Vigilance Clearance is taken at two stages- at the time of DPC meeting and at the time of actual promotion. For the purpose of vigilance clearance for review DPC, review DPC will take into consideration the circumstances obtaining at the time of original DPC, and any subsequent situation arising thereafter will not stand in the way of vigilance clearance for review DPC. However, before the officer is actually promoted it needs to be ensured that he / she is clear from vigilance angle and the provision of para 7 of O.M. No. 22011 / 4 / 91-Estt. (A) dated 14.09.1992 are not attracted.
DoP&T OM No. 22011/4/91-Estt.(A) dated 14.09.1992 and OM No.22011/2/99-Estt.(A) dated 2.11.2002 and OM No. 22034/4/2012-Estt.(A) dated 2.11.2012

19.2.4 Opening of sealed cover on conclusion of proceedings, is covered in the instructions in para 3 of the O.M. dated 14.9.92. In cases where by the time the Departmental Proceedings are concluded and the officer is fully exonerated but

another charge sheet has been issued, the second charge sheet will not come in the way of opening of sealed cover and granting promotion notionally from the date of promotion of the junior and para 7 of O.M. dated 14.9.92 will not apply as clarified in the O.M. No. 22011/2 / 2002-Estt.(A) dated 24.2.2003. After the disciplinary proceedings are concluded and penalty is imposed, vigilance clearance will not be denied. The details of the penalty imposed are to be conveyed to the DPC.

DoPT O.M. No.22034/4/2012- Estt (D) dated 2-11-2012

19.3 AT THE TIME OF RETIREMENT

In the case of a Govt. servant retiring on superannuation or otherwise, the pension sanctioning authority needs to be satisfied that none of the conditions prescribed in Rule 9 of CCS (Pension) Rules are attracted or whether provisional pension under Rule 69 ibid is to be allowed.

19.4 IN OTHER CASES

a) Vigilance clearance shall not be withheld due to the filing of a complaint, unless it is established on the basis of at least a preliminary inquiry or on the basis of any information that the Department may have in its possession that there is prima facie substance to verifiable allegations regarding (i) corruption; (ii)possession of assets disproportionate to known sources of income;(iii) moral turpitude;(iv) violation of CCS (Conduct) Rules, 1964

b) Vigilance clearance shall not be withheld if preliminary inquiry at (a) takes more than three months to be completed.

c) Vigilance clearance shall not be withheld unless
   (i) the officer is under suspension ;or
   (ii) the officer is on the Agreed List, provided that in all such cases the position shall be mandatorily revisited after a period of one year; or
   (iii) a charge sheet has been issued against the officer in a disciplinary proceeding and the proceeding is pending; or
   (iv) orders for instituting disciplinary proceeding against the officer have been issued by the disciplinary authority provided that the charge sheet is served within three months from the date of passing such order; or
   (v) charge sheet has been filed in a Court by the Investigating agency in a criminal case and the case is pending; or
   (vi) orders for instituting a criminal case against the officer have been issued by the Disciplinary Authority provided that the charge sheet is served within three months from the date of initiating proceedings; or
   (vii) sanction for investigation or prosecution has been granted by the competent authority in **a** case under the PC Act or any other criminal matter; or
   (viii) an FIR has been filed or a case registered by the concerned Department against the officer provided that the charge sheet is served within three months from the date of filing / registering the FIR / case; or

(ix) the officer is involved in a trap / raid case on charges of corruption and investigation is pending.

(d) Vigilance clearance shall not be withheld due to an FIR filed on the basis of a private complaint unless a charge sheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent court of law.

(e) Vigilance clearance shall not be withheld even after sanction for prosecution if the investigating agency has not been able to complete investigations and file charges within a period of two years. However, such vigilance clearance will entitle the officer to be considered only to e appointed to non-sensitive posts and premature repatriation to the parent cadre in case he is on deputation and not for any other dispensation.

(f) In cases where complaints have been referred to the administrative authority concerned, and no substantive response has been received within three months, the disciplinary may provide a copy of the complaint to the officer concerned to seek his comments. If the comments are found to be prima facie satisfactory by the competent authority, vigilance clearance shall be accorded.

(g) Vigilance clearance shall be decide on a case to case basis by the competent authority keeping in view the sensitivity of the purpose, the gravity of the charges and circumstances in the following situations:

(i) where the investigating agency has found no substance in the allegation but the court refuses to permit closure of FIR; and

(ii) where the investigating agency / inquiry officer holds the charges as proved but the competent administrative authority differs, or the converse.

(h) While considering cases for purpose of empanelment of members of a central civil service/ central civil post, vigilance clearance will be ascertained from the concerned cadre authority. Comments of CVC will also be obtained. However, if no comments are received within three months, it will be presumed that there is nothing adverse against the officer in the records of CVC.

(i) Vigilance clearance will not normally be granted for a period of three years after the currency of the punishment, if a minor penalty has been imposed on the officer. In case of major penalty, vigilance clearance will not normally be granted for five years after the currency of the punishment. During this period the performance of the officer should be closely watched.

DoPT OM.No.11012/11/2007-Estt(A) dt 14-12-2007 & 21-6-2013

Chapter 20

PROMOTION

20.1 **PRELUDE**

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. The instructions issued by Government of India from time to time on Procedure to be adopted by the Departmental Promotion Committees regarding Promotion, Confirmation and Assessment of work and conduct of Probationers, are detailed in the succeeding paragraphs.

20.2 **FUNCTIONS AND COMPOSITION OF DEPARTMENTAL PROMOTION COMMITTEE**

A post is filled by promotion where the Recruitment Rules so provides. 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, Departmental Promotion Committee should be formed in each Ministry/Department /Office whenever an occasion arises for making promotions/confirmations etc. The DPCs so constituted shall judge the suitability of officers for: -

(a) promotions to 'Selection' as well as 'non-selection' posts;

(b) confirmation in their respective grades/posts; and

(c) assessment of the work and conduct of the probationers for the purpose of determining their suitability for retention in service or their discharge from it or extending their probation.

DoPT OM No.22011/5/86-Estt(D) dated 10.04.1989 – Guidelines on DPC

20.3 **COMPOSITION OF DPCs**

20.3.1 Members included in DPCs for Group 'A' and 'B' posts should be officers who are at least one step above the posts in which promotion/confirmation is to be made as indicated below: -

Pay scale (revised – as per V CPC) of the post in which confirmation or to which promotion is to be considered by the DPC	**Minimum status of the officers who should be members of the DPC**
1. Rs. 8000-13,500 or equivalent (Revised as PB-3, GP-Rs.5400) Rs. 10,000-15,200 or equivalent (Revised as PB-3, GP-Rs.6600)	Officers of the rank of Deputy Secretary to the Government of India or above
2. Rs. 12,000 –16500 or equivalent (Revised as PB-3, GP-Rs.7600) 3. Rs. 14,300 -18,300 (Revised as PB-4, GP-Rs.8700) Rs. 16,400 –20,000 (Revised as PB-4, GP-Rs.8900) Rs. 16,400 –20,900 (Revised as PB-4, GP-Rs.8900)	Officers of the rank of Joint Secretary to the Government of India or above. In such cases, the Secretary/Additional Secretary of the Department/Ministry should invariably the one of the members of the DPCs
4. Rs. 18,400-22,400 or equivalent (Revised as PB-4, GP-Rs10,000)	Secretary/Additional Secretary to the Government of India

ASSOCIATION OF UPSC WITH DPCs

20.3.2 The Union Public Service Commission (UPSC) should be associated with DPCs in respect of Central Civil Service posts belonging to Group 'A' where promotion is based on the principles of Selection unless it has been decided by the Government not to associate UPSC with a Group 'A' DPC. The UPSC need not be associated in respect of posts belonging to Group A, if the promotion is based not on the principles of selection but on seniority-cum-fitness.

20.3.3. The Commission need not be associated with a DPC constituted for considering the cases of confirmation of officers. [Procedure of vetting by UPSC of the minutes of DPC making substantive appointment or confirmation to any Group 'A' and 'B' service or post, of any person recruited directly through UPSC to such Group 'A' and Group 'B' service or post is also dispensed with]

DoPT OMNo. 39018/1/98-Estt B dated 21.5.1999

20.3.4 Whenever the UPSC is associated with a DPC, the Chairman or a Member of the Commission will preside at the meeting of the DPC

DoPT OM No.22011/5/86-Estt(D) dated 10.04.1989 – Guidelines on DPC

COMPOSITION OF DPC FOR GROUP 'C' POSTS

20.3.5 In respect of a DPC for Group 'C' (including erstwhile Group 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 the promotions are considered. The other member (s) should be an officer of the Department familiar with the work of the persons whose suitability is to be assessed. The officer of another Department 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 a DPC constituted for promotions to a technical post, it may also be ensured that the officer nominated by another Department has also the requisite technical competence to advise on the suitability of the candidates under consideration.

CO-OPTION OF SC/ST OFFICERS AS MEMBERS OF DPC

20.3.6 Endeavor should also be made to nominate an 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 30 or more at a time. Where an outside member has to be associated when 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.

20.3.7 In Group A and Group B Services/posts if none of the officers included in the DPC as per the composition given in the recruitment rules is a SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST if available within the Ministry/ Department. If no such officer is available within the Ministry/ Department, he may be taken from another Ministry/Department.

DoPT OM No.22011/5/86-Estt(D) dated 10.04.1989 – Guidelines on DPC

20.4 **MODEL CALENDAR FOR HOLDING DPCS**

20.4.1 The DPCs should be convened at regular annual intervals to draw panels, which could be utilised, on making promotions against the vacancies occurring during the course of a year. For this purpose it is essential for the concerned appointing authorities to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like CRs, integrity certificates seniority list etc. for placing before the DPC.

The Model Calendar circulated vide *DoPT O.M.* No.22011/9/98-Estt(D)dated 8/09/1998 to be followed for this purpose.

20.4.2 RECRUITMENT RULES IN FORCE AT THE TIME OF OCCURRENCE OF VACANCY TO BE ADOPTED:

Holding of DPC meetings need not be delayed or postponed on the ground that recruitment rules for a post are being reviewed/amended. A vacancy shall be filled

in accordance with the recruitment rules in force on the date of vacancy, unless rules made subsequently have been given retrospective effect. Since amendments to recruitment rules normally have only prospective application, the existing vacancies should be filled as per the recruitment rules in force.

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.

DoPT OM No.22011/5/86-Estt(D) dated 10.04.1989 – Guidelines on DPC

20.5 **PREPARATORY ACTION FOR HOLDING DPCs**

20.5.1 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 in the relevant vacancy year due to death, retirement, resignation, regular long term promotion and deputation or from creation of additional posts on a long term. As regards vacancies arising out of deputation, only those cases of deputation for periods exceeding 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. Vacancies arising on account of deputation for more than one year will be taken to the recruitment roster for regular appointment only after ensuring that clear vacancies will be available for deputationists on return. Purely short term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training etc. should not be taken into account for the purpose of preparation of a panel. In cases where there has been delay in holding DPCs for a year or more, vacancies should be indicated year- wise separately.

OM No.22034/1/2006-Estt.(D) dated 15/05/2007

“Chain vacancies” in the higher grades are taken into account only if an appointment has already been made to the higher grade as on the date of the DPC. Unless actual appointment in the higher grade is made, even retirement vacancies in the higher grade are not taken into account as the same may arise by appointment subsequently. Since in accordance with the suggested Model Calendar being prescribed, the panels for all grades may be available on the first day of the vacancy year, it is expected that all chain vacancies may become available during the same vacancy year. Accordingly, for the sake of uniform procedure, it is provided that a DPC for a grade may take into account all clear expected vacancies by retirement etc in the concerned grade as well as chain vacancies on account of retirement etc. in the higher grades which can be clearly anticipated in the same vacancy year. (Model calendar DoPT’s*O.M.* No.22011/9/98-Estt(D) dated 8/09/1998).

20.5.2 PAPERS TO BE PUT UP FOR CONSIDERATION BY THE DPCs

20.5.2.1 Proformae to be filled in

In the case of promotions or confirmations, the proposals should be placed before the DPC in the prescribed proforma given in Annexure –I. As regards cases of confirmation, the proposals should be put up before the DPC in the proforma given in Annexure –II. These proformas should be completed and submitted to the DPC, whether the UPSC is associated with the DPC or not.

20.5.2.2 Where a member of the UPSC has to attend a meeting of the DPC, the necessary documents should be sent to the Commission along with the reference requesting the Commission to nominate one of their Members to preside over the DPC.

The responsibility of sending the DPC proposals, complete in all respect, to the UPSC, lies entirely on the administrative Ministries/ Departments concerned.

O.M. No.22011/3/2011-Estt.(D) dated 24.03.2011

Annual Confidential Reports (ACR)/Annual Performance Appraisal Reports (APAR)

20.5.2.3 No proposal for holding a DPC or Selection Committee should be sent to UPSC until and unless all the ACRs/APARs complete and upto-date are available. In certain case involving collection of a large number of ACRs, the proposal can be sent only if at least 90% of the ACRs/APARs (up to date and complete) are available.

20.5.2.4 The ACR/APAR folder should be checked to verify whether the ACRs/APARs for the individual years are available. If the ACR/APAR 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/APAR folder.

Integrity Certificate

20.5.2.5 Pursuant to the judgment of the Hon'ble Supreme Court in the case of Union of India vs. K. V. Janakiraman etc. (AIR 1991 SC 2010), no promotion can be withheld merely on the basis of suspicion or doubt or where the matter is under preliminary investigation and has not reached the stage of issue of charge sheet etc. If in the matter of corruption/dereliction of duty etc., there is a serious complaint and the matter is still under investigation of CBI or otherwise, the Government is within its right to suspend the official. In that case, the officer's case for promotion would automatically be required to be placed in the sealed cover. Further, deemed sealed cover procedure after DPC meeting would become applicable only once the three conditions for denial of vigilance clearance are met, irrespective of and notwithstanding the integrity condition. There is no requirement of furnishing a separate integrity certificate to the DPC.

DOPT O.M. No. 22012/1/99-Estt(D) dated 25.10.2004

Statement of penalties imposed on the officer

20.5.2.6 All Departments should attach a statement showing the penalties imposed on the officers within the zone of consideration during a period of ten

years preceding the year of DPC. Copies of orders imposing the penalties and decisions taken on appeals, if any, should be kept in the respective CR dossiers

No. 22011/5/86-Estt D dated 27th March, 1990

20.6 **CONSIDERATION OF SOME SPECIAL CASES:**

Consideration of officers on deputation to an ex-cadre post

20.6.1 The names of the officers who are on deputation 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. 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 are eligible for confirmation and come within the range of seniority.

Eligibility service- Counting of service rendered on deputation/foreign service:

20.6.2 Very often a certain number of years of service in the lower grade is prescribed as a condition for becoming eligible for consideration for promotion to a higher post/grade. In such cases, the period of service rendered by an officer on deputation/foreign service should be treated as comparable service in his parent department for purposes of promotion as well as confirmation. This is subject to the condition that the deputation/foreign service is with the approval of the competent authority and it is certified by the competent authority that but for deputation/foreign service, the officer would have continued to hold the relevant post in his parent department. Such a certificate would not be necessary if he was holding the departmental post in a substantive capacity.

Officers on Study Leave/ Special Leave for Training to be treated at par with Deputationists:

20.6.3 .An officer proceeding on study leave should be treated on the same basis as an officer proceeding on deputation if the study leave was duly sanctioned by the competent authority and the competent authority certified that he would have continued to officiate but for his proceeding on study leave. Such a certificate would not be necessary if he was holding the said departmental post substantively. These instructions would also apply in the cases of Government servants who are granted special leave for training abroad under the various training schemes.

Consideration of officer already recommended for Direct Recruitment

20.6.4 It may happen that a Government servant who is recommended for appointment to a post as a direct recruit may also be among those eligible for consideration for promotion to the same post. An officer does not lose his right of consideration for such promotion merely because he has been recommended for appointment against the direct recruitment quota. Therefore, such officers, if they are within the field of eligibility should be included in the list of officers for consideration by the DPC excepting where an officer was holding the lower post

in a temporary capacity and has been appointed to the higher post as a direct recruit before the date of the meeting of the DPC

RESERVATION FOR SCS/STS

20.6.5 Instructions have been issued from time to time by the Department of Personnel and Training regarding reservations and concessions to SCs and STs in the matter of promotions and confirmations. These instructions should be duly taken into account by appointing authorities while formulating proposals for promotion/confirmation for consideration of the DPC.

CRUCIAL DATE FOR ELIGIBILITY

20.6.6 Crucial date for determining eligibility of officers for promotion in case of financial year based vacancy year would fall on January 1 immediately preceding such vacancy year and in the case of calendar year based vacancy year, the first day of the vacancy year i.e. January 1 itself would be taken as the crucial date irrespective of whether the ACRs are written financial year wise or calendar year wise e.g. January 1, 2000 will be cut off date in relation to vacancy years commencing from January 1/April 1,2000.

O.M. 22011/9/98-Estt.(D) dated Sept.8, 1998;

O.M. No. 22011/3/98-Estt (D) dated 17.9.1998

FURNISHING OF THE CERTIFICATE BY THE CHAIRPERSON/MEMBERS:

20.7.1 While sending the Agenda Papers of the DPC to the Chairperson and to the Members of the DPC, each one of them may specifically be asked to furnish the information to the Appointing Authority sufficiently in advance stating that none of his/her close relative is being considered by the DPC and that he/she (Chairperson/Members) is otherwise also not interested in any particular candidate. Members of the DPC may also endorse sufficiently in advance, a copy of such information to the Chairperson of the DPC. In the event of the Chairperson/Members not being in a position to participate in the meeting, this would facilitate making alternate arrangement (as the case may be) in time by nominating officers of the equivalent ranks to function as the Chairperson/members of the DPC, if permissible according to the provisions of the relevant Recruitment Rules.

O.M. No. 22012/1/97-Estt D dated 23.5.2001

PROCEDURE FOR CONDUCTING THE PROCEEDINGS OF THE DPC

20.7.2 Each Departmental Promotion Committee should decide its own method and procedure for objective assessment of the suitability of the candidates.

Interviews in promotions**:**

20.7.3 No interviews should be held unless it has been specifically provided for in the recruitment rules for the post/service. Whenever promotions are to be made by the method of Selection by DPC and the administrative Ministry desires that an interview should form part of the selection process, necessary provision should be made in the recruitment rules.

20.7.4 Where appointments are to be made by promotion method as prescribed in the recruitment rules, the DPC shall, for the purpose of determining the number of officers who will be considered from out of those eligible officers in the feeder grade (s), restrict the field of choice as given hereunder with reference to the number of clear regular vacancies proposed to be filled in the year.

If adequate number of SC/ST candidates are not available within the normal field of choice as above to fill up the vacancies reserved for them, the field of choice shall be extended to five times the total number of vacancies and the SC/ST candidates (and not any other) coming within the extended field of choice be considered against the vacancies reserved for them. The normal zone and the extended zone will accordingly be as follows:

No. of vacancies	**Normal size of zone of consideration**	**Extended zone of consideration for SC/ST**
1	5	5
2	8	10
3	10	15
4	12	20
5 and above	Twice the number of vacancies plus 4.	5 times no. of vacancy.
x (x =no. of vacancy)	(i) 5x for x=1 (ii) 2x+4 for 1**<**x**≤** 10; (iii) 1.5x+3 or 24 whichever is more, for x **>** 10	5x

i) For vacancies upto [and including] 10, existing provisions relating to normal size of zone of consideration will continue to be applicable;

ii) For vacancies exceeding 10, the normal size of zone of consideration will now be one and a half times the number of vacancies, rounded off to next higher integer, plus three but shall not be less than the size of zone of consideration for ten vacancies;

iii) The existing size of extended zone of consideration for SC/ST officers, viz. five times the total number of vacancies, will continue to be applicable.

While the zone of consideration would remain as prescribed above, the DPC may assess the suitability of eligible employees in the zone of consideration (in the descending order) for inclusion in the panel for promotion upto a number which is considered sufficient for preparation of the main select

panel and the extended panel. In respect of the remaining employees, the DPC may put a note in the minutes that 'the assessment of the remaining employees in the zone of consideration/extended zone of consideration is considered not necessary as sufficient number of employees with prescribed bench mark have become available.

OM No.22011/2/2002-Estt D dated 6/01/2006; and

OM No.22011/18/87-Estt D dated 9/04/1996

20.8 **GUIDELINES FOR DPCs**

Methods and procedures for assessment

20.8.1.1 DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them.

20.8.1.2 While merit has to be recognised and rewarded, advancement in officer's career would not be regarded as a matter of course, but should be earned by dint of hard work, good conduct and result oriented performance as reflected in the annual confidential reports and based on strict and rigorous selection process. The DPC shall determine the merit of those being assessed for promotion with reference to the prescribed benchmark and accordingly grade the officers as 'fit' or 'unfit' only.

20.8.1.3 Government also desires to clear the misconception about "Average" performance. While "Average" may not be taken as adverse remark in respect of an officer, at the same time, it cannot be regarded as complimentary to the officer, as 'Average ' performance should be regarded as routine and undistinguished. It is only performance that is above average and performance that is really noteworthy which should entitle an officer to recognition and suitable rewards in the matter of promotion.

CONSIDERATION OF CONFIDENTIAL REPORTS (ANNUAL PERFORMANCE APPRAISAL REPORTS - APARS)

20.8.2.1 Confidential Rolls/Performance Appraisal (APARs) are the basic inputs on the basis of which assessment is to be made by each DPC. The evaluation of CRs (APARs) should be fair, just and non-discriminatory.

Number of ACRs to be considered

(a) The DPC should consider CRs for equal number of years in respect of all officers considered for promotion subject to (c) below:

(b) The DPC should assess the suitability of the employees for promotion on the basis of their service record and with particular reference to the CRs/APARs for five preceding years irrespective of the qualifying service prescribed in the Service /Recruitment Rules. The 'preceding five years' for the aforesaid purpose shall be decided as per the guidelines contained in DoP&T O.M. No. 22011/9/98-Estt (D) dated September 8, 1998 which prescribe the Model Calendar for DPC read with O.M. of even number dated June 16, 2000. (If more than one CR/APAR have been written for a

particular year, all the CRs/APARs for the relevant years shall be considered together as the CR/APAR for one year).

O.M. No. 22011/7/98-Estt(D) dated October 6, 2000;
O.M. No. 22011/9/98-Estt (D) dated September 8, 1998

(c) Where one or more CRs (APARs) have not been written for any reason during the relevant period, the DPC should consider the CRs (APARs) of the years preceding the period in question and if in any case even these are not available, the DPC should take the CRs (APARs) of the lower grade into account to complete the number of CRs (APARs) required to be considered as per (b) above. If it is also not possible, all the available CRs (APARs) should be taken into account.

Assessment where an officer working in next higher grade on ad hoc basis

(d) Where an officer is officiating in the next higher grade and has earned CRs (APARs) in that grade, his CRs (APARs) in that grade may be considered by the DPC in order to assess his work, conduct and performance, but no extra weightage may be given merely on the ground that he has been officiating in the higher grade.

Grading an officer – Own assessment by the DPC

(e) The DPC should not be guided merely by the over all grading, if any that may be recorded in the CRs (APARs) but should make its own assessment on the basis of the entries in the CRs (APARs), because it has been noticed that sometimes the overall grading in a CR (APAR) may be inconsistent with the grading under various parameters or attributes.

In cases where the assessment by DPCs are apparently not in line with the grades in the ACRs (APARs), the DPC should appropriately substantiate its assessment by giving reasons, so that the appointing authority could factor these while taking a view on the suitability of officer for promotion. These instructions are applicable with effect from the panel year 2008-09.

O.M. No. 22011/3/2007-Estt(D) Dated 18th February 2008

(f) If the Reviewing authority or the Accepting authority as the case may be has over-ruled the Reporting Officer or the Reviewing Authority, as the case may be, the remarks of the latter authority should be taken as the final remarks for the purpose of assessment provided it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind. If the remarks of the Reporting officer, Reviewing authority and Accepting authority are complementary to each other and one does not have the effect of over ruling the other, then the remarks should be read together and the final assessment made by the DPC

20.8..2.2 The DPC shall determine the merit of those being assessed for promotion with reference to the prescribed bench mark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded 'fit' (i.e. who meet the prescribed bench-mark) by the DPC shall be included and arranged in the select panel in order to their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed bench-mark) by the DPC shall not be included in the select panel. Thus, there shall be no supersession in promotion among those who are graded 'fit (in terms of the prescribed bench-mark) by the DPC.

20.8.2.3 Before making the overall grading after considering the CRs (APARs) for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the ACRs. The DPC should also have regard to the remarks against the column on integrity.

PREPARATION OF PANEL

20.8.3.1 The list of candidates considered by the DPCs and the overall grading assigned to each candidate would form the basis for preparation of the panel for promotion by the DPC. The following principles should be observed in the preparation of the panel (Introduced vide Department of Personnel &Training *O.M. No. 35034/7/97-Estt D dated February 8, 2002*).

Bench mark

(i) Having regard to the levels of the posts to which promotions are to be made, the nature and importance of duties attached to the posts, a bench mark would be determined for each category of posts for which promotions are to be made by selection method. For promotion to all Group 'B' and Group 'A' posts below PB-3, GP 7600, the bench mark shall be 'Good'

(ii) For promotion to all posts which are in the pay band-3, GP 7600 and above, the bench mark grade shall be 'Very Good'

O.M. No. 35034/7/97-Estt D dated February 8, 2002

Benchmark prescription for promotion at the level for JS and above

(iii) In order to ensure greater selectivity at higher level of administration, the DPC may ensure that for the promotion to the scale of Rs. 18,400-22,400 (revised to PB-4, Grade Pay of Rs.10,000 – VI CPC) and above, the prescribed benchmark of 'Very Good' is invariably met in all ACRs of five years under consideration.

O.M. No. 22011/3/2007-Estt(D) Dated 18th February 2008

No supersession in promotion

(iv) Only those officers who are graded 'fit (i.e. those who meet the prescribed benchmark) by the DPC shall be included and arranged in the select panel in order of their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed benchmark) by the DPC shall not be included in the select panel. Thus, there shall be no

supersession in promotion among those who are graded 'fit' (in terms of the prescribed benchmark) by the DPC.

(v) Although among those who meet the prescribed bench-mark, inter-se seniority of the feeder grade shall remain intact, eligibility for promotion will no doubt be subject to fulfillment of all the conditions laid down in the relevant Recruitment/Service Rules, including the conditions that one should be the holder of the relevant feeder post on regular basis and that he should have rendered the prescribed eligibility service in the feeder post.

O.M. No. 35034/7/97-Estt (D) dated February 8, 2002

Consideration of SC/ST Officers within Group 'A'

20.8.3.2(i) In promotions by Selection to posts /services within Group 'A' which carry an ultimate salary of Rs. 5700/- per month (revised to Grade Pay of Rs.8700, PB – 4, VI CPC) or less, the SC/ST officers, who are senior enough in the zone of consideration for promotions so as to be within the number of vacancies for which the select list has to be drawn up, would notwithstanding the prescription of 'benchmark' be included in that list provided they are not considered unfit for promotion

O.M. No. 36028/21/2003-Estt(Res) dated 29/01/2004

(ii) In promotion by Selection to posts/services in Group 'B' within Group 'B' and from Group 'B' to the lowest rung in Group 'A' selection against vacancies reserved for SCs and STs will made only from those SC/ST officers, who are within normal zone of consideration. Where adequate number of SC/ST candidates are not available within the normal field of choice as prescribed vide O.M. No. 22011/1/90-Estt D dated 12th October, 1990, it will be extended to five times the number of vacancies and the SC/ST candidates coming within the extended field of choice should also be considered against the vacancies reserved for them. If candidates from SC/ST obtain on the basis of merit with due regard to seniority, on the same basis as others, lesser number of vacancies than the number reserved for them, the difference should be made up by selecting candidates of these communities, who are in the zone of consideration, irrespective of merit and 'bench mark' but who are considered fit for promotion.

(iii) As regards promotions made by selection in Group 'C' posts /services, Select Lists of SCs/STs officers should be drawn up separately in addition to the general select list, to fill up the reserved vacancies. SCs/STs officers who are within the normal zone of consideration, should be considered for promotion along with and adjudged on the same basis as others and those SCs and STs amongst them, who are selected on that basis may be included in the general Select List in addition to their being considered for inclusion in the separate Select Lists for SCs and STs respectively. In the separate Select Lists drawn up respectively for SCs and STs officers belonging to SCs and STs will be adjudged separately amongst themselves and not alongwith others and, if selected, they should be included in the concerned separate list, irrespective of their merit as compared to other officers and the 'bench mark' determined by the cadre authorities. If candidates from SCs/STs obtain on the basis of their position in the aforesaid general list, lesser number of vacancies than are reserved for them, the difference should be

made up by selected candidates of these communities in the separate Select Lists ' for SCs and STs respectively.

PREPARATION OF YEAR-WISE PANELS BY DPC WHERE THEY HAVE NOT MET FOR A NUMBER OF YEARS

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

(i) Determine the actual number of regular vacancies that arose in each of the previous year (s) immediately preceding and the, actual number of regular vacancies proposed to be filed 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.

Consideration of Retired Employees: There is no specific bar for consideration of retired employees, while preparing year wise panel(s), who will be within the zone of consideration in the relevant year (s). According to legal opinion also it would not be in order if eligible employees, who were within the zone of consideration for the relevant year (s) but are not actually in service when the DPC is being held, are not considered while preparing year wise zone of consideration/panel and, consequently, their juniors are considered (in their places) who would not have been in the zone of consideration if the DPC(s) had been held in time. This is considered imperative to identify the correct zone of consideration for the relevant year (s). Names of the retired officials may also be included in the panel (s). Such retired officials would, however, have no rightfor actual promotion. The DPC (s) may, if need be, prepare extended panel(s) as per principles prescribed in O.M. dated April, 9, 1996.

O.M. No. 22011/4/98-Estt D dated October, 12, 1998

(iii) Prepare a 'Select List' by placing the select list of the earlier year above the one for the next year and so on;

Cases of occurrence of additional vacancies in a year after convening of DPC Meeting*:*

20.8.4.2 Where a DPC has already been held in a year and further vacancies arise during the same year due to death, resignation, voluntary retirement etc. or because the vacancies were not intimated to the DPC due to error or omission on the part of the Department concerned, the following procedure should be followed:-

(i) Vacancies due to death, voluntary retirement, new creations, etc., clearly belonging to the category which could not be foreseen at the

time of placing facts and material before the DPC. In such cases, another meeting of the DPC should be held for drawing up a panel for these vacancies as these vacancies could not be anticipated at the time of holding the earlier DPC. If, for any reason, the DPC cannot meet for the second time, the procedure of drawing up of year wise panels may be followed when it meets next for preparing panels in respect of vacancies that arise in subsequent year (s).

(ii) In the second type of cases of non-reporting of vacancies due to error or omission (i.e. though the vacancies were there at the time of holding of DPC meeting but they were not reported to it), it results in injustice to the officers concerned by artificially restricting the zone of consideration. The wrong done cannot be rectified by holding a second DPC or preparing a year wise panel. In all such cases, a review DPC should be held keeping in mind the total vacancies of the year.

The Reckoning ACRs/APARs while preparing year-wise panel

20.8.4.3 For the purpose of evaluating the merit of the officers while preparing year-wise panels, the scrutiny of the record of service of the officers should be limited to the records that would have been available had the DPC met at the appropriate time. However, if on the date of meeting of the 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 departmental proceedings were not in existence in the year to which the vacancy related. The officer's name should be kept in the sealed cover till the proceedings are finalized.

PROMOTIONS HAVE PROSPECTIVE EFFECT ONLY:

20.8.4.4 While promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies relate to earlier year (s).

Date from which promotions are to be treated as Regular has been discussed in subsequent para No. 17.10 and 17.11. In respect of persons already holding a higher post on ad-hoc basis and later selected by the UPSC for regular appointment thereto, the promotion to that post may be treated as regular from the date of advice of UPSC i.e. the date of the Commission's letter conveying their recommendations in the matter.

O.M. No. 22011/4/91-Estt (D) dated 1.7.1991

20.9 **EXTENDED PANEL**

Normally the number of persons recommended in the panel should be equal to the number of vacancies reported. However, the DPCs shall prepare an extended panel only in following contingencies (and not for filling up vacancies which have arisen subsequent to the DPC or during currency of panel):

i) when persons included in the panel are already on deputation or whose orders of deputation have been issued and will be proceeding on deputation shortly for more than a year , or

ii) when persons included in the panel have refused promotion on earlier occasions and are under debarment for promotions , or

iii) when officers included in the panel are retiring within the same year provided there is no change in the zone of consideration by the expected date of their retirement

While giving the extended panel, the DPC should stipulate a condition against the additional names to the effect that they will be promoted only in the event of the officers in regular panel not being available for promotion /appointment for the reasons given by the Ministry/Department].

Vacancies arising on account of deputation for more than one year will be taken to the recruitment roster for regular appointment only after ensuring that clear vacancies will be available for deputationists on return. Purely short term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training etc. should not be taken into account for the purpose of preparation of a panel.

O.M. No. 22011/18/87-Estt D dated 9.4.1996, and OM No.22034/1/2006-Estt.(D) dated 15/05/2007

20.10 **NON- SELECTION METHOD**

Where the promotions are to be made on 'non- selection' basis according to Recruitment Rules, the DPC need not make a comparative assessment of the records of officers and it should categorise the officers as 'fit' or 'not yet fit' for promotion on the basis of assessment of their record of service. While considering an officer 'fit' guidelines in para 20.8.1.4 should be borne in mind. The officers categorised as 'fit' should be included in the panel in the order of their seniority made from which promotions are to be made.

20.11 **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 with reference to their record of service.

20.12 **PROBATION**

In the case of probation, 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.

GOVERNMENT SERVANTS UNDER CLOUD –Procedure to be followed by the DPC

20.13.1 At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee

(i) Government servants under suspension;

(ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and

(iii) Government servants in respect of whom prosecution for a criminal charge is pending .

20.13.1.1 As regards the stage when prosecution for a criminal charge can be stated to be pending, the said O.M. dated 14.9.92 does not specify the same and hence the definition of pendency of judicial proceedings in criminal cases given in Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 is adopted for the purpose. The Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 provides as under :-

"(b) judicial proceedings shall be deemed to be instituted –
(i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made".

O.M. No.22034/4/2012 -Estt. (D) dated 2/11/2012

20.13.2 The DPC shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned above along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution, pending. The assessment of the DPC, including 'Unfit for Promotion", and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed "Findings regarding suitability for promotion to the grade/post of _____ in respect of Shri _____ (name of the Government servant). Not to be opened till the termination of the disciplinary case/criminal prosecution against Shri _____". The proceedings of the DPC need only contain the Note "The findings are contained in the attached sealed cover". The authority competent to fill the vacancy should be separately advised to fill the vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of a Government servant for his promotion are kept in a sealed cover.

20.13.3 The same procedure outlined in para 11.2 above will be followed by the subsequent Departmental Promotion Committees convened till the disciplinary case/criminal prosecution against the Government servant concerned is concluded.

O.M. NO. 22011/4/91-Estt (A) dated 14th September, 1992

Adverse remarks in a CR (APAR)

20.14.1 Where the Departmental Promotion Committee find that the adverse remarks in the Confidential Report of an officer have not been communicated to him but the adverse remarks are of sufficient gravity to influence their assessment of the officer concerned, then the Committee shall defer consideration of the case of the officer, provided these remarks have been recorded in any of the CRs

(APARs)pertaining to three immediately preceding years prior to the year in which the DPC is held and direct the cadre controlling authority concerned to communicate the adverse remarks to the officer concerned so that he may have an opportunity to make a representation against the same. Where the un-communicated adverse remarks pertain to a period earlier than the above or where the remarks are not considered of sufficient gravity to influence the assessment of the officer concerned, the DPC may proceed with the consideration of the case but may ignore the remarks while making the assessment.

20.14..2 After a decision is taken by the competent authority on the representation made by the Government servant or in the event of the Government servant not making any such representation after the period therefor has expired, the DPC shall assess the suitability of the Government servant on the basis of the entries now contained in the CR (APAR). While considering the deferred case as above, if the DPC find the officer fit for promotion, the procedure prescribed in paragraphs 18.4.2 and 18.4.3 shall be followed.

20.14.3 In a case where a decision on the representation of an officer 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 until a decision on representation.

20.14.4 In both the cases referred to in paragraphs 12.1 and 12.3 above, where the consideration of a case is deferred on account of adverse remarks contained in the Confidential Report (APAR), the concerned authority should intimate the result of the representation of the officer against the adverse remarks within a period of three months from the date of submission of the said representation, if any.

O.M. No. 22011/3/88-Estt D dated 11th May, 1990

Below Benchmark Grading in APARs – Disposal of Representation thereon:

20.14.5 The system of communicating the entries in the APAR from the reporting period 2008-09 onwards for representation if any has been introduced vide DoPT OM No.21011/1/2005-Estt.A(Pt.II) dated 19th May 2009. The Competent Authority to consider the representation shall decide the matter objectively based on the material placed before him within a period of 30 days from the date of receipt of the representation. The Competent Authority after due consideration may reject the representation or may accept or modify the APAR accordingly. In this Department's OM of even number dated 13.4.2010, it was further decided that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPCs contain final grading which are below the benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication. It may be noted that only below benchmark ACR for the period relevant to promotion need be sent. This OM dated 13.4.2010 specifically provides that in case of upgradation of the final grading given in the APAR, specific reasons therefor may also be given in the order of the Competent Authority. Since the provisions of the above OM dated 13.4.2010 are applicable only for future DPCs where the recommendations will be

implemented prospectively from the date of assuming charge of the higher appointment, the provisions will not be applicable to retired officers.

OM No.21011/1/2005-Estt.A(Pt.II) dated 14th May 2009.
OM No. 21011/1/2010-Estt.A dated 13th April, 2010
OM No.21011/1/2005-Estt.A(Pt.II) dated 19th May 2011.

20.15. An officer whose increments have been withheld 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 the 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 DPC as and when occasions arise for such assessment. In assessing the suitability, the DPC 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 penalty he should be considered suitable for promotion. However, even where the DPC considers that despite the penalty the officer is suitable for promotion, the officer should not be actually promoted during the currency of the penalty.

Validity of the proceedings of the DPCs when one member is absent:

20.16. The proceedings of the Departmental Promotion Committee shall be legally valid and can be acted 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 the majority of the members constituting the Departmental Promotion Committee are present in the meeting.

20.17 **IMPLEMENTATION OF THE RECOMMENDATIONS OF DPC**

Processing of recommendations of DPC

20.17.1 The recommendations of the DPC are advisory in nature and should be duly approved by the appointing authority. Before the recommendations are so approved, the appointing authority shall consult all concerned as indicated below without undue delay.

Consultation with UPSC

20.17.2 The recommendations of the DPC whether it included a Member of the UPSC or not should be referred to the Commission for approval, if

(i) Consultation with the Commission is mandatory under Article 320(3) of the Constitution, read with UPSC (Exemption from Consultation) Regulations, 1958. However, a reference may be made to the Regulations, as and when necessary.

(ii) The Member of the Commission who presides over the DPC specifically desires that the Commission should be consulted.

Approval of ACC

20.17.3 Where the posts fall within the purview of the Appointments Committee of the Cabinet, the approval of ACC should also be obtained.

PROCEDURE TO BE FOLLOWED FOR DISAGREEMENT WITH DPC

20.17.4.1 There may be certain occasions when the appointing authority may find it necessary to disagree with the recommendations of the DPC. The procedure to be followed in such cases is indicated below.

20.17.4.2 Where UPSC is associated with the DPC the recommendations of the DPC should be treated as recommendations of UPSC. If it is so considered necessary by the appointing authority to vary or disagree with the recommendations of the DPC the prescribed procedure for over-ruling the recommendations of UPSC (not incorporated in these guidelines) should be followed.

20.17.4.3 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 reconsideration of its earlier recommendations. In case the DPC reiterates its earlier recommendations, giving also reasons in support thereof, the appointing authority may accept the recommendations, if the reasons adduced by the DPC are convincing. If that authority does not accept the recommendations of the DPC, it shall submit the papers to the next higher authority with its own recommendations. The decision of the next higher authority shall be final.

(b) Where the appointing authority is the President of India, the recommendations of the DPC should be submitted to the Minister in charge of the Department concerned for acceptance or otherwise of the recommendations. In case the circumstances so necessitate, the 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 Minister for his decision. The decision taken by the Minister either to accept or to vary the recommendations of the DPC shall be final.

TIME LIMIT FOR TAKING A DECISION ON THE RECOMMENDATIONS OF THE DPC

Appointing Authority to take decision within 3 months

20.17.5.1 In cases, excepting those which require the approval of the Appointments Committee of the Cabinet, the appointing authority should take a

decision either to accept or disagree with the recommendations of the DPC within a time limit of three months (from the date of the DPC meeting or the date of communication of the UPSC's approval to the panel, where such approval is required). Where the appointing authority proposes to disagree with the recommendations, the relevant papers should be submitted by the appointing authority to the next higher authority with its own recommendations by the expiry of the period of three months. In those cases in which the UPSC is associated with the DPC and the appointing authority proposes to disagree with the recommendations of the DPC, the case should be forwarded to the Establishment Officer in the Department of Personnel and Training for placing the matter before the Appointments Committee of the Cabinet as soon as possible and, in any case, not later than three months from the date on which the validity of the panel commences.

20.17.5.2 In cases where the panel prepared by the DPC requires the approval of the ACC, proposals therefor alongwith the recommendations of the Minister-in-charge should be sent to the Establishment Officer before expiry of the same time limit of three months.

Vigilance clearance before promotion

20.18.1 A clearance from the Vigilance Section of the Office/Department should also be obtained before making actual promotion or confirmation of officer approved by DPC to ensure that none of the conditions mentioned in para 2 of DOPT OM dated 14.9.1992 are pending against the officer concerned.

Order in which promotions to be made

20.18.2 Promotion of whatever duration should as far as possible be made in the order in which the names of 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 or 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.

Where eligible by direct recruitment and promotion

20.18.3 If a person's name is included in the panel for promotion to the higher post (to which appointment can be made by promotion as well as by 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, having regard to the fact whether his turn for appointment comes earlier from the direct recruitment list or from the promotion list, as the case may be.

Promotion of officers on deputation/foreign service in public interest and on study leave

20.18.4 If the panel contains the name of a person who has gone on deputation or on foreign service in the public interest, including a 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. Therefore, such an officer need not be reconsidered by a fresh DPC, if any, subsequently held, while he continues 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 but for his being away on deputation.

20.18.5 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 promotion.

SEALED COVER CASES -Action on completion of disciplinary proceedings/ criminal prosecution

20.18.6.1 If the proceedings of a DPC for promotion contain findings in a sealed cover, on the conclusion of the disciplinary case/criminal prosecution, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so, to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceedings/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal proceedings, are for example, delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.

20.18.6.2 If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him if he is considered fit for promotion by the DPC which meets after the imposition of the said penalty, the promotion may be given effect to after the expiry of currency of the penalty. His seniority would be fixed according to his position in that panel. Since the promotion is to take effect only from a date subsequent to the expiry of the currency of the penalty, the officer would be entitled to pay fixation in the promotional grade with effect from the date of actual promotion only. Even if a person junior to him in the panel is promoted earlier, it will have no bearing on the pay to be allowed on promotion to the officer on whom a penalty was imposed, and there shall be no stepping up of his pay. Similarly, as the officer undergoing penalty is not to be

promoted during the currency of the penalty, the eligibility service in the promotional grade for further promotion shall commence only from the date of actual promotion and in no case, it may be related, even notionally, to the date of promotion of the junior in the panel

O.M. No. 22011/4/91-Estt (A) dated 14/09/1992.O.M. No. 20011/2/92-Estt D dated 3/11/1995 and O.M. No. 22034/5/2004 dated 15/12/2004 [Preceding Paragraph No. 20.15 also refers

Six monthly Reviews of sealed cover cases

20.18.7.1 It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any Government servant is not unduly prolonged and all efforts to finalise expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. The appointing authorities concerned should review comprehensively the case of a Government servant whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first DPC, which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, inter-alia, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite their completion.

O.M. NO. 22011/4/91-Estt (A) dated 14/09/1992

SEALED COVER PROCEDURE FOR CONFIRMATION

20.18.7.2 The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension etc. A permanent vacancy should be reserved for such an officer when his case is placed in sealed cover by DPC.

O.M. NO. 22011/4/91-Estt (A) dated 14/09/1992

Procedure for ad-hoc promotion where conclusion of pending case is prolonged for more than two years:

20.18.8.1 In spite of the six monthly review referred to in para 17.7.1 above, there may be some cases where the disciplinary case/criminal prosecution against the Government servant are not concluded even after the expiry of two years from the date of the meeting of the first DPC, which kept its findings in respect of the Government servant in a sealed cover. In such a situation, the appointing authority may review the case of the Government servant, provided he is not under suspension, to consider the desirability of giving him *ad hoc* promotion keeping in view the following aspects:-

a) Whether the promotion of the officer will be against public interest;

b) Whether the charges are grave enough to warrant continued denial of promotion;

c) Whether there is no likelihood of the case coming to a conclusion in the near future;

d) Whether the delay in the finalisation of proceedings, departmental or in a court of law , is not directly or indirectly attributable to the Government servant concerned; and

e) Whether there is any likelihood of misuse of official position, which the Government servant may occupy after ad-hoc promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

The appointing authority should also consult the Central Bureau of Investigation and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Bureau.

O.M. NO. 22011/4/91-Estt (A) dated 14/09/1992

20.18.8.2 In case the appointing authority comes to a conclusion that it would not be against the public interest to allow ad hoc promotion to the Government servant, his case should be placed before the next DPC held in the normal course after the expiry of the two years period to decide whether the officer is suitable for promotion on ad hoc basis. Where the Government servant is considered for ad hoc promotion, the DPC should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecution against him.

20.18.8.3 After a decision is taken to promote a Government servant on an ad hoc basis, an order of promotion may be issued making it clear in the order itself that :-

(i) the promotion is being made on purely ad hoc basis and the ad hoc promotion will not confer any right for regular promotion; and

(ii) the promotion shall be "until further orders". It should also be indicated in the orders that the Government reserve the right to cancel at any time the ad hoc promotion and revert the Government servant to the post from which he was promoted.

20.18.8.4 If the Government servant concerned is acquitted in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the ad hoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the ad hoc promotion with all attendant benefits. In case the government could have normally got his regular promotion from a date prior to the date of this ad hoc promotion with reference to his placement in the DPC proceedings kept in the sealed cover(s) and the actual date of promotion of the person ranked immediately junior to him by the same DPC, he would also be allowed his due seniority and benefit of notional promotion as envisaged in para 20.18.6.1 above.

20.18.8.5 If the Government servant is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him

departmentally or if the Government servant is not fully exonerated in the departmental proceedings, the ad hoc promotion granted to him should be brought to an end.

Sealed cover procedure applicable to officers coming under cloud after recommendations of the DPC but before actual promotion:

20.18.9.1 A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 20.13.1 above arise after the recommendations of the DPC are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this part of the DPC guidelines will be applicable in his case also.

O.M. No. 22011/4/91-Estt (A) dated 14/09/1992

20.18.9.2 In cases where by the time the Departmental Proceedings are concluded and the officer is fully exonerated but another charge sheet has been issued, the second charge sheet will not come in the way of opening of sealed cover and granting promotion notionally from the date of promotion of the junior and para 7 of O.M. dated 14.9.92 will not apply as clarified in the O.M. No. 22011/2 / 2002-Estt.(A) dated 24.2.2003. After the disciplinary proceedings are concluded and penalty is imposed, vigilance clearance will not be denied. The details of the penalty imposed are to be conveyed to the DPC.

O.M. No.22034/4/2012 -Estt. (D) dated 2/11/2012and O.M. No. 22011/2/ 2002-Estt.(A) dated 24.2.2003

Vigilance clearance for Review DPC:

20.18.9.3 For the purpose of vigilance clearance for review DPC, instructions exist in O.M. No.22011/2/99-Estt.(A) dated 21.11.2002 that review DPC will take into consideration the circumstances obtaining at the time of original DPC and any subsequent situation arising thereafter will not stand in the way of vigilance clearance for review DPC. However, before the officer is actually promoted it needs to be ensured that he / she is clear from vigilance angle and the provision of para 7 of O.M. No. 22011 / 4 / 91-Estt. (A) dated 14.09.1992 are not attracted.

O.M. No.22034/4/2012 -Estt. (D) dated 2/11/2012

DATE FROM WHICH PROMOTIONS ARE TO BE TREATED AS REGULAR

20.18.10 The general principle is that promotion of officers included in the panel would be regular from the date of validity of the panel or the date of their actual promotion whichever is later.

20.18.11 In cases where the recommendations for promotion are made by the DPC presided over by a Member of the UPSC and such recommendations do not require to be approved by the Commission, the date of Commission's letter forwarding fair copies of the minutes duly signed by the Chairman of the DPC or the date of the actual promotion of the officers, whichever is later, should be reckoned as the date of regular promotion of the officer. In cases where the Commission's approval is also required the date of UPSC's letter communicating its approval or the date of actual promotion of the officer, whichever is later will be the relevant date. In all other cases the date on which promotion will be effective will be the date on which the officer was actually promoted or the date of the meeting of the DPC whichever is later. Where the meeting of the DPC extends over more than one day the last date on which the DPC met shall be recorded as the date of meeting of the DPC.

Appointments to posts falling within the purview of ACC can, however, be treated as regular only from the date of approval of ACC or actual promotion whichever is later except in particular cases where the ACC approves appointments from some other date.

REFUSAL OF PROMOTION:

20.18.12 When a Government 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 Government servant will lose seniority vis-a-vis his juniors promoted to the higher grade earlier irrespective of the fact whether the posts in question are filled by selection or otherwise. The above mentioned policy will not apply where ad-hoc promotions against short-term vacancies are refused.

O.M. No.22034/3/81-Estt(D) dated 1/10/1981 andO.M. 1/3/69-Estt(D) dated 22/11/1975

VALIDITY PERIOD OF A PANEL

20.18.13.1 The panel for promotion drawn up by DPC for 'Selection' posts would normally be valid for one year. 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.

20.18.13.2 The date of commencement of the validity of a 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's 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.

Review of Panels

20.18.14 The 'select list'/Panel 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 the 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.

20.19 **REVIEW OF DPCs**:

When Review DPCs may be held:

20.19.1 The proceedings of any DPC may be reviewed only if the DPC has not taken all material facts into consideration or if the material facts have not been brought to the notice of the DPC or if there have been grave errors in the procedure followed by the DPC. Thus, it may be necessary to convene Review DPCs to rectify certain unintentional mistakes, e.g.

a) where there is a case of non-reporting of vacancies due to error or omission though the vacancies were available at the time to holding DPC meeting, as pointed out in paragraph 6.4.2(ii); or

b) where eligible persons were omitted to be considered; or

c) where ineligible persons were considered by mistake; or

d) where the seniority of a person is revised with retrospective effect resulting in a variance of the seniority list placed before the DPC; or

e) where some procedural irregularity was committed by a DPC; or

f) where adverse remarks in the CRs (APARs) were toned down or expunged after the DPC had considered the case of the officer.

Situations enumerated above are only illustrative and not exhaustive. Primary objective of holding a review DPC is to rectify any mistake that took place at the time of holding of the original DPC. Over reporting of vacancies is also one of the mistakes which needs to be rectified by holding a review DPC. Therefore, the provision made in para 18.1 was/is required to be read to cover this situation also. However, in cases of over reporting of vacancies, a review DPC may be held only if the change in the number of vacancies would result in exclusion of a person(s) empanelled by the original DPC, on account of over reporting of vacancies which led to inflated zone of consideration]

O.M.No. 22013/1/97-Estt D dated 13th April, 1998

Scope and procedure of Review DPC :

20.19.2 A Review DPC should consider only those persons who were eligible as on the date of meeting of original DPC. That is, persons who became eligible on a subsequent date should not be considered. Such cases will, of course, come up for consideration by a subsequent regular DPC. Further, the review DPC should restrict its scrutiny to the CRs (APARs) for the period relevant to the first DPC. The CRs (APARs) written for subsequent regular DPC should not be considered. If any adverse remarks relating to the relevant period, were toned down or expunged, the modified CRs (APARs) should be considered as if the original adverse remarks did not exist at all.

20.19.3 A Review DPC is required to consider the case again only with reference to the technical or factual mistakes that took place earlier and it should neither change the grading of an officer without any valid reason (which should be recorded) nor change the zone of consideration nor take into account any increase in the number of vacancies which might have occurred subsequently.

Review DPC in respect of cases where adverse remarks have been expunged or toned down after DPC meeting:

20.19.4.1 In cases where the adverse remarks were toned down or expunged subsequent to consideration by the DPC, the procedure set out herein may be followed. The appointing authority should scrutinize 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. In cases where the UPSC have been associated with the DPC, approval of the Commission would be necessary for a review of the case by the DPC.

20.19.4.2 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 the 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 regulated in the manner indicated below.

Consequential benefits in case of retrospective promotion

20.19.4.3 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 the order in which his name, on review, has been placed in the select list by 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 purpose of determining his eligibility for promotion to the next higher grade.

“Confirmation” on the basis of Review DPC

20.19.4.4 In the case of confirmation, if the officer concerned is recommended for confirmation on the basis of review by the DPC, he should be confirmed and the seniority already allotted to him on the basis of review should not be disturbed by the delay in confirmation.

ANNEXURE-I
Vide para 20.5.2.1

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.

3.Grade or post to which promotion is to be made.

(1) Designation	(2) Classification	(3) Scale of Pay	(4) No. of post in the grade Filled/Un-filled	(5) Total No. of posts filled on ad-hoc basis	(6) No. of regular vacancies falling in the promotion quota		(7) Total
					Existing	Anticipated (For current Year panel Only)	

4. Year-wise break up of the number of regular vacancies indicated in Column 7 of Item 3.

Year	General	SC	ST	Total

5. Recruitment Rules for the grade post

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

(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.

6. **Grade or post from which promotion is to be made**

Designation	Classification	Scale of Pay	Service prescribed for eligibility for promotion
1.	2.	3.	4.

7. UPSC reference No. under which promotion to the grade/post were last considered.

8.Seniority List

(a) Whether the seniority list as in the prescribed proforma (attached) has been enclosed. If there are more than one feeder grade, enclose separate seniority lists for each grade together with combined seniority list.

(b) Whether all eligible officers, including those belonging to SC/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 has been duly authenticated by an officer not below the rank of 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 details.

9. 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.

10. Character Rolls.

Complete and up-to-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 up-to-date? (Character rolls should be sent only after they have been completed.)

11. **Self-contained note for the DPC**

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

2. **Check List**

A check list in terms of Whether the DOP&T O.M. No. 22012/1/99-Estt(D) dated 18/5/2001 and O.M. No.22012/1/99-Estt (D) dated 20/04/2004 has been enclosed.

Signature……
Designation……
Date……

ANNEXURE-1A

Vide Item 8(a) 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.

ANNEXURE 1B

Vide Item 8(f) of the DPC Proforma

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.	
9.	
10.	
11.	

(ii) Name of officers added in the present seniority list

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

ANNEXURE-II
Vide Para 20.5.2.1

Proforma for referring proposals for CONFIRMATION

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1. Name of Ministry/Deptt./Office

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2. Names and designations of Members of the. DPC

Name	Designation	Office Tele. No.

Note:- copy of orders constituting the DPC to be attached

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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 and the dates on which available.
(ii)* Number of vacancies falling in the direct recruitment quota with dates on which they occurred.
(iii)* Number of vacancies falling in the promotion quota with dates on which they occurred.
(iv)* Number of vacancies available for being filled by transfer with dates on which they occurred.
(v) Whether appropriate reservation for SC/ST in service/posts has been made.

(vi) Details of vacancies reserved for Schedules Castes/Tribes

*To be furnished only in cases of posts/services where specific quotas have been prescribed for substantive appointment of promotees/direct recruits/departmental examination candidates etc.

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 Recruitment Rules were notified in the Gazette of India and UPSC reference Number 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.

6. **Seniority List**

(a) Whether a seniority list as in the prescribed proforma 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 are included in the 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 has been duly authenticated by the officer not below the rank of an Under Secretary to the Government of India.

(f) Whether the list has undergone any changes since it was last placed before the DPC? If so, give necessary details in the prescribed proforma.

(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.

7. Character Rolls

Complete and upto-date character rolls of all the officers assessed as 'Not Yet Fit' 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 up-to-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. *Probation*
Whether the officers have completed satisfactorily the period of probation? The date of regular appointment and the date of completion of probation should also be given.

9. Whether the DPC for confirmation has been convened in time? If not, state the reasons therefor.

10. *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……

Note: This proforma is to be suitably modified when proposal is submitted for confirmation in accordance with the procedure outlined in the DoPT OM No.18011/1/86-Estt(D) dated 28.3.1988.

Chapter 21

CASES TO BE SUBMITTED TO ACC

21.1 The following cases are required to be submitted to the Cabinet Committee on Appointment (ACC), constituted under rule 6(1) of the Government of India (Transaction of Business) Rules, 1961, for decision / approval :

I. all cases relating to appointments specified in Annexure I to the First Schedule to the Government of India (Transaction of Business) Rules, 1961;

II. cases relating to empanelment specified in Annexure II to the First Schedule to the Government of India (Transaction of Business) Rules, 1961;

III. all cases of disagreement relating to appointments between the Department or Ministry concerned and the Union Public Service Commission;

IV. all cases of extension of tenure, under the Central Staffing Scheme(s) or relevant central tenure norms, of officers belonging to the All India Services and other Group 'A' Services beyond the prescribed limits;

V. cases relating to lateral shift of officers serving on Central deputation;

VI. cases of premature repatriation of officers serving with the Central Government to their parent cadre or Department;

VII. cases relating to inter-cadre deputation or transfer of All India Services Officers;

VIII. cases of extension of service beyond the age of superannuation under Fundamental Rule 56(d);

IX. all cases of disagreement with the recommendations of the Search-cum-Selection Committee constituted in accordance with the statutory requirements or the relevant instructions of the Department of Personnel and Training in respect ofofficers of the rank or pay (pay band plus Grade Pay) equivalent to or higher than a Joint Secretary of the Central Government;

X. representations appeals and memorials from officers of the rank or pay (pay band plus Grade Pay) equivalent to or higher than a Joint Secretary in the Central Government, except from those working in the cadre, against adverse remarks;

XI. all cases of disagreement, including in the order of preference of the Public Enterprises Selection Board panel, between the administrative Ministry orDepartment concerned and the Public Enterprises Selection Board;

XII. all cases of inter-company transfers of Chairman, Managing Director and functional Directors of Public Sector Undertakings between holding companiesand subsidiaries and within the subsidiaries including Memorandum of understanding signing Public Sector Undertakings;

XIII. all cases relating to intra-company transfer of Managing Director and functional Directors of Public Sector Undertakings including Memorandum of Understanding signing Public Sector Undertakings; and

XIV. cases relating to employment or re-employment of any person, who has attained the age of superannuation, in any Department of the Government ofIndia, any State-owned public corporation, company o enterprise, in a post, appointment to which requires approval of the Appointments Committee of the Cabinet.

21.2 All proposals seeking approval/ decision of the ACC are to be sent the Office of the Establishment Officer of the Government of India in the Department of Personnel & Training. The Establishment Officer, being Secretary to ACC, will submit the proposal of the concerned Department to ACC, through the Cabinet Secretary, for decision /approval.

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Chapter 22

CONSULTATION AND EXEMPTION FROM CONSULTATION WITH UPSC

22.1 Article 320 of the Constitution has mandated the UPSC to conduct examinations for appointments to the Services of the Union. Clause 3 of this Article has further provided that

(1) the UPSC shall be consulted on all matters relating to methods of recruitment to civil services/posts,

(2) on the principles to be followed in making appointments to civil services / posts,

(3) in making promotions and transfers from one service to another, the suitability of candidates for such appointments, promotions or transfers and

(4) for imposing penalty on all disciplinary cases affecting a person serving under the Central Government in a civil capacity.

Proviso to clause (3) of Article 320 provides that the President, as respects the All India Services and also as respects other services and posts in connection with the affairs of the Union, may make regulations specifying the matters in which either generally, or in any particular class of cases or in particular circumstances, it shall not be necessary for the Union Public Service Commission to be consulted.

In exercise of the above proviso, the President has promulgated the UPSC (Exemption from Consultation) Regulations, 1958. These regulations contain the details of posts/services which have been exempted from consultation with UPSC in the matter of recruitment, framing of recruitment rules, disciplinary cases.

22.2 Schedule I to the Regulations contains the posts/services which are exempted from purview of UPSC in the case of method of recruitment and posts included in Schedule-II to the Regulations relate to exemption on matter stated in sub clause (b) of clause (3) of Article 320 of the Constitution. Consultation on matters relating to methods of recruitment are not exempted under Schedule II. Therefore, the RRs for Group ‘A&B’ posts will continue to be referred to UPSC unless the posts are included in Schedule-I to the Regulations. These exempted posts are generally scientific/technological/specialized posts; posts in the intelligence assessment organizations; diplomatic posts, posts of Members/Chairman of Statutory Bodies, Judicial Services and Constitutional appointments.

[UPSC (Exemption from Consultation) Regulations Notification no. 18/4/51-Estt. Dated 1.9.58 and as amended from time to time]

22.3 After excluding the various conditions in the Regulations, presently UPSC needs to be consulted in respect of the following cases-

(i) Appointment of a Group B officer to Group A post;

(ii) If the recruitment rules provide for field of selection for appointment on deputation/ contract from State Government/ PSUs/ autonomous bodies/Armed Forces apart from Central Government civil departments, even if the recruitment is to be made from the Central Government only.

(iii) If absorption is one of the methods of recruitment.

(iv) DPCs for making promotions of and above the level of JAG unless specifically exempted in the recruitment rules for the specified posts.

(v) All direct recruitments to AIS and Group A and Group B Gazetted posts except those included in Schedule 1 to the UPSC (Exemption from Consultation) Regulation, 1958. These exempted posts are generally scientific/technological/specialized posts; posts in the intelligence assessment organizations; diplomatic posts, posts of Members/Chairman of Statutory Bodies, Judicial Services and Constitutional appointments.

(vi) Any order imposing any of the penalties under the CCS (CCA) Rules by the President except in respect of Defence Civilians.

(vii) Any proposal for reduction in pension / gratuity by the President.

(viii) Formulation/ amendment of Recruitment Rules for Group A and B posts except for those included in Schedule-I to the UPSC (Exemption from Consultation) Regulations

(ix) Ad-hoc appointments in Group ‘A’ and ‘B’ beyond the period of 1 year.

22.4 Where the Disciplinary Authority (Ministry/ Department) proposes to disagree with the advice of the UPSC in a disciplinary case, the decision to do so is to be taken with the advice of the Prime Minister through Department of Personnel and Training. Such cases of disagreement are reported in the Annual Report of UPSC which is placed on the Table of Both Houses of Parliament.

[Entry 39 (ii) of the Third Schedule of Government of India (Transaction of Business) Rules, 1961]

Chapter 23

AD-HOC APPOINTMENT

23.1 As per the extant policy of the Government, all posts are to be filled in accordance with provisions of the applicable Recruitment Rules/Service Rules. Appointments on ad-hoc basis by promotion or otherwise are to be resorted to only in exceptional circumstances, to a post which cannot be kept vacant in consideration of its functional/operational requirement.

DoPT O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 read with O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001

23.2 STEPS TO MINIMIZE AD-HOC APPOINTMENTS

Though it has been impressed upon the appointing authorities from time to time to take adequate steps in advance towards timely convening of the Departmental Promotion Committee (DPC) meetings and preparing the approved select panels for regular appointments/promotions within the prescribed time limits, many a time, due to non-adherence to the prescribed norms and procedures by the concerned authorities, or because of non-acceptance of their incomplete proposals for DPCs, by the UPSC, the approved select panel is not ready in time and ad-hoc arrangements are resorted to.

Other reasons for resorting to ad-hoc arrangements are absence/revision of Recruitment Rules, disputed Seniority Lists etc. With regard to tackling the problem of absence of RRs, it may be pointed out that where no Recruitment Rules exist or where the existing Recruitment Rules are repealed as per the prescribed procedure, the option of approaching the UPSC for one time method would be available. It will not be feasible or advisable for the UPSC to suggest one time method of recruitment in cases where Recruitment Rules exist even if they are perceived as unworkable. In such situations, the concerned authorities will have to process necessary amendments required in the Recruitment Rules and, thereafter, initiate the recruitment process.

[DoPT's OM No. AB 14017/79/2006-Estt. (RR) dated 6th September, 2007]

23.3 NO AD-HOC APPOINTMENT FROM OPEN MARKET:

Ad-hoc appointments/promotions should be made only in rare cases and for exigencies of work, where the post cannot be kept vacant until regular candidate becomes available. Persons appointed on ad-hoc basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or deputation, as the case may be, at the earliest opportunity. No appointment shall be made on ad-hoc basis by direct recruitment from open market. Where the post cannot be kept vacant for functional

considerations, efforts are required to be made to entrust the additional charge of the post to a serving officer under provisions of FR-49, failing which only appointment by ad-hoc promotion/ad-hoc deputation is to be considered in terms of provisions contained herein.

[DoPT O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001]

23.4 **AD-HOC SERVICE DOES NOT COUNT FOR SENIORITY:**

An ad-hoc appointment does not bestow on the person a claim for regular appointment and the service rendered on ad-hoc basis in the grade concerned does not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade. These facts are to be clearly spelt out in the orders of the ad-hoc promotions/ ad-hoc appointments.

DoPT O.M. No.22011/3/75-Estt.(D) dated 29th October, 1975

O.M. No.22011/3/75- Estt.(D) dated 29th October, 1975, O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 and O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001

23.5 **AD-HOC APPOINTMENTS LIMITED TO ONE YEAR ONLY**

The total period for which the ad hoc appointment/ promotion may be made, keeping in view the exceptionalities anticipated, is limited to one year only. In case of compulsions for extending any ad-hoc appointment/promotion beyond one year, the approval of the Department of Personnel and Training is to be sought at least two months in advance before the expiry of the one year period. Also, if the approval of the Department of Personnel & Training to the continuance of the ad-hoc arrangement beyond one year is not received before the expiry of the one year period, the ad-hoc appointment/promotion shall automatically cease on the expiry of the one year term. Continuation of any ad-hoc arrangement beyond one year and release of pay and allowances for the same, without express approval of DoPT is not in order.

DoPT O.M. No.28036/8/87-Estt.(D) dated 30.03.1988, O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001 and OM No.28036/1/2012-Estt(D) dated 3.04.2013

23.6 **UPSC TO BE CONSULTED TO CONTINUE**

Periodical Reports To Be Furnished To UPSC**:**

Regulation-4 of the UPSC (Exemption from Consultation) Regulations, 1958, provide that if a temporary or officiating arrangement made by ad-hoc appointment to a post falling within the purview of UPSC is likely to continue for a period of more than one year from the date of appointment, the Commission shall immediately be consulted in regard to filling up of the post. For this purpose, the Ministries/Departments are required to furnish monthly and six-monthly returns to

the Commission showing all such Group 'A' and 'B' Gazetted appointments and promotions made without reference to the Commission. All the Ministries/ Departments are to ensure that requisite returns are furnished to UPSC as per the time schedule prescribed so as to monitor the ad-hoc appointments being resorted to without consulting UPSC.

[DoPT O.M. No.39036/02/2007- Estt.(B) dated 14.11.2008, OM No. 39021/1/94-Estt.(B) dated 22.07.1994 and No.28036/1/2012-Estt(D) dated 3.04.2013]

23.7 **AD-HOC APPOINTMENTS IN GP 'C' (AND ERSTWHILE GP 'D')**

Keeping in view the fact that Ministries/Departments are competent to frame/relax the recruitment rules for Group "C" (and erstwhile Group "D") posts, powers have been delegated to the concerned Ministries/Departments for appointing the officials to Group "C" (and erstwhile Group "D") posts on ad-hoc basis upto a period of 3 (three) years subject to following conditions

1. Ad-hoc appointment should be made only in rare cases in exigency of work.

2. The administrative Departments are empowered to frame/ amend recruitment rules in respect of Group C (and erstwhile Group D) posts keeping in view the guidelines issued by DOPT on various aspects. Only where any relaxation in the provisions of such rules governing age limit or qualifications for direct recruitment is involved, prior concurrence of DoPT is required. Therefore, the occasion for making ad-hoc appointment should arise only in very few cases of Group C (and erstwhile Group D) posts.

3. Departments may grant permission for ad-hoc appointment for one year keeping in view the instructions on the subject. Further extension of one year at a time upto two years may be granted with the approval of the Secretary concerned.

OM No.28036/1/2007-Estt.(D) dated 14 November, 2007

Chapter 24

STAFF CAR DRIVERS' PROMOTION SCHEME

24.1 **THE SCHEME**

24.1.1 The promotional scheme for Staff Car Drivers with the graded structure, devised in 1993, was as under:-

Sl. No.	**Grade**	**Basic grade**	**%posts**
(1)	Ordinary grade	Rs.950-20-1150-EB-25-1500	55
(2)	Staff Car Driver Gr.	Rs.1200-30-1440-EB-30-1800	25
(3)	Staff Car Driver Gr.I	Rs.1320-30-1560-EB-40-2040	20

24.1.2 A new grade called as "Special Grade" for Staff Car Drivers was introduced with effect from 8.11.1996. The revised ratio in which the Staff Car Drivers are placed in different grades is as below:-

Existing structure of Promotion Scheme for Staff Car Drivers			
Grade	**Pay Scale**	**Qualifying**	**% Ceiling**
Ordinary Grade	Rs. 3050-4590 (PB-1/ GP-1900)	Entry grade	30
Grade II	Rs. 4000-6000/ (PB-1/ GP-2400)	9 years of regular service in ordinary grade	30
Grade I	Rs. 4500-7000 (PB-1/ GP-2800)	6 years regular service in the Grade-II or a combined service of 15 years in Grade-II and in Ordinary Grade put together	35
Special Grade	Rs. 5000-8000/ (PB-2/ GP-4200)	3 years regular service in Grade-I	05

Dept of Personnel &Trg. O.M. No.22036/1/92-Estt(D) dated 30/11/1993, O.M. No.22036/1/92-Estt(D) dated 27/07/1995,O.M. No.35034/3/97-Estt(D) dated 01/06/1998,O.M. No.43019/54/96-Estt.(D) dated 15/02/2001, and O.M. No.43019/54/96-Estt(D) dated 22/08/2001

24.1.3 **CEILING WHERE CADRE STRENGTH IS LESS THAN 20**

In respect of cadres where the strength of Staff Car Drivers is between 10 and 19, this Department has agreed, as a special case, to allow placement of one post of Staff Car Driver in the special grade as the percentage fraction of post computed @ 5% of the total strength comes to

0.5 and above which may be rounded off to one. However, where the strength of Staff Car Drivers in a cadre/organization is below 10 and thus the percentage fraction is below 0.5, there can be no case for introducing the special grade. In such cases, only 3 grades (Ordinary Grade, Grade-II and Grade-I) can be introduced in the ratio of 30:30:40, by adding the quota of 5% to the Grade-I.

O.M. No.43019/54/96-Estt(D) dated 13/2/2002

24.2 **MACP SCHEME FOR STAFF CAR DRIVERS**

24.2.1 The Government of India on the recommendations of Sixth Central Pay Commission introduced Modified Assured Career Progression Scheme (MACPS) for the Central Government Civilian Employees w.e.f. 1.9.2008. This scheme envisages three financial upgradations counted from the direct entry grade on completion of 10, 20 and 30 years service respectively. Financial upgradation under the scheme is admissible whenever a person has spent 10 years continuously in the same grade pay. This Scheme is applicable to all regularly appointed Group "A", "B" & "C" Central Government Civilian Employees except Officers of the Organized Group "A" Service. Para 13 of Annexure I of the Scheme provides that existing time-bound promotion scheme, including in-situ promotion scheme, Staff Car Driver Scheme or any other kind of promotion scheme existing for a particular category of employees in a Department or its offices, may continue to be operational for the concerned category of employees if it is decided by the concerned administrative authorities to retain such Schemes, after necessary consultations or they may switch over to the MACPS.

24.2.2 Notwithstanding above, the benefits of the MACPS shall also be extended to the regular Staff Car Drivers of the Central Government Departments/Offices, as a fall back option, if they are unable to get promotion within the percentage based present system. In other words, the Staff Car Driver Scheme and the MACPS are running concurrently.

DOPT O. M. No. 35034/3/2008-Estt.(D) dated 19.5.2009 and OM No.35011/03/2008-Estt.(D)dated 30.07.2010

Chapter 25

MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS)

25.1 ASSURED CAREER PROGRESSION SCHEME OF 1999

25.1.1 On the recommendation of the 5th Central Pay Commission, the Government introduced Assured Career Progression Scheme for Central Government civilian employees to overcome the problem of genuine stagnation and hardship faced by employees due to lack of promotional avenues.

The Scheme envisaged two financial upgradation at intervals of completion of 12/24 years of service in the promotional hierarchy subject to fulfillment of promotional norms, if no regular promotion has been availed by an employee during the period. The Scheme was in operation since its inception w.e.f. 09.08.1999 upto 31.08.2008. Benefits of the Scheme was available to Group B, C and D employees including isolated posts in Group A,B, C and D categories which have no promotional avenues.

O.M. No. 35034/1/97-Estt (D) dated 09.08.1999

Clarifications Issued on ACP Scheme :

25.1.2 Consequent upon introduction of the Scheme, doubts raised on the provisions of the Scheme by various quarters were examined and point-wise clarifications were issued.

[O.M. No.35034/1/97-Estt(D)Vol.-IV) dated 10/02/2000; O.M. No.22034/4/99-Estt(D) dated 24/04/2000; O.M.No.35034/2/2001-Estt(D) dated 01/06/2001; O.M.No.35034/1/97-Estt(D) (Vol-IV) dated 18/07/2001; O.M. No.22034/5/2001-Estt(D) dated 20/08/2001; O.M.No.35034/1/2000-Estt(D) dated 12/09/2003 and O.M. No.35014/1/2003-Estt(D) dated 29/06/2004]

25.2 MODIFIED ASSURED CAREER PROGRESSION SCHEME(MACPS)

25.2.1 The Sixth Central Pay Commission in para 6.1.15 of its Report, has recommended for Modified Assured Career Progression Scheme (MACPS). The

Scheme is in supersession of previous ACP Scheme of 1999. The MACPS has come into force w.e.f. 01.09.2008 and the benefits of ACP Scheme of August, 1999 was admissible upto 31.08.2008. The MACPS envisages three financial upgradation in the immediate next higher grade pay of the Grade Pay hierarchy of the recommended revised pay bands and grade pay as given in Section I Part A of the first schedule of the CCS (Revised Pay) Rules, 2008, on completion of 10, 20 and 30 years of regular service counted from the direct entry grade either on direct recruitment or on absorption/re-employment basis. The Scheme is applicable to all posts belonging to Group "A' B and C employees whether isolated or not, except officers of the Organized Group "A" service.

O.M. No.35034/3/2008-Estt.(D) dated 19.05.2009

25.2.2 Clarifications Issued on MACP Scheme

Consequent upon introduction of the MACP Scheme, doubts raised on the provisions of the Scheme by various quarters were examined and point-wise clarifications were issued.

[O.M. No.35034/3/2008-Estt(D) dated 16/11/2009; O.M. No.35034/3/2010-Estt(D) dated 03/08/2010; O.M. No. 35034/3/2008-Estt.(D) dated 09/09/2010; O.M. No.35034/3/2008-Estt(D) dated 01/11/2010; O.M. No. 35034/3/2008-Estt.(D) dated 24/12/2010; O.M. No. 35034/9/2010-Estt(D) dated 10/02/2011; O.M. No.35934/10/2011-Estt(D) dated 13/06/2012; O.M. No. 35034/1/97-Estt.(D) dated 04/10/2012 and O.M. No. 35034/3/2008-Estt.(D)(Vol.II) dated 04/10/2012]

FAQs on MACPS

Frequently Asked Questions (FAQs) on the MACPS are available on the Department's websitehttp://www.persmin.nic.in/DOPT.asp

Chapter 26

NFSG TO THE ORGANISED GROUP 'A' SERVICES

26.1.1 Pursuant to the recommendations of the Fourth Central Pay Commission, the Non-Functional Selection Grade (NFSG) has been granted in all organised Group 'A' Central Services subject to the following conditions as prescribed/modified from time to time:-

(i) The number of posts in NFSG shall be equal to 15% of the senior duty posts (i.e. all duty posts at the level of Senior Time Scale and above in the cadre);

(ii) There shall be no increase in the overall strength of the cadre;

(iii) The officer shall first hold the post in the basic grade of Junior Administrative Grade (JAG) before he could be considered for appointment to NFSG;

(iv) Since NFSG is a segment of JAG, the strength in NFSG shall not exceed the number of posts available in JAG;

(v) No member (officer) of the Service shall be eligible for appointment to NFSG until he has entered the fourteenth year of service on the 1st January of the year calculated from the year following the year of examination on the basis of which the member was recruited;

(vi) Appointment to NFSG shall be made subject to suitability in terms of DoP&T O.M. No. 28038/1/88-Estt. (D) dated 09.10.1989 **(**Appendix-VIII**)**; and

(vii) Recommendation regarding appointment to NFSG shall be made by a Committee to be constituted internally.

[DOPT O.M. No. 19/1/86-PP dated 14.8.1987 , O.M. No. 19/1/86-PP dated 9.12.1987 ,O.M. No. 19/1/86-PP dated 6.1.1989, O.M. No. 1/11/98-CRD dated 9.11.1998 and O.M. No. 28038/1/88-Estt.(D) dated 9.10.1989]

26.1.2 As NFSG is a segment of JAG and is also 'non-functional' in character, appointment to NFSG is not promotion but merely placement in the higher pay-scale.

26.1.3 The matter relating to the percentage ceiling on NFSG was reconsidered by the Government and, in modification of the aforesaid condition (i) in paragraph 25.1.1 above, ceiling of 15% in the case of NFSG shall, has been increased to 30%. The other conditions noted in paragraph 1 above remain unchanged. Particular attention is invited in this connection to the conditions in paragraphs 25.1. (iii) and 1 (v).

26.1.4 However, these instructions do not apply in the case of organised Group 'A' Engineering Services governed by a separate set of instructions.

OM No. 22/1/2000-CRD dated June 6, 2000

26.2 **PROCEDURE TO BE ADOPTED BY THE INTERNAL COMMITTEE:**

For appointment to the Selection Grade in Group 'A' Services which is non-functional (NFSG), the following procedure and criteria shall be followed:-

(i) An internal committee will be constituted to review the cases of officers for "NFSG" and to make suitable recommendation.

(ii) The Committee shall consider the last five ACRs of the officers.

(iii) Ordinarily the Committee shall accept the final grading given by the Reporting/Reviewing/Accepting authority in each ACR unless there are good reasons to depart from that grading.

(iv) The Committee should satisfy itself that the overall performance of the officer was good and that he has at least two "Very Good" gradings in the last five ACRs. Such an officer would be considered suitable for NFSG.

(v) There should be no adverse entries in any ACR. If there are any adverse entries, it should be clearly brought out in the minutes as to why the officer has been proposed for NFSG in spite of the adverse entry.

(vi) The minutes should also include a certificate that there is no other factor or aspect affecting an officer which will disqualify him for grant of NFSG.

(vii) The Screening Committee may, in exceptional cases, recommend candidates for appointment to NFSG who do not strictly satisfy the above criteria provided they are considered deserving of grant of NFSG. In such cases the Screening Committee should clearly record the reasons for such recommendation.

DoP&T OM No. 28038/1/88-Estt.(D) dated 09.10.1989

Note:- SC/ST officers considered for being appointed in their turn to posts in the NFSG against available vacancies may be included in the select list even if they do not fulfil the criterion laid down in the aforesaid O.M. **No.** 28038/1/88-Estt.(D) dated 09.10.1989 provided they are not considered unfit by the Selection Committee.

DoP&T OM No. 28038/1/88-Estt.(D) dated 01.02.1990

26.3 **BENEFIT OF NBR FOR NFSG**

In the case of promotion to NFSG, there is no need to extend the select list beyond the actual number of Selection Grade Vacancies even when any of the officers included in the select list remains on deputation, since there is no functional need to fill the vacancy created by someone being away on deputation. Though the junior is not thus promoted to fill the NFSG vacancy, there should, however, be no objection to allow proforma promotion, as a special case, to an officer included in the select list while he is on deputation in public interest, without insisting on the normal conditions of NBR.

DoP&T OM No. 22038/1/88-Estt.(D) dated 22.11.1990

26.4 **APPLICATION OF SEALED COVER PROCEDURE**

26.4.1 The Internal Selection Committee, while considering the issue of grant of NFSG in accordance with the criteria laid down in this Department's O.M. no. 28038/1/88-Estt D dated the 9th October, 1989, shall also place the recommendations for grant of NFSG in a sealed cover, if the Officer (s) concerned are covered by any of the following three situations as on the 1st January of the relevant calendar year in which the case of the concerned officers matures for grant of NFSG, unless such meeting is held in advance of the relevant year in which case the date of the meeting of the Internal Selection Committee will be relevant:

a) Where the officer is under suspension;
b) Where a charge sheet has been issued and the departmental proceedings for disciplinary action are pending; and
c) Where prosecution for a criminal charge is pending in a court of law.

26.4.2 The same procedure will be followed by the subsequent Internal Selection Committees convened till the disciplinary case/criminal prosecution against the Officer concerned is concluded. On the conclusion of the disciplinary case/criminal prosecution, if it results in dropping of the case against the Officer, the sealed cover (or covers) shall be opened. In case, he is recommended for placement in NFSG, the same shall be allowed from the relevant year in which he has been recommended for grant of NFSG by the Internal Selection Committee. He shall also be entitled to arrears of pay and allowances for such period.

26.4.3 If, however, the disciplinary/criminal case against the government servant ends in a punishment/penalty, the findings of the Internal Selection Committee in the sealed cover/covers shall not be acted upon. The Officer's case for grant of NFSG may be considered by the next Internal Selection Committee held in the normal course subsequent to the date on which the pending case was decided against him. The Internal Selection Committee may decide on his suitability for NFSG in terms of the criteria laid down vide O.M. dated 9.10.89 and also having regard to the penalty imposed on him.

26.4.4 It is also clarified that as NFSG is a mere placement in a higher scale and non-functional in character, there is no functional requirement of another officer being allowed NFSG in place of the officer whose case is placed in the sealed cover by the Internal Selection Committee. Also, there is no requirement of allowing NFSG on ad-hoc basis to the officer whose case is placed in the sealed cover where the disciplinary/criminal case are delayed as his monetary interests are fully protected by the decision that in the event of his exoneration in the pending disciplinary/criminal case, he will be entitled to appointment in NFSG from the relevant year in which he has been recommended for grant of NFSG by the Internal Selection Committee, with arrears of pay and allowances.

DoP&T OM No. 22038/1/2002-Estt.(D) dated 08.1.2003

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Chapter 27

MODIFIED FLEXIBLE COMPLEMENTING SCHEME FOR SCIENTISTS

27.1.1 The principle of Flexible Complementing Scheme (FCS) under which the scientists are considered for promotion form one grade to next higher grade after a prescribed period of service on the basis of merit and ability irrespective of the occurrence of vacancy in the higher grade had been accepted by the 3rd CPC. It was however was introduced only in some of the Department/Organizations like the CSIR, ICAR, DRDO, Department of Space, Department of Atomic Energy and IMD.

Thereafter vide Department of Science and Technology D.O. No. DST/MS/1(45)/82 dated November 14/22, 1983, the Government approved and issued guidelines/norms for the introduction of the FCS in Scientific & Technological Departments. The Fifth Central Pay Commission made number of recommendations for modifying the existing FCS for scientists in operation in some of the Scientific Ministries/Departments of the Government of India and this Department, accordingly, vide O.M. No.2/41/97-PIC dated the 9th November, 1998 issued Flexible Complementing Scheme for Scientists in various scientific departments. There is also in position a separate merit based promotion scheme in the DRDO and the Departments of Atomic Energy and Department of Space.

27.1.2 The Sixth Central Pay Commission (6th CPC) recommended that the existing scheme of FCS with necessary modifications has to be continued for R&D professionals in all S&T organizations, and the merit based promotion scheme in the Departments of Atomic Energy, Department of Space and DRDO would also need to be persisted with. The Commission has, however, recommended certain features to be incorporated in the existing schemes of FCS and merit based promotion scheme so as to make them more relevant to the context. Consequent on recommendation of 6th CPC, a revised comprehensive scheme issued by DOPT under OM No. AB-14017/37/2008-Estt(RR) 10.09.2010. Assessment of Scientists from 01.01.2011 shall be done accordingly. The salient features of the Scheme are as under:

27.2.1 Flexible Complementing Scheme in position in certain scientific Ministries/ Departments/ Organizations of the Government shall continue, and promotions under the FCS shall be limited to posts carrying a grade pay of Rs.10,000 or lower. The merit based promotion scheme in the Departments of Space, Atomic Energy and DRDO shall also continue and promotions under the scheme shall be limited to posts carrying pay scale in HAG or lower.

27.2.2 All the posts covered under FCS shall carry the following uniform pay bands/ grade pay, designation and the minimum residency period linked to performance.

Sl. No.	Pay band & grade pay	Designation	Minimum Residency Period linked to Performance
1	PB-3(Rs.15600-39100) Grade PayRs.5400	Scientist B	3 years.
2	PB-3 (Rs.15600-39100) Grade Pay Rs.6600	Scientist C	4 years.
3	PB-3(Rs.15600-39100) Grade Pay Rs. 7600	Scientist D	4 years
4	PB-4 (Rs.37400-67000) Grade Pay Rs. 8700	Scientist E	5 years
5	PB-4 (Rs.37400-67000) Grade Pay Rs. 8900	Scientist F	5 years
6	PB-4(Rs. 37400-67000) Grade Pay Rs.10000	Scientist G	----

27.2.3 There shall be two level of assessment for FCS. The first one would be at internal level for screening purpose and next level assessment should have majority of external members.

27.2.4 The assessment board for judging should have majority of external members possessing expertise in the field. Greater emphasis to be placed on achievement as evaluated by an independent peer group rather than seniority. The revised assessment procedure as prescribed shall be followed by all scientific Ministries/ Departments for considering advancement under FCS.

27.2.5 The benefits of FCS shall be extended only in such Departments as are involved in creating new scientific knowledge or innovative engineering, technological or medical techniques or which are predominantly involved in professional research and development and / or application of scientific knowledge. The modified criteria for identifying departments as scientific and technical and parameters for determining scientific activities and services, scientists and engineers and scientific posts will be as in the Annexure II to this scheme.

27.2.6 In order to extend the benefit of the Flexible Complementing Scheme to other scientific departments, the criteria for identifying an organisation as scientific would be decided and notified by the Department of Science and Technology, keeping in view the definition given in this regard. For the organisations that are demanding the extension of FCS in their case, the administrative Ministry of such organisations shall satisfy itself that such institutions are scientific and technical institutions and the officers are scientists holding scientific posts and are involved in scientific and technical activities as defined in the FCS scheme and make its recommendations to the Department of Science and Technology. On receipt of such a request the Department of Science & Technology shall set up a Committee, which shall include eminent scientists relevant to the discipline, for examining the

proposal referred by the administrative Ministry concerned. Since it is not necessary that all the pay scales under the Flexible Complementing Scheme should be applicable in all the scientific organizations, as the size of the organization may not justify introduction of the entire group of scales, the Committee, while making its recommendation , would take a specific view as to the number of scales that should be operated in the organization as well as the appropriate residency period for ensuring an even pace of promotion. However, the progression under Flexible Complementing Scheme will only be as per scales indicated in the scheme. The recommendations of the committee shall be processed by the administrative ministry concerned and shall be considered in consultation with DoPT and Department of Expenditure.

27.2.7 If FCS is adopted by Autonomous Bodies, its implementation should not require ACC approval, as promotion/up gradation within autonomous Bodies does not come under the purview of ACC.

27.2.8 The modified ACP as approved for Central government civilian employees would also be applicable to scientists covered under FCS. This is expected to provide an alternate channel for development for scientists and is expected to maintain the rigors of assessment required for assessment under FCS.

27.2.9 Scientists/ Technical experts doing management/ administrative work in the Ministries should not be considered for up gradation under FCS, they should only be given benefit of up gradation under MACP.

27.3 Criteria for considering promotions under Flexible Complementing Scheme, identifying institutions/ organizations as scientific and technical, scientific activities and services, definition for Scientists and Engineers are covered in OM dated 10.9.2010.

27.4. Only such scientists would be eligible for promotion under the scheme, who not only possess the requisite qualifications, and are engaged in Scientific and innovative activities as distinct from the mere application of technical knowledge; and further, the function discharged by them are relatable/ identifiable to their academic specialization.

27.5. Promotions are effective from a prospective date after the competent authority has approved the same. This is the general principle followed in case of promotions and this principle is applicable in the case of in situ promotions under FCS as well. Giving the benefit of promotions from a retrospective date or from the date of completion of residency period without timely assessment as prescribed in FCS would dilute the spirit of FCS instructions on rigorous assessment and would be akin to granting of financial upgradation as in other such schemes. (DOP&T OM No.AB-14017/32/2002-Estt(RR) dated 17.7.2002 and No.AB-4017/36/2011-Estt(RR) dated 21.09.2012).

27.6. This Department has issued instructions in regard to the treatment of deputation period/foreign service/ leave towards minimum residency period for in situ promotions under the FCS vide OM No.2/41/97-PIC dated 15.11.2000 and No. AB-14017/38/2003-Estt(RR) dated 13.08.2013.

27.7. FAQ on FCS is posted on DOPT website vide No.AB-14017/35/2011 Estt.(RR) 23/09/2011.

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Chapter 28
NON-FUNCTIONAL UP-GRADATION
(For Organised Group 'A' Service Officers)

28.1.1 The 6th CPC recommended that whenever an Indian Administrative Services Officer of the State or Joint Cadre is posted at the Centre to a particular grade carrying a specific grade pay in Pay band 3 or Pay Band 4, the officers belong to batches of Organized Group A Services that are senior by two years or more and have not so far been promoted to that particular grade would be granted the same grade on non-functional basis from the date of posting of the Indian Administrative Service Officers in that particular grade at the Centre.

28.1.2 Consequent upon the acceptance of the recommendations of the Sixth Central Pay Commission, DOPT issued the instructions for grant of NFU in OM No. AB 14017/64/2008-Estt.(RR) dated 24.04.09. The orders regarding batch of the officers belonging to the Indian Administrative Service who have been posted at the Centre in the various grades of PB-3, PB-4 and HAG scale as well as the date of posting of the first officers belonging to the batchare issued by DOPT (Establishment Division) in consultation with Office of Establishment Officer from time to time. The cadre controlling authorities of an Organized Group A Services are required to carry out appropriate amendments in the Service Rules and also consider the cadre officers for grant of higher scale (i.e. pay band and/or grade pay)under these instructions w.e.f. 1.1.2006, wherever due and admissible.

28.2 The terms and conditions for grant of NFU shall be as under:

(i) The non-functional up-gradation granted under these orders will be based on empanelment and posting of particular batch of IAS officer in the Centre. Such up-gradation would not be linked to the vacancies in the grade.

(ii) The up-gradation granted under these orders will be a purely non-functional up-gradation, personal to the officer and It would not bestow any right to the officer to claim promotion or deputation benefits based on non-functional up-gradation in such a manner.

(iii) All the prescribed eligibility criteria and promotional norms including 'benchmark' for up-gradation to a particular grade pay would have to be met at the time of screening for grant of higher pay-scale under these orders.

(iv) A screening committee would be formed by the Ministry for implementation of these orders. There would be three members in committee so formed and they would at-least be one level above the grade for which up-gradation is being considered. Secretary of the Ministry concerned would chair the committee.

(v) All instructions concerning grant of non-functional up-gradation presently applicable in the case of grant of NFSG to officers of Group 'A' Services would apply in the event of penalty, disciplinary proceedings, suspension etc.

(vi) Orders will be issued with the approval of the competent authority. Grant of higher pay scale on the non-functional basis would be from the date of posting of the first officer belonging to the particular batch of IAS officer at the centre. In case of any delay in the issue of orders, financial benefits under these orders will be given from the due date.

(vii) (a) Pay fixation on grant of non-functional up-gradation under these orders will

be done as per the provisions of CCS (RP) Rules ,2008 i.e. the officers will be granted one increment at the rate of 3% of basic pay and the difference of grade pay will be added to their basic pay.

(b) As far as similarly placed officers of organized Gr. A Services, who are posted under the Central Staffing Scheme on the date of grant of NFU are concerned, they will be granted one increment on account of the non-functional up-gradation, but their grade pay will remain unchanged on the ground that they are holding a particular post with a specific grade pay under the Central Staffing Scheme. In such cases the officers granted non-functional up-gradation may continue to draw CDTA ,if admissible.

(viii) As and when the normal vacancies in the grade arise , the officer will be considered for regular promotions as per the normal DPC guidelines, based on the provisions of the recruitment rules. UPSC will be consulted wherever the rules provide for the same. However at the time of promotion, the pay in the grade will not be fixed again for officers who have been granted up-gradation under these orders.

(ix) Officers on deputation / study leave or any other duly sanctioned leave would also be considered and granted higher pay-scale on non-functional basis according to the prescribed procedure.

(x) Non-functional up-gradation to the next higher grade pay granted under the scheme is a fall back option only, to be applied in cases where officers of a particular Service have not been granted promotion to a particular grade in normal course according to the due procedure.

28.3. The definition of “Batch” for the purpose of grant of NFU and and other clarifications on the subject have been issued in this Department OM No. AB 14017/64/2008-Estt (RR) dated 25.09.09 and No. AB 14017/16/2010-Estt. (RR) dated 10.06.2010.

28.4. The benefit of NFU to Organized Group A Services shall not be applicable to the officers in those Organized Services where FCS and DACP Schemes are already operating and where officers are already separately covered by their own in-situ Career Progression Schemes.

OM No.AB. 14017/39/2009-Estt.(RR) dated 02.04.2012

28.5. FAQ on NFU is also posted on DOPT website vide OM No. AB 14017/47/2011-Estt (RR) dated 1.8.2012.

Chapter 29

PAY

29.1 **Initial appointment:**

The pay of a Direct Recruit shall be fixed as per Rule 8 of the CCS (Revised Pay) Rules, 2008. The pay scales for the commensurate grade pay are given in the Part 'A', First schedule to these Rules.

29.2 **Pay Protection:**

There is no rule, or general instructions providing for pay protection as such. This is found in various rules and instructions specific to the position covered in that rule or instruction. Position in respect of different situations is as follows:

(i) **Direct Recruitment**: Pay protection in the case direct recruits is covered under the provisions of FR 22 –B. Thus protection of pay in the case of a Direct Recruit is available only in a case where the individual held a lien to his old post on his confirmation in the old post. Moreover, as after the Sixth Pay Commission, the post is identified by the Grade Pay of the post, while his pay in the pay band would be protected in terms of FR 22-B, the officer gets only the Grade Pay of the post to which he has been appointed. As per the FR 22-B:

(a) The employee should have been appointed in another service or post either as a probationer or if he is appointed on probation with definite conditions, and is subsequently confirmed.
(b) During the probation, he shall draw the minimum of the pay scale or at the probationary stage of time scale.
(c) If he held a lien in a permanent post, or would have held a lien if it had not been suspended, he would receive the presumptive pay of the permanent post, if that were higher.
(d) On confirmation in the service or the post his pay would be fixed as per FR 22(I)(a)(1)* or FR 22(I)(a)(2)*
*Now under Rule 13 of the CCS(Revised Pay) Rules, 2008
(e) In the case of apprenticeship, he will be paid the stipend; however, if the pay of the permanent post to which he holds a lien is higher, he will get the pay of the permanent post.
(f) `No protection of pay would be given in case the previous appointment was in a temporary capacity. This means that he should have been confirmed in the earlier post.

(ii) **Technical Resignation:** In other cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay may be given in terms of the Ministry of

Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965. This protection is available in case the employee had been confirmed in the post and his application was forwarded through proper channel. In such cases the resignation is treated as a technical formality.

In terms of Department of Personnel and Training OM No. 13/24/92-Estt (Pay-I) dated the 22nd Jan., 1993, this protection was extended to those cases also, where the employee had applied for a post before joining the Government service. This is subject to the following conditions:

(a) The government servant should at the time of joining intimate the details of such applications.
(b) While submitting his resignation, the Government servant should specifically mentioned that he is resigning to join another post under Government/Government organisation and request that his resignation be treated as a 'technical resignation'.
(c) The authority should satisfy itself that if the Government servant had been in service, his application would have been forwarded.

(iii) Employee who seeks transfer to a lower post: Pay of an employee holding a post on regular basis, on transfer to a lower post, is required to be fixed under DoPT OM No. 13/9/2009-Estt (Pay-II) dated 21 January, 2009. The pay in the pay band of the individual would be protected; however he will get the Grade Pay of the lower post to which he has been appointed. Vide OM No.16/4/2012-Estt(Pay-I), dated 5 November, 2012, all Ministries/Departments have been requested to revise their terms and conditions of transfer to a lower post in the light of this OM.

These OMs are not applicable to appointments on deputation where no appointment of a Government servant in higher pay scale/Grade Pay is permitted to a post in lower pay scale/Grade Pay in Central Government.

(iv) Ad hoc appointments: Pay in a post held on ad hoc basis is not protected either under FR 22-B or the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 or OM No. 13/24/92-Estt (Pay-I) dated 22 January, 1993, or in the case of transfer to a lower post under FR 15-A, covered by DoPT OM No. 13/9/2009-Estt (Pay-II) dated the 21 January, 2009.

However, pay of an employee who is holding a post on ad hoc basis, and is reverted, will be protected if he is appointed to that post again on ad hoc or regular basis. Thus on again being promoted on ad hoc basis, he will not get less pay than what he was getting during his last appointment to that post.

(v) In case of deputation/ foreign service: The provisions for pay fixation are given in DP&T OM No. 6/8/2009-Estt. (Pay II), dated 17 June, 2010. These are:

(a) No deputation from one Central Government department to another department will be permitted if the applicant is in a higher Grade Pay/scale of pay than that of the ex-cadre post. Such deputation is not permitted in those cases also where the pay scales and Dearness Allowance in the parent cadre post and the ex-cadre post are similar.

Where the pay scale and DA in the parent cadre post and ex-cadre post are dissimilar no deputation/foreign service is permissible either to the Central Government or from it :

if the basic pay in the parent cadre + one increment + dearness allowance(s) + (interim relief if any), of the parent cadre post is more than the basic pay + dearness allowance(s) + (interim relief, if any), at the maximum of the pay scale of the ex-cadre post.

In the revised pay structure, the maximum of the scale would mean the sum of the Grade Pay of the ex-cadre post and maximum of the pay band PB 4 i.e. Rs. 67000.

For example, if the ex-cadre post is in the Grade Pay of Rs. 4200, then the maximum would be Rs. 71200 i.e. Rs. 4200 plus Rs. 67000 (maximum of PB 4).

(b) An employee who is holding a post on ad hoc basis is deemed to have vacated that post. On reversion from deputation/foreign Service, his pay will be fixed with reference to his pay in the substantive post. However, he will not get less pay than that he was getting in the ad hoc post before proceeding on such deputation/foreign service. No stepping up of pay will be allowed if his juniors are drawing more pay than him.

i. He will continue to earn increments in the pay of the substantive post during the period of deputation/foreign Service.
ii. He may opt for the pay of the post in the parent cadre+ the deputation allowance or the pay of the ex-cadre post.
iii. He may, however, change his option in case pay-scale of the parent cadre post or the ex-cadre post is revised.
iv. On his reversion to the parent cadre, his pay in the ex-cadre post is not protected.
v. In case the Grade pay of the ex-cadre post is upto Rs 10000, the Basic Pay should not at any time during the deputation be more than the maximum of the pay band PB-4+plus the grade pay of the deputation post. Thus an employee holding a deputation post in the Grade Pay

Rs. 10,000 cannot draw more than Rs.67000 +Rs 10,000= Rs 77000. For a post in the Grade Pay of Rs 87,00, the upper limit would be Rs 67000+Rs 8700=Rs 75700. In case the ex-cadre post is in the HAG or HAG+ pay scale, the Basic Pay can never exceed Rs. 79000 or Rs.80000 respectively.

vi. When pay structure and/ or DA pattern of the parent cadre post and the deputation post are not similar, the fixation is done as under:

(a) An increment is added to the substantive pay of the employee in the parent cadre post. If he was drawing pay at the maximum of the scale, an amount equal to his last increment would be added.
(b) DA/Additional DA/Interim Relief drawn in the parent cadre post will be added to (a).
(c) Basic Pay on deputation would be found by reducing the DA/ADA/interim relief etc admissible in the deputation from (b).
(d) The pay in the appropriate Pay Band may therefore be fixed after deducting the Grade Pay of the deputation post from (c).

vii In cases of appointments to a second or subsequent ex-cadre post(s) in a higher pay scale than that of the previous ex-cadre post, the pay may be fixed with reference to the pay drawn in the cadre post. If the pay so fixed is less than the pay drawn in the previous ex-cadre post, the difference may be allowed as personal pay to be absorbed in future increases in pay. This is subject to the condition that on both the occasions the employee should have opted to draw pay in the scales of pay/Grade Pay attached to the ex-cadre posts.

29.3 **Increment:**

(a)Under the CCS (Revised Pay Rules), 2008, as per Rule 10, an increment is granted on completion of six months in that scale as on 1st July of that year.
(b)An employee joining a post after 1st of January will get increment in that pay scale on the 1st of July of the next year, as he has not completed six months in that scale as on the 1st of July of that year.
(c) Leave other than EOL without medical certificate counts for increment.
(d) Period spent on deputation/foreign service counts for increment in the substantive post.
(c) An employee joining his post after 1st of July, after availing of leave other than leave on EOL without medical certificate, will get the increment on notional basis from 1st of July, but actual benefit from the date he joins, as the for the period of leave he is entitled to leave salary and not salary. The leave salary is equal to the salary he was drawing before proceeding on leave.

29.4 **Special Increments:**

Under FR 27, the authority empowered to create that post may, subject to general or special orders, grant a premature increment to a Government servant.

This power is invoked for specified purposes like in the case of family planning allowance, personal pay for achieving excellence in sports, advance increments to stenographers for acquiring higher speed etc. No benefit of premature increments under FR 27 may be allowed, unless it is permitted by any general or special orders of the nodal Ministry.

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Chapter 30

ANNUAL PERFORMANCE ASSESSMENT

30.1 **GENERAL GUIDELINES**

30.1.1 The performance of every Government servant is assessed annually (April- March) through his/her Annual Performance Assessment Report (earlier Annual Confidential Report), which is an important document providing the basic and vital inputs for assessing the performance of the Government servant and for assessing suitability for further advancement in his/her career on occasions like confirmation, promotion, selection for deputation, selection for foreign assignment etc. Performance appraisal is a tool for human resource development in order to enable a Government servant realize his true potential.

DoPT O.M. No. 12/2/84-PP dated 17December, 1986

30.1.2 The Reporting Officer, at the beginning of the year has to set quantitative/physical targets in consultation with each of the Government servants, whose reports he/she is required to write. Performance appraisal is meant to be a joint exercise between the Government servant reported upon and the Reporting Officer. While fixing the targets, priority should be assigned item-wise taking into consideration the nature and the area of the work. The APAR is initiated by the Government servant in the prescribed form supplied by the Department.

Do PT O.M. No. 12/2/84-PP dated 17 December, 1986

30.1.3 The performance is then assessed by the ''Reporting Officer'', who after completing his part of the Report submits it to his own superior, known as the ''Reviewing Officer'' for review. However, where a Government servant has only one supervisory level above him as in the case of personal staff attached to officers, the assessment will be at the level of Reporting Officer only. The officers at both Reporting and Reviewing levels are required to have at least three months experience of Supervising the work and conduct of the Government servant reported upon, before they can record their assessment on the performance of the Government servant.

DP&AR O.M. No. 51/3/74-Estt.`A' dated 22 May, 1975

30.1.4 While normally there should be only one Report covering the year of Report, there can be situation in which it becomes necessary to write more than one Report during a year. There is no objection to two or more independent Reports being written during a year by different Reporting Officers, subject to the condition that – each Reporting Officer has at least three months experience on which he can base his Report on the Government servant reported upon. Where more than one Report is written in the course of a year, each Report should indicate precisely the period covered by it. When a Report has to be written by a Reporting Officer, who is under transfer, it should be written at the time of transferor immediately thereafter and not deferred till the end of the year. The responsibility for obtaining the APAR from the Reporting Officer concerned in such cases will be that of the section handling the APAR.

DoPT.O.M. No. 51/5/72-Estt. `A' dated the 20th May, 1972

30.1.5 For a period of Report, where there is no Reporting Officer with the requisite experience to initiate the Report, the Reviewing Officer himself may initiate the Report as a Reporting Officer provided the Reviewing Officer has been the same for the entire period of Report and he is in a position to fill in columns to be filled in by the Reporting Officer. Where a Report is thus initiated by the Reviewing Officer, it will have to be submitted by him to his own superior for Review if there is a superior officer to him.

DoPT O.M. No. 21011/8/85-Estt.`A' dated 23rd September, 1985

30.1.6 Where a Reporting officer/Reviewing officer retires, he may be allowed to give the report on his subordinates within one month of retirement.

30.1.7 Where an officer has taken Earned Leave for a period of more than 15 days, the total period spent on leave can be deducted from the total period spent on any post, for the purposes of computing the period of 3 months which is relevant for writing of entries in the APAR. Leave taken for short term duration need not be treated as relevant for the purpose.

30.1.8 If a Reporting/Reviewing Officer is under suspension when the Annual Performance Assessment Report has become due to be written/reviewed, it may be written/reviewed by the officer concerned within two months from the date of his having been placed under suspension or within one month from the date on which the Report was due, whichever is later. An officer under suspension shall not be asked to write/review Annual performance Appraisal Reports after the time limit specified above. The Section entrusted with the maintenance of the APAR should take the necessary action to have such APAR completed.

DP&AR O.M. No. 21011/2/78-Estt. (A)dated 1st August, 1978

30.1.9 It is not necessary to maintain Annual Performance Assessment Report on existing Group D Government servants unless the maintenance of Confidential Report serves public interest, as for example, where the staff are employed on `sensitive work . Where the Annual performance Assessment Reports are dispensed with, punishments, including recordable warnings, commendations, etc. conveyed to the Government servants should be entered in their Service Books and these may be referred to as and when necessary.

DP&AR O.M. No. 35014/11/76-Estt. `A' dated 25th August, 1977

30.2 **CONTENTS OF APAR TO BE COMMUNICATED TO THE CONCERNED OFFICER**

30.2.1 The various processes in regard to completion of the APAR and its final taking on record from the reporting year 2008-09 are given below:-

(i) The full APAR including the overall grade and assessment of integrity shall be communicated to the concerned officer after the Report is complete with the remarks of the Reviewing Officer and the Accepting Authority wherever such system is in vogue. Where Government servant has only one supervisory level above him as in the case of personal staff attached to officers, such communication shall be made after the reporting officer has completed the performance assessment.

(ii) The Section entrusted with the maintenance of APARs after its receipt shall disclose the same to the officer reported upon.

(iii) The concerned officer shall be given the opportunity to make any representation against the entries and the final grading given in the Report within a period of fifteen days from the date of receipt of the entries in the APAR. The representation shall be restricted to the specific factual observations contained in the report leading to assessment of the officer in terms of attributes, work output etc. While communicating the entries, it shall be made clear that in case no representation is received within the fifteen days, it shall be deemed that he/she has no representation to make. If the concerned APAR Section does not receive any information from the concerned officer on or before fifteen days from the date of disclosure, the APAR will be treated as final.

(iv) The competent authority may consider the representation, if necessary, in consultation with the reporting and/or reviewing officer and shall decide the matter objectively based on the material placed before him within a period of thirty days from the date of receipt of the representation.

(v) The competent authority after due consideration may reject the representation or may accept and modify the APAR accordingly. The decision of the competent authority and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the decision of the competent authority by the concerned APAR Section.

DoPT O.M. No. 21011/1/2005-Estt.(A)(Pt-II) dated 14May, 2009

30.3 **CONTENTS OF ANNUAL PERFORMANCE ASSESSMENT REPORTS**

30.3.1 The form in which the Annual Performance Assessment Reports are recorded may vary between different departments and between different levels of responsibility within a departmental hierarchy depending upon the nature of work and duties attached to various posts. However, each Report should begin with the brief description of duties of the Government servant reported upon, the quantitative/physical targets/objectives set for him and his achievements against each target and shortfall with reference to the targets and the constraints encountered if any and items where the achievements have been significantly higher.

DOPT O.M. No. 12/2/84-PP dated 17 December,1986

30.3.2 From the reporting year 2009-10 onwards, the filling up of the APAR will be governed by the following guidelines:-

(i) There shall be a box in the APAR for reflecting by the reporting officer the pen picture of the officer reported upon where the reporting officer will be required to indicate his comments on the overall qualities of the officer including areas of strengths and lesser strengths and his attitude towards the weaker sections. A column will also be added in the section relating to the reviewing authority for giving the reviewing authority's remarks on the pen picture reflected by the reporting officer. There will be no other

separate column in the APAR for overall assessment apart from the pen picture.

(ii) The APAR will have a provision in the relevant section for remarks by the reviewing officer to indicate specifically the differences, if any, with the assessment made by the reporting officer, and the reasons therefore.

(iii)Numerical grading are to be awarded by reporting and reviewing authorities for the quality of work output, personal attributes and functional competence of the officer reported upon. These should be on a scale of 1-10, where 1 refers to the lowest grade and 10 to the highest. The guidelines given in **Annexure-I** shall be kept in mind while awarding numerical grading.

(iv)The format for the purpose of numerical grading for Group „A officers in the three areas of work output, assessment of personal attributes and assessment of functional competency is in **Annexure-II**. For Group B and C officials however, suitable changes may be made by the concerned cadre authorities in the items of assessment as per functional requirements of the job and the next promotional post for them. The overall grade on a score of 1-10 will be based on 40% weightage on assessment of work output, and 30% each for assessment of personal attributes and functional competency. The overall grading will be based on addition of the mean value of each group of indicators in proportion to weightage assigned.

(v) Wherever 'accepting authority'' has been prescribed in the existing system in the cadre, columns may also be provided for such authority to give his comments on the remarks of the reporting/reviewing authority and details of difference of opinion, if any, with reasons for the same. In such cases, the accepting authority will also give overall grade on a score of 1-10.

DoPTO.M. No. 21011/1/2005-Estt.(A)(Pt-II) dated 23rd July, 2009

(vi)There shall be a column in the APAR forms of all Group `A officers, indicating whether the officer had completed APARs of Group `A and `B officers working under him/her, in respect of the previous reporting year, within the stipulated time.

(Department of Personnel & Training O.M. No. 21011/4/2003-Estt.A dated 26th May, 2003)

30.3.3 With a view to ensure objectivity in reporting where the Government servant reported upon belongs to Scheduled Caste/Scheduled Tribe, the following column should be provided in the form of Annual Performance Assessment Report:

"If the Officer reported upon is a member of a Scheduled Caste/Scheduled Tribe, please indicate specifically whether the attitude of the Reporting Officer in assessing the performance of the Scheduled Caste/Scheduled Tribe officer has been fair and just."

(Department of Personnel &Administrative Reforms O.M. No. 21011/3/79-Estt.A dated the 25th July, 1979.)

30.3.4 There should also be a column in the Annual Performance Assessment Report form for enabling the Reporting Officer to give his specific comments on the attitude of the Government servant towards Scheduled Castes/Scheduled Tribes/Weaker Sections of the Society, his understanding and his willingness to deal with them.

(Department of Personnel & Administrative Reforms O.M. No. 12/2/84-PP dated the 17th December, 1986.)

30.3.5 In every form of Annual Performance Assessment Report there should be a column regarding integrity to enable the Reporting Officer to make his remarks on the integrity of the Government servant reported upon. The following guidelines should be followed in the matter of making entries in the column relating to integrity:-

a) Supervisory officer should maintain a confidential diary in which instances which create suspicion about the integrity of a subordinate should be noted from time to time and action to verify the truth of such suspicion should be taken expeditiously by making confidential enquiries departmentally or by referring the matter to the Special Police Establishment. At the time of recording the Annual Performance Assessment Report, this diary should be consulted and the material in it utilized for filling in the column relating to integrity. If the column is not filled on account of the unconfirmed nature of the suspicions, further action should be taken in accordance with the following -paragraphs.

(b) The column pertaining to integrity in the Character Roll should be left blank and a separate secret note about the doubts and suspicions regarding the Government servants integrity should be recorded simultaneously and followed up.

(c) A copy of the secret note should be sent together with the Character Roll to the next superior officer who should ensure that the follow up action is taken expeditiously.

(d) If, as a result of the follow-up action, a Government servant is exonerated, his integrity should be certified and an entry made in the Character Roll by the officer in-charge for maintaining the APAR. For the purpose of monitoring, the officer in-charge may keep a separate list of APAR where the integrity of an office has not been certified.

(e) If suspicions regarding his integrity are confirmed, this fact can also be recorded and duly communicated to the Government servant concerned.

(f) There may be cases in which after a secret report/note has been recorded expressing suspicion about a Government servant’s integrity, the inquiries that follow do not disclose sufficient material to remove the suspicion or to confirm it. In such a case, the Government servant’s conduct should be watched for a further period, and, in the meantime, he should, as far as practicable, be kept away from positions in which there are opportunities for indulging in corrupt practices and thereafter action taken as indicated at (d) and (e) above.

(g) There are occasions when a Reporting Officer cannot in fairness to himself and to the Government servant reported upon, either certify integrity or make an adverse entry or even be in possession of any information which would enable him to make a secret report to the Head of the Department. Such instances can occur when a Government servant is serving in a remote station and the Reporting Officer has not had occasion to watch his work closely or when a Government servant has worked under the Reporting Officer only for a brief period or has been on long leave etc. In all such cases, the Reporting Officer should make an entry in the integrity column to the effect that he has not watched the Government servant's work for sufficient time to be able to make any definite remark or that he has heard nothing against the Government servant s integrity, as the case may be. This would be a factual statement to which there can be no objection. But it is necessary that a superior officer should make every effort to form a definite judgment about the integrity of those working under him, as early as possible, so that he may be able to make a positive statement.

(Department of Personnel O.M. No. 51/5/72-Estt.`A' dated 20th May, 1972.)

(h) The remarks against the integrity column shall be made by the reporting officer in one the three options mentioned below:-

i) Beyond doubt

ii) Since the integrity of the officer is doubtful, a secret note is attached.

iii) Not watched the officer's work for sufficient time to form a definite judgment but nothing adverse had been heard against the officer's integrity.

30.4 **GUIDELINES FOR FILLING THE APAR BY REPORTING & REVIEWING OFFICERS**

30.4.1 Performance assessment should be used as a tool for career planning and training, rather than a mere judgmental exercise.

30.4.2 The period of absence from duty, on leave, training, or for other reasons, should also be mentioned.

30.4.3 All officers are required to develop a work plan for the year and agree upon the same with the reporting officer. The work plan should incorporate the relative annual work rhythm and budgetary cycle.

30.4.4 It is not necessary that the work plan should be entirely quantitative in nature. While for field level posts, the work plan would consist essentially of quantifiable targets, for secretarial level posts it would consist of policy objectives to be achieved etc.

30.4.5 The officer reported upon may be required to indicate specific areas in which he/she feels the need to upgrade skills and attend training programs. The

Reporting/Reviewing Officer may give specific comments on the requirement of skill up gradation for the officer reported upon and suggestions to achieve it.

30.4.6 There is an increased emphasis on competency building in the new performance assessment system. There would be a premium on competency and skill up gradation. Hence, all officers are advised to keep the cadre controlling authority informed, at least once in five years, of all educational and training programs attended, including the details of marks/grades secured in such programs, details of professional papers published.

30.4.7 It is expected that any grading of 1 or 2 (against work output or attributes or overall grade) would be adequately justified in the pen-picture by way of specific failures and similarly, any grade of 9 or 10 would be justified with respect to specific accomplishments. In awarding a numerical grade the reporting, reviewing and accepting authorities should rate the officer against a larger population of his/her peers that may be currently working under them or would have worked under them in the past.

30.4.8 Assessment of the performance of a Government servant at more than one level has been prescribed as a general rule with a view to ensure maximum objectivity. The Reviewing Officer should, therefore, consider it his duty to personally know and form his judgment of the work and conduct of the Government servant reported upon. However, the remarks of the Reviewing Officer himself should not be vague or self-contradictory to another remark given by himself in the APAR.

(Department of Personnel O.M. No. 5/5/72-Estt.(A) dated the 20th May, 1972.)

30.4.9 Where the Reviewing Officer is not sufficiently familiar with the work of the Government servant reported upon, so as to be able to arrive at a proper and independent judgment of his own, it should be his responsibility to verify the correctness of the remarks of the Reporting Officer after making such enquiries as he may consider necessary.

(Department of Personnel & Administrative Reforms O.M. No. 51/3/74-Estt (A) dated the 22nd May, 1975.)

30.4.10 As a corollary to the need for maintaining objectivity by a Reporting and Reviewing Officer, care should be taken to ensure that a close relative of an officer is not posted under the direct charge of that officer.

(Department of Personnel & Administrative Reforms O.M. No. 21011/3/78-Estt.(A) dated the 31st May, 1978.)

30.5 **TIMELY COMPLETION OF APAR**

30.5.1 Itis essential that APAR they are completed within a time-frame so that up-to date Annual Performance Assessment Reports are available at any given time. With this end in view, a time-schedule has been prescribed; and the same is included as **Annexure III** at the end of the Brochure. After the expiry of the first week of the time-schedule, if the self-appraisal is not received by that time,

Reporting Officer should take it upon himself to remind the officer to be reported upon in writing, asking him to submit his self-appraisal. If no self-appraisal is received by the stipulated date, the reporting officer can obtain another blank APAR form and proceed to write the report on the basis of his experience of the work and conduct of the officer reported upon. While doing so, he can also point out the failure of the officer reported upon to submit his self-appraisal within the stipulated time.

(DoP&T O.M. No. 35014/4/83-Estt.A dated the 23rd September, 1985.)

30.5.2 As cases continue to occur where confirmation, regular promotion, appointment to sensitive posts, etc., could not be considered in time because of non-availability of APARs for the relevant period, the matter of timely completion of APARs was further reviewed and it has now been provided that in case the APAR is not initiated by the Reporting Officer for any reason beyond 30th June of the year in which the financial year ended, he shall forfeit his right to enter any remarks in the APAR of the officer to be reported upon and he shall submit all APARs held by him for reporting to the Reviewing Officer on the next working day. Similarly, the Reviewing Officer shall also forfeit his right to enter any remarks in the APAR beyond 31st August of the year in which the financial year ended.

The Section entrusted with maintaining the APARs shall, while forwarding the APARs for self-appraisal with copy to the Reporting/Reviewing Officers also annex the schedule of dates. It shall also bring to the notice of the Secretary concerned in the case of Ministry/Department and the Head of the organization in the case of attached and subordinate offices, the names of those Group A and B Reporting Officers and Group A Reviewing Officers in the month of October after receiving the completed APARs who have failed to initiate/review the APARs even by 30th June or 31st August as the case may be. The Secretary in the Department/Head of the organization in the case of attached/subordinate offices may direct to call for the explanation of the concerned officers for not having performed the public duty of writing the APARs within the due date and in the absence of proper justification direct that a written warning for delay in completing the APAR be placed in the APAR folder of the defaulting officer concerned.

30.5.3 In case the remarks of the Reporting officer or Reviewing Officer as the case may be have not been entered in the APAR due to the concerned officer forfeiting his right to make any entry as per the provision in para 5.2 above, a certificate to this effect shall be added in his APAR for the relevant period. In case both the Reporting officer and Reviewing officer had forfeited their rights to enter any remarks, the APAR format with the self-appraisal given by the officer to be reported upon will be placed in his APAR dossier.

30.5.4 The instructions in para 30. 5.2 & 5.3 above shall be applicable for the APARs for the reporting period 2008-09 onwards.

(Department of Personnel & Training O.M. No. 21011/02/2009-Estt.A dated the 16th February, 2009.)

30.5.5 Wherever there is any gap in the APAR during a particular reporting period, it is the responsibility of the officer in-charge for maintaining the APAR to place a no report certificate indicating the reasons, e.g. the officer has not worked

for minimum 3 months under a reporting officer; he was on leave/training during the period; he was on unauthorised absence if it is a fact; the APAR could not be completed by lapse of the time limit for making remarks by the retired reporting/reviewing officer etc.

30.6 **SPECIAL PROVISIONS IN CERTAIN CASES**

30.6.1 While Annual Performance Assessment Report need not be written on officer appointed on honorary or purely part-time basis, they should be written on Government servants appointed on contract. As Annual Performance Assessment Report is an annual assessment of the work and conduct of every Government servant serving under the Government, the Annual Performance Assessment Report written on a Government servant appointed on contract can be the basis to assess his performance and to decide whether the contract may be renewed if the circumstances require extension of the contract.

(Department of Personnel O.M. No. 51/5/72-Estt. (A) dated the 20th May, 1972 and DP&AR O.M. No. 21011/1/84-Estt. (A) dated the 26th April, 1984.)

30.6.2 In the case of Government servants who are deputed to the United Nations or its Agencies, the following procedure should be followed:-

(a) Where there is no practice of writing periodical assessment reports by the concerned agency, it is not necessary to get Annual Performance Assessment Reports on Government servants on deputation to it. An entry, however, may be made in the Annual Performance Assessment Report dossier of the Government servant to the effect that he is on deputation to a U.N. Agency where there is no practice of writing Annual Performance Assessment Reports.

(b) In respect of Government servants working on deputation under the World Bank, Asian Development Bank and I.M.F., Annual Performance Assessment Report may be obtained through the Executive Directors, normally at the end of the tenure of the Government servants and, in special cases, when a Government servant is to be considered for promotion. Ministry of Finance

(Department of Economic Affairs) may be approached for obtaining such reports as and when required by any cadre authority.

(c) Annual Performance Assessment Reports in respect of past cases where the Government servant might have already returned from deputation need not be obtained.

(DP&AR O.M. No. 51/1/67-Estt.(A) dated the 19th October, 1974.)

30.6.3 In the matter of writing Reports on the Integrated Financial Advisers, the following procedure should be followed:-

(1) The Annual Performance Assessment Report on the Integrated Financial Adviser would be initiated by the Secretary of the Administrative Ministry/Department to which the Integrated Financial Adviser is attached.

(2) Where the Integrated Financial Adviser is attached to more than one Ministry/Department, the Secretaries in the Ministries/Departments concerned would write separate reports.

(3) The Secretary concerned in the Ministry of Finance would write a report on each of the Integrated Financial Advisers.

(4) The Reports referred to at (1), (2) and (3) above would then be submitted to the Minister in charge of the Administrative Ministry for a review.

(5) After review by the Minister(s) in the Administrative Ministry/Ministries, the report or reports would be submitted to the Finance Minister for his countersignatures.

(6) Where the Minister in the Administrative Ministry is the Prime Minister himself, the reports referred to at (1), (2) and (3) above would, in the first instance, be submitted to the Finance Minister for a review and thereafter submitted to the Prime Minister.

(DP& A.R. O.M. No. 21011/2/77-Estt.(A) dated the 22nd June, 1977)

30.6.4 In the case of Chief Controllers/Controllers of Accounts, whose reports are written by Integrated Financial Adviser and reviewed by the Secretary in the Administrative Ministry/Department, the Controller General of Accounts will communicate his remarks or observations, whenever he feels it necessary, to the Secretary concerned for incorporating the same in the Annual Performance Assessment Reports of the Chief Controller/Controller of Accounts. On receipt of such remarks from the Controller General of Accounts, the Secretary concerned, as the Reviewing Officer, may incorporate them, adding his own comments, if necessary.

(DP& A.R. O.M. No. 21011/2/79-Estt. `A' dated the 26th April, 1979.)

30.6.5 No Annual Performance Assessment Report need be obtained on Government servants deputed to foreign Governments (other than Government of Bhutan) on Contract assignments under bilateral arrangements and assignments under ITEC, SCAAP etc. A note may be kept in the Annual Performance Assessment Reports dossier of such a Government servant indicating that during the relevant period the Government servant concerned was on foreign assignment.

(DoP& T O.M. No. 1/5/86-FAS dated 3rd March, 1986)

30.6.6 In regard to Chief Vigilance Officer, who are working on a full time basis, their Annual Performance Assessment Reports shall be written by the Secretary of the Ministry/Department concerned. Thereafter, the Report would be reviewed by the Minister. As regards Chief Vigilance Officers working on a part-time basis in addition to other items of work, where the vigilance work forms the major part of the Government servant's work, the head of the Department would write the Annual Performance Assessment Report after obtaining the opinion of the immediate superior about the performance of the Government servants reported upon in the non-vigilance areas and thereafter the report would be reviewed in the

manner indicated above. Where the vigilance work forms only a small part of the work of the part-time Chief Vigilance Officer and he is mostly engaged on other work, the Reporting Officer in respect of the major items of work would record his assessment in respect of non-vigilance work and submit the same to the Head of the Department, who will not only review the Report but also add his remarks about vigilance work. The work of the Chief Vigilance Officer will also be assessed by the Central Vigilance Commissioner as provided in the Government Resolution setting up the Central Vigilance Commission.

(DoPT O.M. No. 122/2/85-AVD.I dated the 28th January, 1986).

30.6.7 In the case of Central Government servants who are deputed to other Departments, State Governments or are on Foreign Service, the Annual Performance Assessment Report should be maintained by their parent Departments and the periodicity of such confidential reports should be the same as in the parent Departments. It will be the responsibility of the parent Departments to obtain the reports of their officers on deputation and maintain them.

(Department of Personnel O.M. No. 51/5/72-Estt. `A' dated the 20th May, 1972

30.7 **MISCELLANEOUS MATTERS**

30.7.1 The maintenance and custody of the Annual Performance Assessment Reports will be regulated as follows:-

a) The Annual Performance Assessment Reports on Government servants of the organized services should be kept by the Ministry/Department/Office, which controls the service.

(b) The Annual Performance Assessment Reports of the Heads of Departments and their deputies, other than those in the IAAS where such Annual Performance Assessment Reports are kept by the Comptroller and Auditor General should be kept by the administrative Ministry concerned.

(c) The Annual Performance Assessment Reports on other Group `A and Group `B" Government servants should be kept by the Head of the Department or any other authority specified by him.

(d) The Annual Performance Assessment Reports on Group `C and `D Government servants (whenever maintained) should be kept by the authority specified by the Head of the Department.

(e) The Annual Performance Assessment Reports should not in any case be kept by an authority higher than the appointing authority.

(Department of Personnel O.M. No. 51/5/72-Estt.`A' dated the 20th May, 1972)

30.7.2 In order to give at one place, information regarding the qualifications acquired by a Government servant from time to time, various training courses attended by him etc. a History Sheet in the prescribed form should be added at the beginning of the Annual Performance Assessment Reports dossier. This History Sheet should be kept up-to-date by adding additional material as and

when it becomes necessary. In History Sheet of Group `A Government servants, a passport size photograph of the Government servant concerned should also be affixed at the right hand top corner.

(DP& A.R. O.M. No. 21011/2/76-Estt. `A' dated the 31st May, 1976; DoP&T O.M. No. 21011/9/85-Estt. `A' dated the 18th September, 1985.)

30.7.3 Whenever it becomes necessary to send the Annual Performance Assessment Reports dossier to an outside authority for purpose of selection, promotion, appointment etc., it would be advisable to keep the original Annual Performance Assessment Reports dossier with the cadre authorities and send out only a photocopy. If the Character Roll is required simultaneously at more than one place, the requisite number of photocopies may be prepared and sent. Care should also be taken to ensure that the photocopies are destroyed immediately after the purpose for which they were made has been accomplished.

(DoP&T O.M. No. 21011/1/85-Estt.`A' dated the 23rd August, 1985.)

30.7.4 Copies of Annual Performance Assessment Report dossiers or the substance of the Reports contained in the dossier should not be sent to private bodies in connection with any purpose whatsoever. However, where a request is received from a public undertaking or an autonomous body controlled by Government, a gist of the relevant Annual Performance Assessment Reports may be supplied, unless Government's own interest requires that the management of the public undertaking or autonomous body should see the Annual Performance Assessment Reports in full. In such cases, the full dossier may be furnished to the offices concerned after taking the orders of administrative Ministry/Department in the case of Group `A or Group `B Government servant.

(Department of Personnel O.M. No. 51/5/72-Estt. `A' dated the 20th May, 1972.)

30.7.5 Annual Performance Assessment Reports relating to deceased Government servants may be destroyed after a period of two years from the date of death. In the case of retired Government servants, the Annual Performance Assessment Reports dossiers may be retained for a period of five years after the date of retirement.

(Department of Personnel O.M. No. 51/5/72-Estt.`A' dated the 20th May, 1972.)

30.7.6 The practice of granting letter of appreciation or notes of commendation to Government servants and placing them in Annual Performance Assessment Reports Dossier should be discouraged except in the following cases:

(i) Letters of appreciation issued by the Government or a Secretary or Head of Department in respect of any outstanding work.

(ii) Letters of appreciation issued by special bodies or commissions or committees, etc. or excerpts of their Reports expressing appreciation for a Government servant by name.

(iii) Letters of appreciation from individual non-officials or from individual officials (other than a Secretary or Head of Department) may go into the Confidential Report if confined to expressing appreciation for services

rendered far beyond the normal call of duty and provided the Secretary or the Head of the Department so directs.

(iv) Appreciation of work should be recorded in Annual Performance Assessment Report rather than in letters of appreciation which do not give complete perspective of the Government servant's good and bad points.

(Department of Personnel O.M. No. 51/5/72-Estt. `A' dated the 20th May, 1972)

ANNEXURE-I

GUIDELINES REGARDING FILLING UP OF APAR WITH NUMERICAL GRADING

(i) The columns in the APAR should be filled with due care and attention and after devoting adequate time.

(ii) It is expected that any grading of 1 or 2 (against work output or attributes or overall grade) would be adequately justified in the pen-picture by way of specific failures and similarly, any grade of 9 or 10 would be justified with respect to specific accomplishments. Grades of 1-2 or 9-10 are expected to be rare occurrences and hence the need to justify them. In awarding a numerical grade the reporting and reviewing authorities should rate the officer against a larger population of his/her peers that may be currently working under them.

(iii)APARs graded between 8 and 10 will be rated as „outstanding and will be given a score of 9 for the purpose of calculating average scores for empanelment/promotion.

(iv)APARs graded between 6 and short of 8 will be rated as „very good and will be given a score of 7.

(v) APARs graded between 4 and 6 short of 6 will be rated as „good and given a score of 5.

(vi)APARs graded below 4 will be given a score of zero.

ANNEXURE II

Assessment of work output (weightage to this Section would be 40%)

	Reporting Authority	Reviewing Authority	Initial of Reviewing Authority
i)Accomplishment of planned work/work allotted as per subjects allotted ii) Quality of output iii) Analytical ability (iv)Accomplishment of exceptional work / unforeseen tasks performed Overall Grading on "Work Output			

Assessment of personal attributes (weightage to this Section would be 30%)

	Reporting Authority	Reviewing Authority	Initial of Reviewing Authority
i)Attitude to work ii)Sense of responsibility iii)Maintenance of Discipline vi)Communication skills v) Leadership qualities vi) Capacity to work in team spirit vii) Capacity to work in time limit viii) Inter-personal relations Overall Grading on personal attributes			

Assessment of functional competency (weightage would be 30%)

	Reporting Authority	Reviewing Authority	Initial of Reviewing Authority
i) Knowledge of Rules / Regulations /Procedures in the area of function and ability to apply them correctly. ii) Strategic planning ability iii) Decision making ability iv) Coordination ability v) Ability to motivate and develop subordinates Overall Grading on functional competency			

Annexure-III

Time schedule for preparation/completion of APAR
(Reporting year- Financial year)

S.No	. Activity	Date by which to be completed
1.	Distribution of blank APAR forms to all concerned (i.e., to officer to be reported upon where self-appraisal has to be given and to reporting officers where self-appraisal is not to be given)	31st March. (This may be completed even a week earlier).
2.	Submission of self-appraisal to reporting officer by officer to be reported upon (where applicable).	15th April.
3.	Submission of report by reporting officer to reviewing officer	30th June
4.	Report to be completed by Reviewing Officer and to be sent to Administration or CR Section/Cell or accepting authority, wherever provided	31st July
5.	Appraisal by accepting authority, wherever provided	31st August
6.	(a)Disclosure to the officer reported upon where there is no accepting authority (b) Disclosure to the officer reported upon where there is accepting authority	01st September 15th September
7.	7. Receipt of representation, if any, on APAR	15 days from the date of receipt of communication
8.	Forwarding of representations to the competent authority (a) where there is no accepting authority for APAR	 21st September 21

	(a) where there is accepting authority for APAR	06th October
9.	Disposal of representation by the competent authority within one month from the date of receipt of Representation.	
10.	Communication of the decision of the competent authority on the representation by the APAR Cell	15th November
11.	End of entire APAR process, after which the APAR will be finally taken on record	30th November

Chapter 31

TRANSFER AND POSTING

31. 1 Some Departments are having own guidelines for transfer/ posting of their employees depending upon the specific requirements of that Department. The Department of Personnel and Training (DoPT) has however issued guidelines on certain cases of transfer and postings which are as under:-

31.1.1 Posting of Physically Handicapped Candidates

"It may not be possible or desirable to lay down that physically handicapped employees belonging to Group-A or Group-B who have All India Transfer liability should be posted near their native places. However, in the case of holders of Group-C or Group-D posts who have been recruited on regional basis and who are physically handicapped, such persons may be given posting, as far as possible, subject to administrative constraints, near their native places within the region. Requests from physically handicapped employees for transfer to or near their native places may also be given preference".

DoP&T O.M. No. AB 14017/41/90-Estt (RR) dated 10th May, 1990

31.1.2 Posting of Government Employees who have mentally retarded children

"Considering that the facilities for medical help and education of mentally retarded children may not be available at all stations, a choice in the place of posting is likely to be of some help to the parent in taking care of such a child. While administratively it may not be possible in all cases to ensure posting of such an employee at a place of his / her choice, Ministries / Departments are requested to take sympathetic view on the merits of each case and accommodate such requests for posting to the extent possible".

DoP&T O.M. .AB 14017/41/90-Estt (R) dated 15th February, 1991

31.1.3 Posting of Husband and Wife at the same Station

When both spouses are in same Central Service or working in same Department and if posts are available, they may mandatorily be posted at the same Station.

i. Where the spouses belong to the same All India Service or two of the All India Services, namely IAS, IPS and Indian Forest Service (Group 'A').

ii. Where one spouse belongs to one of the All India Services and the other spouse belongs to one of the Central Services.

iii. Where the spouses belong to the same Central Service.

iv. Where the spouse belongs to one Central Service and the other spouse belongs to another Central Service.

v. Where one spouse belongs to an All India Service and the other spouse belongs to a Public Sector Undertaking.

vi. Where one spouse belongs to a Central Service and the other spouse belongs to a PSU. Where one spouse is employed under the Central Government and the other spouse is employed under the State Government.

Complaints are sometimes received that even if posts are available in the station of posting of the spouse, the administrative authorities do not accommodate the employees citing administrative reasons. In all such cases, the cadre controlling authority should strive to post the employee at the station of the spouse and in case of inability to do so, specific reasons therefor, may be communicated to the employee.

DoP&T O.M.No.28034/9/2009-Estt (A) dated 30th September, 2009

Chapter 32

JOINING TIME ON TRANSFER

32.1 The Central Civil Services (Joining Time) Rules, 1979 i.e., CCS (JT) Rules, are applicable to all Government servants appointed to Civil Services and posts under the Central Government, including work-charged staff but are not applicable to (i) Railway employees; (ii) Armed Forces Personnel and those paid from the Defence Services Estimates; (iii) Government servants engaged on contract and those who are not whole-time employment of Government; and (iv) Government servants paid out of contingencies.

30.2. These rules will apply in case of Railway employees, Armed Forces Personnel and those paid from the Defence Services Estimates and the employees of the State Government or any other organisation who are appointed to Civil Services and posts under the Central Government on deputation or on foreign service basis, unless different provisions are provided in terms of deputation/foreign service.

30.3. Joining time is granted to a Government servant on transfer in public interest. No joining time is admissible in cases of temporary transfer for a period not exceeding 180 days and only the actual transit time, as admissible in cases of journey on tour, may be allowed. The surplus staff transferred from one post to another under the Scheme regulating redeployment of surplus staff is eligible for joining time. The officials who are discharged due to reduction of establishment in one office and appointed in another office if the orders are received while working in the old post are eligible for joining time. If they are appointed to the new post(s) after discharge, the period of break may be treated as joining time without pay, provided it does not exceed 30 days, and the officials concerned have rendered not less than 3 years' continuous service on the date of his discharge. The permanent/temporary employees and permanent/provisionally permanent State Government employees on appointment on the results of a competitive examination/interview open to Government servants and others are entitled to joining time. However, joining time pay will not be admissible to temporary Central Government employees who have not completed 3 years of regular continuous service.

30.4. One day joining time is admissible to join a new post within the same station or which does not involve a change of residence. In cases involving transfer from one station to another and also involving change of residence, joining time will be admissible with reference to the distance between the old and new stations by direct route and ordinary mode(s) of travel, as given below:-

Distance between the old and new Headquarters	Joining time admissible	Joining time admissible where the transfer necessarily involves continuous travel by road for more than 200 km
1,000 km or less	10 days	12 days
More than 1,000 km and up to 2,000km	12 days	15 days
More than 2,000km	15 days*	15 days

*In cases of travel by air, the maximum joining time admissible is 12 days.

In the cases of stations in a remote locality, additional days of joining time over and above the number of days indicated will be granted under Rule 5(5).

30.5. Extension of joining time can be granted up to a maximum of 30 days by Heads of Departments and beyond 30 days by the Departments of the Government of India, based on the guiding principle that the total should be approximately equal to 8 days for preparation plus reasonable transit time plus holidays, if any following. Joining time may be combined with vacation, or leave of any kind or duration except casual leave. If an employee is ordered to join the new post at a new place of posting without availing full joining time to which he is entitled or he proceeds alone to the new place and joins without availing full joining time and takes his family later within the permissible period for claiming transfer T.A. the un-availed period, will be credited to his Earned Leave account. The EL at his credit together with the un-availed joining time shall not exceed 300 days. A Government servant on joining time shall be regarded as on duty during that period and shall be entitled to be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. During the joining time period the Government servant is entitled to DA, HRA and other compensatory allowances as applicable to the old station from which he was transferred. He shall not be allowed Conveyance Allowance or permanent Travelling Allowance.

30.6. Where any Ministry/Department of Government of India is satisfied that the operation of any of these rules causes undue hardship to any particular case, that Ministry or Department of the Government of India may by order, for reasons to be recorded in writing, dispense with or relax the requirement of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner, provided that no such order shall be made except with the concurrence of the Ministry of Home Affairs, Department of Personnel and Training. If any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India, Ministry of Home Affairs, Department of Personnel and Training.

30.7.1 A Government servant proceeding on leave from/to a place in the remote locality as mentioned in Department of Personnel & Training's O.M. No.19011/30/81-Estt.(Allowances) dated 17th September, 1984 or returning from leave to/from the said place shall be entitled, once in a calendar year, to transit time each way to cover the period spent in journey between the said remote locality and the specified station at the scale prescribed in Column 3 of annexure to the aforementioned O.M.

30.7.2 The concession is also admissible, while on leave, to a Government servant—

(a) who is domiciled in any part of India other than the remote locality concerned and has been specifically recruited from outside for service in remote locality, and

(b) who, though not specially recruited outside the Union Territory of the Andaman and Nicobar Islands or the Union Territory of the Lakshadweep, as the case may be, for service in the respective Union Territory, is domiciled in any part of India other than the Union Territory concerned.

A Government servant domiciled in the Union Territory of Andaman and Nicobar Islands or the Union Territory of Lakshadweep and proceeding on leave to his home town in another Island of the Union Territory concerned, shall be entitled, once in a calendar year, to transit time to cover the period spent in journey by sea to the island in which his home town is located and vice versa while returning from leave. The transit time thus admissible shall be the actual number of days taken in the journey by sea subject to a maximum of seven days for each journey. Where the outward journey falls in one calendar year and the return journey falls in the succeeding calendar year, the concession shall be counted against the calendar year in which the leave commences. In calculating transit time, holidays falling before or at the end of it shall be excluded while those failing during transit time shall be included.

A Government servant domiciled in the Union Territory of Andaman and Nicobar Islands or the Union Territory of Lakshadweep and recruited for service in the respective territory, when posted for service on mainland in public interest shall be entitled to joining time, once a year, while proceeding to and returning from the Union Territories of Andaman & Nicobar Islands and Lakshadweep on leave.

A Government servant, domiciled in any part of India other than Union Territory of Andaman and Nicobar Islands or the Union Territory of Lakshadweep and recruited whether within or outside that Union Territory for service there, while proceeding on leave from his post in another island in that Union Territory to his home town on the mainland to join his post in another island in that Union Territory shall be entitled to joining time on the same scale as provided in O.M. dated 17/9/1984.

When a Central Government servant posted in the remote areas spends his leave outside the Union Territory, the journey time from the place in the remote area to the specified station indicated in the annexure to the aforesaid O.M. and vice versa will be treated as free joining time if admissible under the O.M. and in addition, the remaining journey time if any, in excess of 2 days could be allowed as free joining

time under the provisions of Ministry of Finance's O.M. No.20014/3/83-E-IV dated 14 December, 1983.

Chapter 33

DEPUTATION AND FOREIGN SERVICE

33.1 **DIFFERENCE BETWEEN DEPUTATION AND FOREIGN SERVICE***:*

It is transfer on deputation when salary of the ex-cadre post is drawn from the Consolidated Fund of India/State/UT. Foreign Service on the other hand means service when pay is drawn from any source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory [Refer FR 9(7)].

For example, if a govt. employee goes to an autonomous body where the salary is not debited to the Consolidated Fund of India/State/UT then the appointment is termed as Foreign Service, otherwise it is called Deputation.

33.2.1 Deputation/foreign service refers to only transfers of temporary nature. They should also be outside the normal field of deployment, and in public interest.

DoPT O M No. 6/8/2009-Estt.(Pay II), dated 17 June, 2010.

33.2.2 The authority that controls the service or post to which a Government servant is transferred has the power to decide as to whether the transfer is outside the normal field of deployment.

33.2.3 Normal promotions of serving employees, and appointments of open market candidates whether on permanent or temporary basis, are not appointments on deputation.

33.2.4 As only transfers of temporary nature may be covered under the definition of deputation, any transfer on permanent basis would not be deputation.

33.2.5 A temporary appointment made on a *personal request* of the employee also is not deputation. An application for a duly circulated deputation post should not be construed as on personal request.

33.2.6 Arrangements necessitated by staff imbalances arising on re-organisation of offices (whether it is at the same or different stations), if such appointments are subject to the specific condition that no deputation (duty) allowance will be admissible in such cases.

33.3.1 As per para 2.1 of the OM, the OM applies to Central Government employees who are regularly appointed on deputation/foreign service in accordance with Recruitments Rules of the ex-cadre post. The provisions apply

to deputations from one department of the Government of India, to the other. They also apply to all cases of deputation on foreign service terms to local bodies and Public Sector Undertakings under the Central Government or State Governments, as also Autonomous Bodies.

33.3.2 Normally deputation of employees of Central Government on foreign service to Public Sector Undertakings is not permitted. Therefore, these orders would apply only in those cases where the PSU or the post has been exempted from the 'Rule' of permanent absorption, either through any general or specific orders.

33.3.3 Similarly these orders also apply to deputations on foreign service terms of employees of Public Sector Undertakings under the Central Government or State Governments to the departments of Central Government.

33.4 The OM.No.6/8/2009-Estt.(Pay II),dated17June,2010. does not specifically apply to:

- Members of All India Service
- Appointments under the Central Staffing Scheme
- Deputation to posts operated outside India
- Specific class of employees, on their appointments to certain specific posts for which there are separate orders. However, anything for which no specific order is made in such orders would be covered the OM dated 17.6. 2010.
- Appointments of the nature of deemed deputation or transfers to ex-cadre posts made in exigencies of service with the specific condition that no deputation (duty) allowance will be admissible - e.g. (i) interim arrangements in the event of conversion of a Government office/organisation or a portion thereof into a PSU/autonomous body or vice-versa; and (ii) appointments to the same post in another cadre.

  However, the terms and conditions set out in this O.M. will apply to these orders.

33.5 No deputation from one Central Government department to another department will be permitted if the applicant is in a higher Grade Pay/scale of pay than that of the ex-cadre post. This also applies to cases where the scale of pay and dearness allowance in the parent cadre post and ex-cadre post are similar.

33.6 No appointment on deputation/foreign service shall be made from/to Central Government/ an organisation where the pay scale and DA in the parent cadre post and ex-cadre post are dissimilar, if the basic pay in the

parent cadre increased by one increment plus dearness allowance(s) including interim relief if any, admissible to a person in the parent cadre post exceeds the basic pay plus dearness allowance (s) including interim relief, if any, at the maximum of the pay scale of the ex-cadre post. In the revised pay structure, the maximum of the scale would mean the sum of the Grade Pay of the ex-cadre post and maximum of the pay Band PB 4 i.e. Rs. 67000. For example, if the ex-cadre post is in the Grade Pay of Rs. 4200, then the maximum would be Rs. 71200 i.e. Rs. 4200 plus Rs. 67000 (maximum of PB 4).

33.7 **RATE OF DEPUTATION ALLOWANCE**

(a) In case of deputation within the same station, the allowance will be paid at the rate of 5% of basic pay subject to a maximum of Rs.2000 p.m.; and

(b) In other cases, Deputation (Duty) Allowance will be payable at the rate of 10% of the employee's basic pay subject to a maximum of Rs.4000/- p.m.

33.8 **ADMISSIBILITY OF ALLOWANCES AND BENEFITS**

(a) Such allowances as are not admissible to regular employees of corresponding status in the borrowing organisation shall not be admissible to the officer on deputation/ foreign service, even if they were admissible in the parent organisation.

(b) Following allowances will be regulated with mutual consent of the lending and borrowing organisation:

(i) HRA/Transport Allowance
(ii) Joining time and Joining Time Pay.
(iii) Travelling Allowances and Transfer T.A.
(iv) Children Education Allowance.
(v) LTC.

(c) Following Allowances/ Facilities will be regulated in accordance with the rules as explained against each:

(i) Dearness Allowance – The employee shall be entitled to dearness allowance at the rates prevailing in the borrowing organisation or in the lending organisation depending on whether he has opted for to draw pay in the pay scale/grade pay of the ex-cadre post or the parent grade plus deputation (duty) allowance.

(ii) Medical Facilities – This will be regulated in accordance with the rules of borrowing organisation.

(iii) Leave – An officer on deputation/ foreign service shall be regulated by the leave Rules of the parent organisation. If however an employee proceeds from vacation department to non-vacation department, or vice-versa, he shall be governed by leave Rules of the borrowing organisation.

At the time of reversion from the deputation post to the parent cadre, the borrowing organisation may allow him/ her leave not exceeding two months. The employee should apply for further leave to his cadre controlling authority.

33.9 **LEAVE SALARY / PENSION/ NPS CONTRIBUTION.**

(i) As at present, allocation of leave salary and pension contribution between different Ministries/ Departments of Central Government and between Central and State Government has been dispensed with. In such cases of deputation from Central Government to State Government and vice-versa, liability for bearing leave salary vests with the Department from which the officer proceeds on leave or which sanctioned leave and no contributions are payable to the lending organisation. Liability for pension/ employee's contribution to CPF will be borne by the parent department, to which the officer permanently belongs at the time of retirement and no proportionate contribution will be recovered.

(ii) In case of deputation of central Government employees on foreign service terms to Central Public Sector Undertakings/ State Public Sector Undertakings and Autonomous Bodies/ etc. leave salary contribution (except for the period of leave availed of on foreign service) and pension Contribution/ CPF (Employer's share) contribution are required to be paid either by the employee himself or by the borrowing organisation to the Central Government.

(iii) In cases of reverse deputation from Central Public Sector Undertakings/ State Public Sector Undertakings/ Autonomous Bodies to Central Government, the question regarding leave salary and pension contribution will be decided by mutual consent.
(iv) In case of reverse deputation, the employer's share of CPF would be paid either by the employee or the Central Government. A clear stipulation as to whether the employee or the Central Government would bear the liability should be made in the terms of deputation.
(v) In case of employees covered under New Pension Scheme (NPS), the borrowing department shall make matching contribution to the NPS account of the employee.

33.10 **TENURE OF DEPUTATION/ FOREIGN SERVICE***.*

33.10.1 The period of deputation/ foreign service is be as per the Recruitment Rules of the ex-cadre post or 3 years in case no tenure regulations exist for the ex-cadre post. . In case where the period of deputation/ foreign service prescribed in the recruitment rules of the ex-cadre post is 3 years or less, the

Administrative Department/ borrowing organisation may grant extension upto the 4th year after obtaining orders of their Secretary (in the Central Government)/chief Secretary (in the State Government)/ equivalent officer (in respect of other cases) and for the fifth year with the approval of the Minister of the borrowing Ministry/Department and in respect of other organisations with the approval of the Minister of the borrowing Ministry/Department with which they are administratively concerned. The borrowing Departments/ Organisations may extend the period of deputation upto the fifth year where absolutely necessary in public interest, subject to the following conditions:

(i) The extension would be subject to the prior approval of the lending organisation, the consent of the official concerned and wherever necessary, the approval of the UPSC/ State Public Service Commission and Appointment Committee of Cabinet (ACC).

(ii) If the borrowing organisation wishes to retain an officer beyond the prescribed tenure, it shall initiate action for seeking concurrence of lending organisation, individual concerned etc. six months before the date of expiry of tenure. In no case it should retain an official beyond the sanctioned tem unless prior approval of the competent authority to grant further extension has been obtained. No further extension beyond the fifth year shall be considered.

33.10.2 Where extension is granted up to the fifth year, the official concerned will continue to be allowed deputation (duty) allowance, if he /she has opted to draw deputation (duty) allowance.

33.11.1 In cases of appointment from one ex-cadre post to another ex-cadre post where the employee opts to draw pay in the scale of the ex-cadre post, the pay in the second or subsequent ex-cadre post should be fixed under the normal rules with reference to the pay in the cadre post only. However, in respect of appointments to ex-cadre posts carrying Grade Pay identical to that of the ex-cadre post(s) held on an earlier occasion(s), it may be ensured that the pay drawn in subsequent appointment should not be less than the pay drawn earlier.

33.11.2 In cases of appointments to a second or subsequent ex-cadre post(s) in a higher pay Scale/grade pay than that of the previous ex-cadre post, the pay may be fixed with reference to the pay drawn in the cadre post and if the pay so fixed happens to be less than the pay drawn in the previous ex-cadre post, the difference may be allowed as personal pay to be absorbed in future increases in pay. This is subject to the condition that on both the occasions, the employee should have opted to draw pay in the scales of pay/Grade Pay attached to the ex-cadre posts.

33.12 **COOLING OFF PERIOD:**

There shall be a mandatory 'cooling off' period of three years after every period of deputation/foreign service up to Joint Secretary level posts and one year for Additional Secretary level posts. In view of this provision, the Ministries/Departments should not sponsor name of any such officer who is not likely to complete the mandatory cooling off period by the time the officer is likely to be selected. Further, while sponsoring the name of any such officer who has not completed the mandatory cooling off period, they may inform the borrowing department that the officer will be relieved only after he/she completes the mandatory "cooling off" period.

33.13 **LIMITATION ON FOREIGN SERVICE**

A Central Government employee shall be eligible for deputation/ foreign service to posts upto the level of Director in State Government/ State Government Organisations/ Government of UTs/ Government of UT's Organisations/ International Organisations/ Autonomous Bodies, trusts, societies, PSUs etc. not controlled by the Central Government only after he has completed 9 years of service and is clear from the vigilance angle. For officers of the rank of Joint Secretary and above, appointments on deputation to an international organisation will be if the Secretary of the concerned Ministry categorically certifies that the officer has not used his official position to get the appointment. Such deputation/foreign service shall be limited to a maximum period of seven years in the entire service of a Central Government servant.

33.14 **EFFECT OF PROFORMA PROMOTION/MACP ETC**

If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post after getting proforma promotion, he may be allowed the pay in the pay band + Grade Pay of the post to which he is promoted, if he so opts. In such cases, extensions in deputation after an employee has received the proforma promotion may be considered as per the instructions cited above. Such extensions require consent of the individual and no objection of the lending department. Approval of the authority competent to sanction extension for the 4^{th} or the 5th year, and the approval of the UPSC/ State Public Service Commission and Appointment Committee of Cabinet (ACC), where applicable, is required to be obtained.

If he draws the pay in the pay band + Grade pay attached to the deputation post, on reversion to his parent cadre, his pay may be fixed by allowing him notional increments in his regular post in the parent department + the Grade pay attached to it.

If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post on getting financial upgradation under the ACP/MACP scheme, the officer may be allowed to draw the pay in the pay

band + Grade Pay to which he becomes entitled to under the ACP/MACPS, if opted for by him, as laid down in Para 27 of Annexure I to the DOPT OM No. 35034/3/2008 -Estt.(D) dated 19 May. 2009.

33.15 PREMATURE REPATRIATION

Normally, when an employee is appointed on deputation/ foreign service, his services are placed at the disposal of the parent Department at the end of the tenure. However, as and when a situation arises for premature reversion to the parent cadre of the deputationist, his services could be so returned after giving advance intimation of reasonable period to the lending Department and the employee concerned**.**

33.16 PROFORMA PROMOTION

33.16.1 Proforma Promotion or the Next Below Rule (NBR) flows from the letter dated 2nd April 1947 that reads as under:

> "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 a higher scale or grade borne on the cadre of the Service to which he belongs, he may be authorized by special order of the appropriate authority pro-forma 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 of his own volition to that scale or grade then the officer next junior to him not so passed over) draws officiating pay in that scale or grade.

33.16.2 As per the Ministry of Finance OM No F. 2 (25)-Estt.III/46 dated 2 April, 1947, and Ministry of Finance UO No. 5633-Pt.I /62 dated 3 October, 1962, the NBR should be applied with due regard to the following guidelines:

> (i) A purely fortuitous officiating promotion given to an officer who is junior to an officer outside the regular line does not in itself give rise to a claim of NBR.
> (ii) The expression "outside the ordinary line" 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".
> (iii) If Government has approved in any department a list of officers in order of merit for promotion to administrative rank or a Selection Grade, then that order will prevail as the order of seniority of the officers in the ordinary gradation list of their cadre.

One for one principle: As per the Department of Personnel and Training OM No. 8/4/84-Estt. (Pay-I) dated the 15th July, 1985, one of the basic principles is that all the seniors and at least one junior should have been promoted in the cadre besides the satisfaction of one for one principle.

33.16.3 The OM also provides an exception to this rule. In a case where all the seniors of the officer outside the line are promoted and there is no junior officer who is eligible for promotion, the proforma promotion may be allowed subject to the following conditions:

a) A post within the cadre remains unfilled for want of an approved junior, and

b) The vacancy caused in the cadre is not filled up by making ad promotion till the release of the next panel when juniors become eligible.

The benefit of officiating promotion under the 'Next Below Rule', should be allowed, subject to the fulfillment 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 benefits should not be allowed in respect of promotions against a chain of vacancies which taken together extend beyond 90 days.

33.16.4 Proforma promotion in the case of candidates promoted on passing a Limited Departmental Examination :

The candidates passing the Limited Departmental Examination may be allowed proforma promotion as follows : In the case of candidates who have passed the LDCE and their names have been recommended for promotion, proforma promotions may be allowed from the date their juniors in the cadre in the order of merit in the LDCE have been so promoted. This may also be allowed in case there is no junior on account of such candidate being the last in the order of ranks/merit from the date he would have received such promotion if he had been in his cadre. Provided it will be ensured that the conditions laid down in the Department of Personnel OM No. 8/4/84-Estt-(Pay-I) dated the 15th July, 1985 are strictly fulfilled and the principle of NBR based on overall seniority list of cadres is followed.

33.16.5 Training or instruction:

As an officer on training/instruction whether within India or abroad, is treated on duty, the officer may be given promotion from the date he would have been promoted, provided he has been approved for that promotion and all his seniors, except those unfit, have been promoted to that grade.

Ministry of Finance OM No. F 1 (7)-E.III (A)/78 dated 14 March, 1978

33.16.6 Deputation abroad:

As per Ministry of Finance OM No. F 2(1) E.III/60 dated 17 October, 1960, NBR shall not be admissible in case of a Government servant who is deputed for duty out of India to a regularly constituted permanent post, which is not part of his cadre. On his reversion to his parent cadre to a post which he would have held but for his deputation abroad, he will be deemed to have been promoted from the date he became entitled to the proforma promotion. His pay will be fixed notionally in the promotional post from the date of such entitlement, however, he will get actual financial benefits from the date he joins the promotional post.

33.16.7 NFSG in the case of AIS/ Organised service officers :

In case an officer has been granted NFSG in his cadre, he will be eligible to draw his grade pay from the date he has been granted the NFSG + deputation allowance. However, he will be designated as Director only from the 1st of July of the year in which he completes 14 years of service.

Ministry of Finance OM No. 1/1/2008-IC dated 26 March, 2009.

Chapter 34

CENTRAL DEPUTATION / FOREIGN SERVICE
(For Organized Group A and Group B Services Officers)

34.1.1. **Central Staffing Scheme (CSS)**

Posts that are to be covered:

Departments of Government of India, Union Public Service Commission, Election commission of India, Central Vigilance Commission and Central Information Commission.

Procedure to be followed for appointment:
Civil Services Board (below JS), with ACC approval for JS and above.

Tenure to be applicable

US level	- 3 years
DS level	- 4 years
Dir level	- 5 years
JS level	- 5 years
JS/AS level	- 7 years (Subject to 3 years in the second post, and also subject further to a minimum of 5 years in the Centre)
AS level	- 4 years
Secretary level	- no ceiling

34.1.2 **Non-Central Staffing Scheme posts:-**

34.1.2.1 Posts that are to be covered:
Autonomous Institutions wholly or substantially funded or controlled by the Central Government.

Procedure to be followed for appointment:

Search-cum-Selection Committee process as laid down in DoPT Office Memorandum No. 28/13/2006-EO(SM.II) dated 03/07/2006 & OM NO. AB 14017/11/2004-Estt(RR) dated 30/7/07, OR as per approved RRs OR as per statutory provisions for institutions covered by specific statues (with ACC approval for Chief Executives carrying pay scales of Rs.18400-22400 or above).

Tenure to be applicable: As provided under the Central Staffing Scheme.

34.1.2.2 Posts that are to be covered:

CVOs

Procedure to be followed for appointment:

From DOPT panel with concurrence of CVC and Ministry concerned (with ACC approval for JS and above), i.e. as per current procedure.

Tenure to be applicable:

Maximum of 5 years (A deputation of 3+3 years is permissible when an officer moves from one PSU to another).

34.1.2.3 Posts that are to be covered:

Central PSUs or PSUs of another State or PSUs wholly or substantially owned and controlled by two or more States.

Procedure to be followed for appointment:
Subject to exemption from Immediate Absorption Rule through PESB/Search Committee (with ACC approval for JS and above)

Tenure to be applicable: As provided under the Central Staffing Scheme.

34.1.2.4 Posts that are to be covered:

Constitutional Bodies or staff officers of Heads of Constitutional Bodies

Procedure to be followed for appointment:
Civil Service Board OR on request by name, subject to vigilance clearance and suitability (with ACC approval for JS and above)

Tenure to be applicable: As provided under the Central Staffing Scheme.

34.1.2.5 Posts that are to be covered:

Statutory Bodies set up by an Act of Parliament or Staff officers of Heads of such Statutory Bodies.

Procedure to be followed for appointment:
For appointment below JS level – through a Committee under the Chairmanship of Secretary (Personnel) with the approval of MOS(PP).
For appointment of JS and above level-through CSB with the approval of ACC.

Tenure to be applicable: As provided under the Central Staffing Scheme.

34.1.2.6 Posts that are to be covered:

Non-permanent, Non-Statutory Bodies with a specific term set up through executive orders/notification by the Central Government- like Administrative Reforms Commissions, Pay Commission, National Manufacturing Competitiveness Commission, Sachar Committee, Inquiry Commissions, etc.

Procedure to be followed for appointment:

Civil Services Board (with ACC approval for JS and above)

Tenure to be applicable: As provided under the Central Staffing Scheme.

Provided that, if an officer moves from a CSS to a non-CSS post, or vice versa, she/he shall be eligible for an additional tenure of two years, subject to at least two years on either post.

34.1.3 **Ex-Cadre Deputation.**

Posts that are to be covered:

To another post in Central Government/ State Government where Recruitment rules / regulations etc. exist and deputation is one of the methods of appointment.

Procedure to be followed for appointment:

With the concurrence of the cadre controlling authority, borrowing Department and with the approval of the authority competent for filling up the post.

Tenure to be applicable:

According to the provisions of DOPT OM no.2/29/91-Estt (Pay-II) dated the 5th January 1994 as amended from time to time.

34.2.1 **International Organizations.**

Posts that are to be covered:

i) UN Organizations.
ii) International Financial Institutions like World Bank, IMF, ADB, etc.
iii) Multilateral organizations of which India is a member, like IAEA,WTO, Commonwealth Organization, International Court of Justice, SAARC etc.

iv) Bilateral Bodies set up under the Vienna Convention i.e. Embassies and Bodies set up under them, like USAID, DFID, NORA, etc.

v) International NGOs or Funding Organizations from which India receives technical/financial assistance like International Red Cross Society, Action Aid, Aga Khan Foundation, Ford Foundation, etc.

Procedure to be followed for appointment:

A Committee under the Chairmanship of Cabinet Secretary with Secretary (Personnel), Finance Secretary will screen all proposals for deputation on foreign service terms of officers of the level of JS and above, on a case to case basis, after the proposals have been approved by the Cadre Controlling Authority. Such screening in the case of officers below the level of JS will be by a Committee chaired by the Secretary of the Cadre Controlling Ministry/Department with a member each, not below the level of JS from the DOPT and Department of Expenditure. A final decision on the recommendations of the Screening Committee may be taken at the level of Minister-in-charge in the case of officers holding posts below JS-level and with the approval of PM in the case of officers holding JS-level posts or above.

Provided that for appointment to posts listed at (iv), the Foreign Secretary or the MEA Secretary concerned shall also be a member of the Committee under the chairmanship of Cabinet Secretary for officers of JS and above level. For officers below JS level, a nominee of Foreign Secretary not below the level of JS would be included in the screening committee.

Provided further that for appointment to posts listed at (v), the concurrence of MHA shall be taken.

Tenure to be applicable:

Maximum of 5 years at stretch.

34.2.2 **Autonomous body, trust, society, etc. not controlled by the Government, or a private body.**

34.2.2.1 Posts that are to be covered:

(i) Registered Societies or Trusts or Foundations or non-profit organizations or NGOs or cooperatives;
(ii) Apex bodies of Industries and Commerce;

Provided that such autonomous or private bodies fulfil all four of the following criteria:

(a) they are functionally autonomous of the Central and State Governments;

(b) they are not substantially funded by the Central and State Governments;
(c) the Central or State Governments do not have powers to given them directions; and
(d) they are not companies (except Section 25 companies) registered under the Registration of Companies Act.

Provided further that deputation to Section 25 Companies shall be allowed only on standard government deputation terms.

34.2.2.2 Procedure to be followed for appointment:

A Committee under the Chairmanship of Cabinet Secretary with Secretary (Personnel) and Finance Secretary will screen all proposals for deputation on foreign service terms of officers of the level of JS and above, on a case to case basis after the proposals have been approved by the Cadre Controlling Authority. Such screening in the case of officers below the level of JS will be by a Committee chaired by the Secretary of the Cadre Controlling Ministry/Department with a Member each, not below the level of JS from the DOPT and Department of Expenditure. A final decision on the recommendations of the Screening Committee may be taken at the level of Minister-in-charge in the case of officers holding posts below JS-level and with the approval of PM in the case of officers holding JS-level posts or above

34.2.2.3 Tenure to be applicable:

Maximum of 5 years at a stretch.

Provided that total period of deputation under all categories under 34.2.1 &34. 2.2 shall not exceed a maximum of 7 years in the entire service".

34.2.3 The proposals for extension of deputation under para 2.1 and 2.2 of OM dated 29.2.08 shall be examined as per the conditions prescribed in OM dated 29.2.08. Since the requirement of 'cooling off' is to ensure that an officer does not stay away from his cadre for long stretches at a time, there shall be no objection if an officer on central deputation is permitted deputation under Rule 2.1 subject to the limit of approved Central Deputation tenure, without cooling off. The above shall be subject to the overall tenure ceilings prescribed under the consolidated guidelines of 29.2.08.

34.2.4 There shall be a mandatory 'Cooling Off' requirement after every period of deputation and foreign service. The length of 'Cooling Off' shall be 3 years for JS level and below, 1 year for AS level and nil for Secretary level.

34.3. **Terms and Conditions for Foreign Service**

34 3.1 The general principle of public interest shall be the overriding factor in deciding Foreign Service under this rule. The competent authority shall also see whether there is any enrichment of the experience of the officer by such deputation.

34.3.2 Officers who are on Foreign Service would run the disqualification of not being considered for empanelment under the Central Staffing Scheme during the currency of their foreign service and also till they earn ACRs on return to their cadre.

34.3.3 FCRA clearance shall be required for Foreign Service to an organization received foreign donations.

34.3.4 All such cases of Foreign Service shall be considered only with the consent of the officer concerned and the approval of the cadre controlling authority.

34.3.5 The Foreign Service will not be considered, under any circumstances, as a mandatory posting.

34.3.6 A Central Government Officer shall be eligible for Foreign Service only after he has completed 9 years of service.

34.3.7 A Central Government Officer shall be eligible for Foreign Service only if he is clear from vigilance angle.

3.8 For Foreign Service, the officer should not have dealt with the borrowing organization in the last five years.

34.3.9 An officer shall not be allowed to proceed to Foreign Service to organizations in which he or any of his blood relations is connected with the setting up/management of the Organization.

34.3.10 Mode of selection for the post may be based on advertisement, nomination or direct offer.

34.3.11 The limit of 5 years in one stretch and 7 years in the entire career for foreign service to organizations covered under Para 34.2.1 and 34.2.2 shall not be extended under any circumstances. The officer shall be deemed to have resigned from service in case he/she fails to join the Government within one month of completion of his/her approved tenure with the concerned organization.

34.3.12 While serving in Constitutional / statutory / multilateral or bilateral organization / international financial organizations, the officer shall be eligible to draw pay and allowances as per the scheme of the borrowing

organization. In the other organizations, the officer may opt for his grade pay or the pay of the post, whichever is beneficial to him.

34.3.13 While on Foreign Service, the service conditions of the officer shall continue to be regulated under the relevant Service Rules. Other terms and conditions may be in accordance with standard terms devised from time to time.

34.3.14 The provisions of paying to the Government 1/3rd of the amount of fee earned by the officer during short-term assignments with international organizations may also be removed. There will not be any distinction between international organizations and other national organizations in this respect.

34.3.15 Participation in the pension scheme – The officers on Foreign Service, except to Constitutional bodies, which may have their own regular pension schemes, shall not be permitted to join the pension schemes of the organization under any circumstances. A Central Government Officer may join the Pension scheme of the UN bodies in accordance with the relevant rules. On joining the same, the service rendered by the officer during the deputation period shall not be counted as qualifying for pension.

34.3.16 The entire expenditure in respect of pension and leave salary contribution for the period of foreign service shall be borne by the borrowing organization, failing which by the officer. However those allowed joining the pension schemes of the organizations mentioned above shall not be required to make pension contributions.

34.3.17 Performance appraisal / ACRs during the period of Foreign Service – The competent authority in the organization accepting the officer shall provide an ACR/Performance appraisal written in such form as prescribed under rules.

34.3.18 The terms and conditions of Foreign Service shall be finalized by the concerned administrative Ministry/Department, in accordance with the standard terms and conditions prescribed by the DOPT.

34.3.19 Notwithstanding anything above, the Government shall have the absolute right to refuse permission or recall an officer from Foreign Service.

34.3.20 An officer on Foreign Service shall be considered for promotion on his turn.

DOP&T OMs No.AB.14017/2/2007-Estt. (RR) dated 29.2.2008, dated 24.4.2008 and dated 28.3.2012

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Chapter 35

DEPUTATION (SHORT TERM CONTRACT)/ ABSORPTION

TERMS OF ABSORPTION AND DEPUTATION

35.1 The Recruitment Rules for a number of posts provide for appointment by Deputation (including Short Term Contract) and Absorption. “Absorption” and “deputation” are not synonymous and there is a substantial difference between “absorption” and “deputation”. Under the provision “Absorption”, the officer who will come, may be permanently absorbed in the post / grade. Such an “absorption” can be effected only in the “case of officers from the Central / State Government. Under “deputation including short-term contract”, an officer from outside can come for a limited period, by the end of which will have to revert to his parent cadre. Under Deputation or Absorption, suitable officers having the requisite qualifications and experience working in other Central Government Departments or State Governments are considered for appointment. “Short-term contract” is also a form of deputation and this applies to officers from non-Government bodies, e.g. Autonomous organizations, Statutory bodies, Universities, recognized Research Institutions, Public Undertakings, etc. for teaching, research, scientific and technical posts. The words ‘Transfer’ and ‘Transfer on deputation’ has been replaced with ‘Absorption’ and ‘Deputation’ respectively.

DOP&T OM No. AB.14017/2/97-Estt (RR) dated 25.5.1998.

35.2. In cases where the field of promotion or feeder grade consists of only one post, the method of recruitment by “deputation (including short-term contract) / promotion” is prescribed so that the eligible departmental officer is considered along with outsiders. If the departmental candidate is selected for appointment to the post; it is to be treated as having been filled by promotion; otherwise, the post is to be filled by deputation / short-term contract for the prescribed period of deputation / short-term contract at the end of which the departmental officer will again be afforded an opportunity to be considered for appointment to the post.

35.3.1 While providing for deputation (including short term contract)/ Absorption as a method of recruitment in the Recruitment Rules, the sources of recruitment (Central Government, State Government, Public Sector Undertakings etc.) and the categories and levels of officers (including pay band and grade pay) eligible for consideration including conditions of eligibility (i.e., number of years of service in a particular grade/pay band and grade pay) and the qualifications and experience required, if any, should be clearly specified in the recruitment rules.

35.3.2 The period of deputation/short term contract should also be clearly indicated in the following standard form:-

"Period of deputation/short term contract including the period of deputation/short term contract in another ex-cadre post held immediately preceding this appointment in the same or some other organization/Department of the Central Government shall ordinarily not exceed……..years".

OM No.AB-14017/71/89-Estt (RR) dated 3.10.1989

35.3.3 The maximum age limit for appointment by deputation (including short term contract) and absorption shall be not exceeding 56 years as on the closing date of receipt of applications by the UPSC or the Ministry/ Department/Office as the case may be.

No. AB-14017/48/92-Estt.(RR) dated 17.11.1992

35.4. **PROCEDURE TO BE FOLLOWED FOR APPOINTMENT BY DEPUTATION/ABSORPTION:-**

35.4.1. An accurate assessment of the vacancies to be filled by the above methods should be made sufficiently in advance so that the Ministries/Department will be able to follow the prescribed procedures properly.

35.4.2. Wherever the recruitment rules prescribe different sources of recruitment and where various categories of officers are eligible for being considered, the circulation of vacancies will be considered proper only where the Ministry concerned ensures that all such categories are tapped simultaneously. In other words, the Departments should not confine circulation of the vacancies to only one or two sources mentioned in the Recruitment Rules.

35.4.3. As a corollary to above para, wherever employees of the public sector undertakings/autonomous bodies and non-secretariat Offices are also eligible under the Recruitment Rules, the Administrative Ministry concerned should specifically request the Departments to circulate the vacancy to all such Organizations with whom they are concerned so that the requirements of the Recruitment Rules are duly met.

35.4.4. The vacancy circular should invariably be published in the "Employment News".

35.4.5. The minimum time allowed for receipt of nominations should be two months. If in a few cases where there are compelling reasons to fill up the vacancy on urgent basis, a shorter time limit, which should not be less than six weeks, may be prescribed with the approval of the Joint Secretary concerned.

35.4.6. All the salient features of the vacancy circular (e.g.,) qualifications and experience, officers eligible, last date for receipt of nominations as prescribed by the originating Department should invariably be published in the "Employment News". The various Ministries/Departments etc. may ensure that while releasing vacancy circulars and publishing the vacancies in the Employment News, a brief description of the duties attached to the post in question is invariably incorporated.

No. AB-14017/59/2007-Estt.(RR) dated 29.8.2007

35.4.7. The circular should be addressed to all the agencies or sources of selection specified in the Recruitment Rules. As a proof of having complied with this instruction, the Departments, should, while making a reference to the UPSC for selection, render a certificate to the Commission that the vacancy circular has been dispatched to all the agencies prescribed in the rules.

35.4.8. While calling for applications for appointment on deputation/absorption basis, the Ministries/Departments may call for the bio-data of the candidates in the prescribed proforma.

DOP&T OM No. AB. 14017/10/2000-Estt.(RR) dated 29.08.2005.

35.4.9. After circulation of the post, the proposal should be sent to the UPSC as early as possible and in any case within three months from the closing date for receipt of applications in the prescribed proforma. Further, the details of the applicants, both eligible and ineligible alongwith the Department's comments on their eligibility or otherwise should also be furnished in the prescribed proforma.

35.4.10. In the vacancy circular, it should be specifically mentioned that the candidates who apply for the post will not be allowed to withdraw their candidature subsequently.

35.5. CRUCIAL DATE FOR DETERMINING ELIGIBILITY

Where a post is required to be filled by Deputation (including Short Term Contract)/ Absorption, it is normally laid down in the recruitment rules that officers holding posts in a particular scale of pay who have completed specified years of regular service in the scale are eligible to be considered. The crucial date for determination of eligibility will be as follows:-

(i) In the case of a vacancy already existing at the time of issue of the communication inviting nominations, the eligibility may be determined with reference to the last date prescribed for receipt of nominations in the Ministry/ Department/ Organization responsible for making appointment to the post i.e. originating Ministry etc.

(ii) In the case where a vacancy is anticipated, the crucial date for determining eligibility should be the date on which the vacancy is expected to arise.

35.6. **ELIGIBILITY OF DEPARTMENTAL OFFICERS FOR APPOINTMENT ON DEPUTATION:**

In a situation where the field of promotion consists of only one post, the method of recruitment by Deputation (including Short Term Contract)/ Promotion is prescribed so that the departmental officer is considered along with outsiders. If the departmental officer is selected for appointment of the post, it is treated as having been filled by promotion. Otherwise, the post is filled by Deputation (including Short Term Contract) for the prescribed period. In other cases, where the field of promotion is adequate i.e. there are adequate number of sanctioned posts in the feeder grade, promotion is provided as the first method or certain percentage of vacancies is earmarked for Promotion and certain percentage for appointment by Deputation or Direct Recruitment. In such cases, departmental officers in the feeder grade are considered for promotion when they are fully qualified for discharging the responsibilities of the higher post and satisfy the eligibility criteria. If the departmental officer is not considered eligible or fit for promotion, it will not be proper to consider him again for appointment by deputation. Deputation is actually an appointment outside the normal line. It has, therefore, been decided that the departmental officer in the feeder category who, according to the provisions in the notified recruitment rules, are in direct line of promotion should not be considered for appointment by deputation. Similarly, the deputationists shall not be eligible for being considered for appointment by promotion.

35.7. **APPOINTMENT OF AN OFFICER ON ABSORPTION BASIS.**

35.7.1 Recruitment Rules for some posts prescribe inter-alia ‘Absorption’ as a mode of recruitment. ‘Absorption’ means permanent absorption in the post. Consultation with the UPSC is necessary in all cases of appointment by ‘Absorption’ to Group ‘A’ and Group ‘B’ posts. With a view to having a uniform approach and to enable the UPSC to consider proposals for absorption by ‘Absorption’ expeditiously, the following guidelines are laid down.

35.7.2 Cases of absorption fall into two categories viz.

a) Where Recruitment rules provide for appointment by Deputation/Absorption and the proposal is only to absorb an officer already selected on deputation.

b) Where Recruitment Rules provide for Deputation only at the time of initial selection of the officer concerned, but have been amended subsequently to include Absorption.

35.7.3 So far as the first category is concerned, the Commission will consider the proposals for absorption where the following conditions are fulfilled:-

i) The initial selection on deputation basis should have been made in consultation with the commission.

ii) The administrative Department should certify that there is no other deputationist in position appointed earlier to the officer now proposed for absorption, and in case there is any such person, he is not willing to be considered for appointment on Absorption basis.

iii) The person concerned and the lending authority have given their willingness for such permanent absorption.

iv) The original circular letter calling for nomination for deputation should have clearly mentioned the possibility of permanent absorption (i.e. Absorption).

35.7.4 In the second category of cases, i.e., where 'Absorption' has been provided in the Rules subsequent to the selection of a person on Deputation, the Ministries/Departments should re-circulate the post, clearly indicating 'Absorption' as a mode of recruitment and then only make a reference to the Commission. Such circulation will also be necessary in the other category of cases if the original circular letter calling for nomination for deputation did not clearly mention the possibility of permanent absorption vide (iv) above.

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Chapter 36

ABSORPTION IN CENTRAL PSUs/ AUTONOMOUS BODIES

36.1 Ministry of Finance (Bureau of Public Enterprises) issued instructions vide OM No.5(25)73 BPE (PESB) dated 6.3.1985 to the effect that save in the exceptional cases mentioned therein, deputation of Central Government servants to the Central Public Enterprises would not be allowed and the officers could join the enterprises only on immediate absorption basis.

36.2.1 The appointment of Government servants in the Central public enterprises is regulated as per the terms and conditions issued vide DOPT OM No.28016/5/85-Estt. (c) dated 31.1.1986.

36.2.2 Deputation of Central Govt. servants to the Central autonomous bodies is not allowed and the officers can join the autonomous bodies only on absorption basis.

DOP&PW OM No.4/12/85-P&PW dated 31.3.87

36.2.3 Subsequently, instructions were issued providing for relaxation of the rule of immediate absorption in respect of certain categories of posts in autonomous bodies. Consolidated instructions superseding all earlier orders on the subject were issued .

DOP&PW OM No.4/78/06-P&PW(D) dated 31.10.07.

36.3.1 The criteria for exemption of any particular category of posts from the Rule of immediate absorption should be non-availability of suitable persons for particular posts. The procedure to be followed pursuant to these guidelines will be that each Autonomous body should seek exemption from the general rule of immediate absorption in respect of any particular post or posts or in respect of the organization as a whole, the proposal should be made by the Autonomous body to the administrative Department concerned along with details for each post in proforma enclosed with the OM dated 31.10.2007. In the administrative Department the proposals may be scrutinized in accordance with the guidelines and only such proposals which have the approval of the Secretary of the administrative Department concerned may be referred to the Department of Pension and Pensioners Welfare, indicating the full justification for granting such exemption. After a post or categories of posts is so exempted the Autonomous body/Administrative Ministry concerned shall be competent to take decision in individual cases.

36.3.2 Exemption is generally permitted in respect of following categories of posts in Central Autonomous bodies:

a) Posts requiring specialized personnel in connection with scientific research or development of technology.
b) Posts in executive or senior management level i.e. post carrying a pay scale of not less than (Rs.12000-375-16500) in CAB having

very close inter-action with policies and programmes of the Government.

c) Posts where the nature of the work requires employment of Government officers for security reasons or vigilance purposes.
d) Posts in newly established/temporary organizations (upto a period of 5 years from the date of establishment).
e) Posts limited in number particularly in specialized fields where creation of a regular cadre is not feasible.
f) The number of posts to be exempted may be decided in each CAB on a case to case basis.

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Chapter 37

LIEN AND TECHNICAL RESIGNATION

37.1 **LIEN**

37.1.2 Lien represents the right/title of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefits of having a lien in a post/service/cadre is enjoyed by all officers who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post declared as having completed the probation where it is prescribed, or those who have been promoted on regular basis to a higher post where no probation is prescribed under the rules, as the case may be.

37.1.2. The above right/title will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service. For example, if a person who is confirmed or whose probation in a higher post has been declared as having been completed or one who is holding a higher post for which there is no probation on a regular basis, reverts from deputation or foreign service and if there is no vacancy in that post/service/cadre to accommodate him, the junior-most person will be reverted. If, however, this officer himself is the junior-most, he will be reverted to the next lower post/service/cadre from which he was earlier promoted.

O.M. No. 18011/1/86-Estt.(D) dated 28.03.1988

37.2 **LIEN ON A POST**

37.2.1 A Government servant who has acquired a lien on a post retains a lien on that post—

(a) while performing the duties of that post;
(b) while on foreign service, or holding a temporary post or officiating in another post;
(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;
(d) while on leave; and
(e) while under suspension.

37.2.2 A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

37.3 **RETENTION OF LIEN ON SELECTION**

37.3.1 If a permanent employee is selected on the basis of his application for posts in other Central Government Department/Offices/ State Government, his

lien may be retained in the parent department for a period of 2 years. If the employee concerned is not permanently absorbed within a period of 2 years from the date of his appointment in the new post, he should immediately on expiry of the period of 2 years either resign from the service or revert to his parent cadre. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.

37.3.2 When a Government servant has joined a department/office where he is not confirmed within a period of 2 years due to some reasons, he may, in exceptional cases, be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.

37.3.3 Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (3) and (4) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.

37.3.4 Temporary Government servants will be required to severe connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.

37.4 **TERMINATION OF LIEN**

37.4.1 A Government servant's lien on a post may in no circumstances be terminated even with his consent if the result will be to leave him without a lien upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post.

37.4.2 A Government employee's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne.

37.4.3 No lien of a Government servant shall be retained:

(i) where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and
(ii) on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

37.4.4 **TRANSFER OF LIEN**

The lien of a Government servant, who is not performing the duties of the post to which the lien retains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15.

37.5 **TECHNICAL RESIGNATION**

37.5.1 A resignation from the service or post entails forfeiture of entire past qualifying service. The exception is technical resignation which does not result in forfeiture of past service.

37.5.2 In cases where Government servant applied for post in the same or the other Departments through proper channel and on selection, they are required to resign the previous posts for administration reasons, the benefit of past service, if otherwise admissible under rules, is given treating the resignation as a "Technical Formality". Resignation submitted for other reasons or if competent authority has not allowed him to forward his application through proper channel is a resignation.

37.5.3 This benefit is also admissible to Government servants who applied for posts in same or other Departments before joining Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfilment of the following conditions:-

(i) the Government servant at the time of joining should intimate the details of such application immediately on their joining.

(ii) the Government servant at the time of resignation should specifically make a request, indicating the dates that he is resigning to take up another appointment under Government/ Government organisation for which he applied before joining the Government service and that his resignation may be treated a 'technical resignation'.

(iii) the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

OM No. 13/24/92-Estt.(Pay-I) dated 22.01.1993

37.6 **CONTINUITY OF SERVICE ON TECHNICAL RESIGNATION**

37.6.1 A permanent Government servant appointed in another Central Government Department/Office has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. Such resignations shall not be deemed to be resignation for the purpose of pension, if admissible. As a consequence, continuity of service benefits should be allowed to such employees in the matter of pension, leave, LTC, etc. as admissible under the rules.

37.6.2 In cases where Government servants, who had originally joined government service prior to 01.01.2004, apply for posts in the same or other departments and on selection they are asked to tender technical resignation, the past services are counted towards pension under CCS (Pension) Rules, 1972.

Department of Pension & Pensioners Welfare OM No. 28/30/2004-P&PW(B) dated 26.07.2005

Chapter 38

CASUAL LEAVE AND SPECIAL CASUAL LEAVE

38.1 Casual Leave (i.e. CL) and Special Casual Leave are not recognized form of leave and a government servant on Casual Leave and Special Casual Leave is not treated as absent from duty. Casual Leave is granted to a government servant for general purposes and Special Casual Leave is granted to a government servant for various identified special and specific purposes. The details regarding policy guidelines, the grounds for grant of such leave and entitlement/admissibility/ceiling etc. in respect of Casual Leave as well as Special Casual Leave contain in the Brochure uploaded on the Website of DoPT (www.persmin.nic.in) under the head Acts & Rules.

38.2 After the 6th CPC, 8 days Casual Leave can be granted to a government servant in a calendar year and additional benefit of 4 days leave shall be granted to the employees with disabilities in the form of Special Casual Leave in a calendar year for specific requirement relating to the disabilities of the official.

The contents of the Brochure except the entitlement of the total number of CL in a calendar year to a government servant remains unchanged.

[DoPT's OM No.25011/1/2008-Estt.A dated 19th November, 2008]

Chapter 39

FORWARDING OF APPLICATIONS FOR ANOTHER EMPLOYMENT

39.1 GENERAL GUIDELINES

These guidelines relate to forwarding of applications of Government servants as direct recruit for posts within the Central Government, State Governments, Autonomous/ Statutory Bodies, CPSEs etc. In a case in which a particular employee cannot be spared without serious detriment to important work in hand, public interest would justify withholding of his application even if otherwise the application would have been forwarded. When, for good and sufficient reasons, an application is withheld, no infringement of any Constitutional right is involved.

39.2 INTERPRETING THE TERM 'PUBLIC INTEREST'

a) The Heads of Departments should interpret the term 'public interest' strictly and subject to that consideration, the forwarding of applications should be the rule rather than an exception. Ordinarily, every employee (whether scientific and technical or non-scientific and non-technical personnel) should be permitted to apply for an outside post even though he may be holding a permanent post.

b) No distinction need be made between applications made for posts in a Department under the Central government, Autonomous Bodies or sub-ordinate offices, posts under the State Governments, posts in Public Sector Undertakings owned wholly or partly by the Central Government or a State Government and posts in quasi-Government organizations. They should all be treated alike so far as the forwarding of applications is concerned. If, however, a Government servant desires to apply for a post in a private concern, particularly in an organization with which he has had dealings in his official capacity, he should submit his resignation or notice of retirement, as the case may be, before applying for private employment**.**

c) For this purpose, "scientific and technical personnel", may be interpreted to mean persons holding posts or belonging to services which have been declared to be scientific or technical posts or scientific or technical service.

39.3 GENERAL PRINCIPLES FOR DEALING WITH SUCH APPLICATIONS

The general principles to be observed in dealing with such applications are as under:

a) Applications from purely temporary Government servants - Applications from such Government servants should therefore be readily forwarded unless there are compelling grounds of public interest for withholding them.

b) Applications from permanent Government servants – Both permanent non-scientific and non-technical employees as well as permanent scientific and technical employees could be given four opportunities in a year to apply for outside posts, except where withholding of any application is considered by the competent authority to be justified in the public interest. . A permanent Government servant cannot justly complain of hardship or harsh treatment if his application for any other post or employment is withheld.

c) Applications of Government servants who have been given some technical training at Government expenses after commencement of service - Such Government servant cannot justifiably complain of hardship if he is not allowed to capitalize the special qualifications so gained by seeking other better employment. Withholding of application in such a case is therefore justifiable.

d) Applications of Government servants belonging to Scheduled Castes and Scheduled Tribes, other than 'scientific and technical personnel – Applications for employment of temporary or permanent Central Government servants belonging to Scheduled Castes and Scheduled Tribes should be readily forwarded except in very rare cases where there may be compelling grounds of public interest for withholding such application. The withholding of application should be the exception rather than the rule in the case of employees belonging to Scheduled Castes and Scheduled Tribes who should be afforded every facility to improve their prospects.

e) Application of Government servants for employment in private business and industrial firm, etc. - Where a Government servant (including a temporary Government servant) seeks permission, to apply for such employment, he should submit his resignation or notice of retirement, as the case may be, before applying for private employment. He cannot complain of hardship if his application is withheld. While a person remains in Government service, the State can legitimately refuse to surrender its claim on his services in favour of a private employer.

39.4 APPLICATION FOR POSTS IN CENTRAL / STATE GOVERNMENT/ AUTONOMOUS BODY/ CENTRAL PSU ETC.

a) Applications from Government servants for employment elsewhere, submitted otherwise than in response to advertisement or circulars inviting applications, should not be forwarded.

b) The applications may be forwarded in accordance with the general principles given in preceding paragraphs, irrespective of whether the post applied for in the other department/office is permanent or temporary.

c) As for temporary Government servants they should, as a matter of rule, be asked to resign from the parent department/office at the time of release from the parent department/office. An undertaking to the effect that they will resign from the parent department/office in the event of their selection and appointment to the post applied for may be taken from them at the time of forwarding their applications. This procedure is to be followed even in case of a temporary Government servant applying as a direct recruit for a post in the same organisation.

d) In the case of permanent Government servants, their lien may be retained in the parent department/office for a period of two years incase of the new post being in the Central/state Government. They should either revert to the parent department/office within that period or resign from the parent department/office at the end of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other departments/office. In exceptional cases where it would take some time for the other department/office to confirm such Government servants due to the delay in converting temporary posts into permanent ones, or due to some other administrative reasons, the permanent Government servants may be permitted to retain their lien in the parent department/office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the permanent Government servants by the parent department.

e) Permanent Government servants on their being selected for appointment in an autonomous Body/ CPSE will have to resign before they are permitted to join the new organization. In their case no lien shall be retained and they will be governed by the orders issued by Department of Pensions & Pensioners' Welfare regulating mobility of personnel between Central Govt and Autonomous Bodies/ CPSEs etc.

f) The Terms of the bond need not be enforced in the cases of those who apply for appointment elsewhere, other than private employment, through proper channel. However, the obligations under the bond would be carried forward to the new employment. An undertaking to this effect may be obtained from the Govt. servant before he is relieved.

39.5 POSTS ADVERTISED BY UPSC

a) Where Government servants apply directly to UPSC as in the case of direct recruit, they must immediately inform the head of their Office/Department giving details of the examination/post for which they have applied, requesting him to communicate his permission to the Commission directly. If, however, the Head of the Office/Department considers it necessary to withhold the requisite permission, he should inform the Commission accordingly within thirty days of the date of closing for receipt of applications. In case any situation mentioned in para 6 below is existing, the requisite permission should not be granted and UPSC should be immediately informed of this fact as also the nature of allegations against the Government servant. It should also be made clear that in the event of actual selection of Government servant, he would not be relieved for taking up the appointment, if the charge-sheet/prosecution sanction is issued or a charge-sheet is filed in a court for criminal prosecution, or if the Government servant is placed under suspension.

b) It may be noted that in case of direct recruitment by selection i.e. "selection by interview", it is the responsibility of the requisitioning Ministry/Department to bring to the notice of the Commission any point regarding unsuitability of the candidate (Government servant) from the vigilance angle and that the appropriate stage for doing so would be the consultation at the time of preliminary scrutiny i.e. when the case is referred by the Commission to the Ministry/Departments for the comments of the Ministry's representatives on the provisional selection of the candidate for interview by the Commission.

O.M. No. 14017/101/91-Estt.(RR) dated the 14th July, 1993

c) When once the Administrative Authority has forwarded an application, it is mandatory that the Government employee concerned should be released to take up the new appointment. However, where subsequent to the forwarding of the application, but before selection if exceptional circumstances arise in which it may not be possible to release the official, the fact should be communicated to the Commission as well as to the official concerned. The decision not to release an official should be taken only where the circumstances referred to above are really exceptional.

39.6 WHEN APPLICATION SHOULD NOT BE FORWARDED

(a) Application of a Government servant for appointment, whether by direct recruitment, transfer on deputation or transfer, to any other post should not be considered / forwarded If-

(i) he is under suspension; or
(ii) disciplinary proceedings are pending against him and a charge sheet has been issued; or

(iii) sanction for prosecution, where necessary has been accorded by the competent authority; or

(iv) where a prosecution sanction is not necessary, a charge-sheet has been filed in a Court of law against him for criminal prosecution.

(v) where he is undergoing a penalty – no application should be forwarded during the currency of such penalty.

(b) When the conduct of a Government servant is under investigation (by the CBI or by the Controlling Department) but the investigation has not reached the stage of issue of charge-sheet or prosecution sanction or filing of charge-sheet for criminal prosecution in a court, the application of such a Government servant may be forwarded together with brief comments on the nature of allegations and it should also be made clear that in the event of actual selection of the Government servant, he would not be released for taking up the appointment, if by that time any of the situations in (a) above arises.

O.M. No. 14017/101/91-Estt.(RR) dated the 14th July, 1993

39.7 POST ADVERTISED BY CENTRAL PSUs/ AUTONOMOUS BODIES

a. Applications of Central Government Servants in response to press advertisement for posts in Central Public Enterprises/Autonomous Bodies may be forwarded with a clear understanding with the employee that in the event of their selection for the post applied for they will sever their connections with the Government before joining the Public Sector Undertakings/ Autonomous Bodies. No lien shall be retained in such cases.

b. The relieving order should indicate the period within which the official should join the Public Sector Undertaking/ Autonomous Body. Normally this period should not be more than 15 days. This period may be extended by the competent authority for reasons beyond the control of the official.

c. Necessary notification/ orders accepting the resignation of the Govt. servant from Govt. service should be issued from the actual date of his/her joining the Public Sector Undertaking/Autonomous Body. The period between the date of relieving and the date of joining Public Sector Undertaking/ Autonomous Body can be regulated as leave of the kind due and admissible and if no leave is due, by grant of extra ordinary leave. In case he/she is not able to join the Public Sector Undertaking/Autonomous Body within the period allowed by the competent authority, he/she should report back to the parent office forthwith.

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Chapter 40

ENFORCEMENT OF BOND

(IN RESPECT OF CENTRAL GOVERNMENT AND PUBLIC ENTERPRISES EMPLOYEES, WHO LEAVE SERVICE TO SECURE EMPLOYMENT ELSEWHERE)

40.1 Government servants who have received scientific and technical training at Government expense are often required to execute a bond, undertaking to repay the money in the event of their failure to serve the Government for a specified number of years after completion of their training.

40.2.1 The bond should be enforced against those Government servants only, who leave Government service in order to secure private employment. The terms of the bond may not be enforced in this case of Government servants, who leave Government service to, secure employment, under a State Government, a public sector undertaking, owned wholly or partly by the Central Government or by a State Government, or a quasi- Government organisation. In such cases, a fresh bond is to be taken from such Government servants to ensure that they served the new employer for the remaining period of the bond.

40.2.2 The terms of bond executed by an employee of a Public Enterprise, who has received scientific/technical training at the cost of the Enterprise, should not be enforced in case he joins the Central Government a State Government, a quasi-Government organisation or another Public Enterprises, subject to the condition that a fresh bond is taken to ensure that the employee serves the new employer for the balance of the original bond period.

BPE O.M. No. BPE/GL -017/77/MAN/2(11)/75-BPE (GM-I), dated 13.6.1977

40.2.3 For the purpose of the above instructions, any employment other than the employment under the Central Government, a State Government, a public Enterprise wholly or partly owned by the Central Government or a State Government, or an autonomous body wholly or substantially owned/ financed/ controlled by the Central Government, will be treated as private employment.

40.2.4. While the instructions referred to above cover the employees of the Central Government and those of Central Public Enterprises, they do not automatically apply to the employees of autonomous bodies, wholly or substantially owned/ financed/ controlled by the Central Government. Though such autonomous bodies generally follow the instructions of the Government of India in regard to service conditions of their employees, realising that these employees are sometimes put to undue hardship in the absence of instructions specifically applicable to them, regarding exemption from enforcement of bond as referred to above, the facility of exemption

from the enforcement of bond, as it is available to the employees of the Central Government and those of Central Public Enterprises, is also extended to the employees of autonomous bodies, wholly or substantially owned/financed/controlled by the Central Government, in case they leave the service of the autonomous body in order to secure employment other than private employment as defined in paragraph 4 above.

40.2.5 Therefore, terms of the bond (which a Central Government, an employee of a Central Public Enterprise or an employee of an autonomous body wholly or substantially owned/ financed/ controlled by the Central Government, receiving scientific and technical training at the expense of the Government/ Enterprise/ autonomous body has to execute, undertaking to repay the money in the event of his failure to serve the Government Enterprise/ autonomous body for a stipulated period after completion of his training) should not be enforced against an employee, who leaves service of the Government/ Enterprise/ autonomous body to secure, with proper permission, employment under the Central Government, or a State Government, or an autonomous body wholly or substantially owned/financed/ controlled by the Central Government. In such a case, a fresh bond should be taken from the person concerned to ensure that he serves the new employer for the balance of the original bond period.

For this purpose, the word 'training' cover all aspects of training including apprenticeship and thus the exemption from recovery of expenses applies to all types of expenditure - direct or indirect - including payments made as training allowance or stipend.

40.3.1 To ensure that the requirement of obtaining a fresh bond from a person, where necessary, is fulfilled, the department/organisation etc., with whom the employee has executed the original bond, may, at the time of forwarding of his application (and if it is not possible, before his release) for another post, may write to the department/organisation etc., under whom the employee intends to take up another appointment, intimating them about the bond obligation of the individual and clarifying that in the case of his selection for the new post, his release will be subject to the condition that the new department/ organisation etc. take from him a fresh bond binding him to serve them for the balance of the original bond period, and in case he fails to serve the new department/organisation etc, or leaves it before completion of the original bond period, for a job, where exemption from bond obligation is not available, the proportionate bond money should be realised from the individual and refunded to the first department/organisation etc. with whom he originally executed a bond. The Ministry/Department /Organisation where the person is newly employed should also duly intimate the original Ministry/Department/Organisation, the fact of a fresh bond having been executed with the person concerned.

40.3.2 These instructions also apply to cases where and employee of the Central Government / a Central Public Enterprises / an autonomous body, wholly or substantially owned / financed / controlled by the Central Government has been selected for a post / service (other than private

employment), for which he had applied before joining the department/ organisation etc., with whom he has executed a bond.

40.4 **BOND OBLIGATIONS – GRANT OF STUDY LEAVE**

40.4.1 The Chapter VI of the Central Civil Services (Leave) Rules, 1972 contain provisions of rules 50-63, which regulate grant of Study Leave and Study Allowance to Government servants covered under the said rules in view of stipulations contained in rule 2 thereof.

40.4.2 The Study Leave is granted to a Government servant with due regard to exigencies of public service for pursuing higher studies or undergoing specialized or technical training in the areas closely connected to the sphere of duties of a Government servant, which may enrich and widen his/her mind in a manner likely to improve the abilities of such civil servant and equip him/her to collaborate with those employed in other branches of public service. Such leave can be granted for pursuing a course in India or abroad.

40.4.3 The sanction of study leave inter alia, in terms of provisions of rule 53(4) spells out a stipulation, that a Government servant who is permanent employee or otherwise and who has been granted Study leave or seeks extension thereof, is required to execute a Bond in the either of the four prescribed forms (Forms 7, 8, 9 or 10), as may be relevant.

40.4.4 The obligation flowing from the Bond so executed is to place onus on the Government servant to put in service of 3 or 5 years as the case may be, in terms of provisions of rule 51 of the said rules. Any failure in adherence to the said legally binding commitment may entail payment by the Government Servant of the expenses incurred by the Government, with respect to such higher studies, for which study leave has been granted, by way of leave salary, study allowance or any other benefit allowed to such Government servant during the study leave, with interest thereon, as per rates as applicable to Government loans at the relevant point of time. The situations where the obligations of the Bond are activated are as follows:

a) The Government servant, who is granted study leave or extension thereof, fails to resume duty after expiry of the Study Leave; or

b) The Government servant, who is granted study leave or extension thereof, resigns fails to resume duty after expiry of the Study Leave; or

c) The Government servant, who is granted study leave or extension thereof, otherwise quits service without returning to duty after the expiry or termination of the period of study leave; or

d) The Government servant, who is granted study leave or extension thereof, fails to complete the course of study;

40.4.5 The financial liability which may flow from the said Bond is required to be quantified and reflected in the Bond prior to its execution. The said

Bond shall in all respects be governed by the law of the land and the rights and liabilities thereunder shall, where necessary be accordingly determined by the appropriate courts in India.

Chapter 41

ADVANCES TO GOVERNMENT SERVANTS

41.1 Advances are loans disbursed by the Government to its employees for certain specified purposes. The competent authority may grant the Advances out of the public fund in accordance with the Rules framed by the Govt. The Advances disbursed can broadly be classified into two categories –Interest Free Advances and Interest Bearing Advances

41.2 Following are the different interest free and interest bearing Advances

Interest Free Advances

a) Pay and TA in connection with transfers and TA on retirement
b) On first appointment and in connectionwith deputations and leave ex-India.
c) TA - on tours.
d) Leave Travel Concession.
e) Festivals
f) Natural calamities
g) In lieu of leave salary
h) Lump sum Advance and TA Advance to the families of Govt. servants who die while in service
i) Purchase of warm clothing.
j) Purchase of Bicycle.
k) In connection with legal proceedings.

Interest Bearing Advances

a) For Purchase of Motor car
b) For Purchase of Motor cycle/ Scooter/ Moped.
c) For Purchase of Personal Computer
d) House Building Advance

The details of provisions relating to powers and conditions like authorities competent to sanction advance, quantum of advance and eligibility conditions for grant of advances etc. to government servants have been included in the Compendium of Rules on Advances to Government Servants,amended from time to time ,issued by the Ministry of Finance.

http://finmin.nic.in/theministry/deptexpenditure/acts codes/compendiumadvances.pdf

Chapter 42

ANNUAL PROPERTY RETURNS

Rule 18 (ii) of the CCS (Conduct) Rule, 1964 prescribes that every Government servant belonging to any service or holding any post included in Group ‘A’ and Group ‘B’ shall submit an annual return in such form (Annexure) as may be prescribed by the Government in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

The return for the previous year is to be submitted before 31st Jan of the subsequent year.

[For details please see Rule No. 18 (ii) of CCS(Conduct) Rules, 1964 and orders there under]

Note: For those not covered by CCS (Conduct) Rules, 1964 please see the relevant provision in the appropriate Rules.

ANNEXURE

FORM

STATEMENT OF IMMOVABLE PROPERTY ON FIRST APPOINTMENT AND THEREAFTER FOR THE YEAR

1. Name of officer (in full) and service to which the officer belongs……

2. Present post held……

3. Present pay ……..

Name of district sub-Division, Taluk and Village in which property is situated.	Name and details of property		*Present Value	If not in own name state in whose name held and his/her relationship to the Government servant.	How acquired-Whether by purchase lease, mortgage, inheritance gift or otherwise, with date-of-acquisition and name with details of persons from whom acquired	Annual Income from the property	Remarks
	Housing and other buildings	Lands					
1.	**2.**	**3.**	**4.**	**5.**	**6.**	**7.**	**8.**

Date……. Signature…….

Inapplicable clause to be struck out.
*In case where it is not possible to assess the value accurately the approximate value in relation to present conditions may be indicated.
@n Includes short-term lease also.

Note – The declaration form is required to be filled in and submitted by every member of Class I and Class II (Group A and Group B) services under rule 15 (3) of the Central Civil Services (Conduct) Rules, 1955, [now rule 18 (1) of the CCS (Conduct) Rules, 1964] on the first appointment to the service and thereafter at the interval of every twelve months, giving particulars of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any members of his family or in the name of any other person.
MHA OM No. 25/10/55-Estt.(A), dated 12.01.1956

Chapter 43

RE-DEPLOYMENT OF SURPLUS STAFF

43.1 **THE REVISED SCHEME**

The Revised Scheme for Re-deployment of Surplus Staff introduced by the Department of Personnel and Training contained in their O.M.No.1/18/88-CSIII dated the 1st April 1989 is applicable to the Central Civil Servants(other than those employed on ad hoc , casual, work-charged or contract basis) who;

(a) are permanent or if temporary have rendered not less than five years regular continuous service, and

(b) have been rendered surplus alongwith their posts from the Ministries/Departments/Offices of the Government of India as a result of-

(i) administrative reforms including inter-alia restructuring of an organization; transfer an activity to a State Government, Public Sector Undertaking or other Autonomous Organisation, discontinuation of an ongoing activity and introduction of changes in technology or

(ii) studies of work measurement undertaken by the staff Inspection Unit of the Ministry of Finance or any other body set up by the Central Government or the Ministry/Department concerned or

(iii) abolition or winding up (in whole or part) of any organization of the Central Government.

The detailed procedure for transferring the surplus employees to the surplus cell in the Department of Personnel & Training is prescribed in the scheme and Central Civil Services (Re-deployment of Surplus Staff) Rules 1990.[Website – persmin.nic.in- Wings-AT&A-R&R] Some of the provisions are mentioned below:

43.2 **IDENTIFICATION AND DECLARATION OF SURPLUS STAFF**

The modalities in this regard are given in DOP&T O.M.No.1/1/2002-CS III dated 26th March 2002.

43.3 **REPORTING OF VACANCIES**

There is ban on filling up the posts by Direct Recruitment(otherwise than annual competitive examination by UPSC) and by transfer (otherwise than deputation basis) except in a purely short term arrangement, unless a certificate is obtained from Central Cell to the effect that the cell has no suitable candidates to sponsor. Detailed instructions issued by DOP&T regarding the procedure for

reporting of various categories of vacancies to the surplus cell have to be followed. No vacancy which has been reported to the Central Cell concerned will be permitted to be withdrawn once a surplus employee has been nominated against it except when a request is made explaining reasons for such withdrawal with the approval of the Secretary of the Administrative Ministry. This will also apply to vacancies in Group A and B services/posts against which the UPSC has recommended surplus employees, sponsored by the cell in DOP&T for appointment. The Ministry/Head of Department concerned shall ordinarily abide by the decision given by the authorities of the Central Cell on such requests . In case of continuing difference of opinion, the decision of the Department of Personnel & Training will be final.

43.4 **PLACEMENT OF SURPLUS STAFF**

(i) Surplus staff will be entitled to the first priority for appointment to a vacancy, next only to the disabled Defence personnel.

(ii) As far as possible, a surplus employee shall, subject to his suitability, be redeployed in a post carrying a pay scale matching his current pay scale.

Matching pay scale means a pay scale the maximum of which is equal to that of the pay scale of the surplus employee and the minimum of which is not higher than the basic pay (including the stagnation pay) which the surplus employee is in receipt of at the time of making his nomination.

(iii) Where a suitable vacancy in a post carrying matching scale of pay is not available, the surplus employee may be redeployed in a post carrying a non-matching pay scale provided that:

(a) the maximum of the pay scale of such post does not exceed the maximum of the pay-scale of the surplus employee by more than 10% ; and

(b) such post is not lower than the post which forms or would ordinarily form, the next lower rung in the promotional ladder for the incumbents of the post the level currently held by the surplus employee.

Provided further that a surplus employee who is nominated against a post carrying a pay scale with a higher maximum as provided above , should either have the qualifications as prescribed for the appointment to the post by direct recruitment or by transfer or should have been successfully performing in his parent department the duties attached to such posts and when redeployed , otherwise than at his own request, in a post carrying a lower scale of pay the surplus employee shall be permitted to carry his previous pay-scale along with him to the next post, even if he was only officiating in it.

43.5 **APPOINTMENT OF NOMINATED SURPLUS EMPLOYEE**

The Central Cells have the eventual authority to decide whether a particular person would be accepted by a particular organization. In response to the nomination the recipient Ministry/Department should issue the letter of appointment within a fortnight. If the recipient organization has any strong ground against the absorption of the surplus employee sponsored for the purpose(except in case of recommendation by UPSC in which case the procedure for non-acceptance of Commission's recommendation will have to be followed) it should convey the same to the concerned cell within the said period of fortnight. If neither objection nor any appointment letter is received by the concerned Cell within a period of one month of the date of nomination of the surplus employee, it will be assumed that the recipient organization has no objection to accept the nomination .and it will be competent for the Central Cell concerned to direct the parent organization to relieve the employee to report for duty to the recipient organisation.

43.6 **RELAXATION**

Upper age limit shall not apply in the case of surplus employees. In case of vacancies in Group A and B services/posts, the Commission may at its discretion relax the educational qualification, experience etc. In case of vacancies in Group C and D the employees shall not be subject to any tests or interviews, unless otherwise decided by or in consultation with the Cell. They shall also not be ineligible for appointment in the recipient organization on the ground that they do not posses minimum educational qualification prescribed for the posts to which they have been redeployed except in cases where certain minimum technical qualification is prescribed.

43.7 **MEDICAL EXAMINATION**

Surplus employee re-deployed shall not be required to undergo fresh medical examination unless different medical standards prescribed for the post in the recipient organization or unless the person concerned had not been medically examined in respect of his previous post or if examined declared medically unfit.

43.8 **BENEFIT OF PAST SERVICE**

(i) The past service rendered prior to redeployment should not count toward seniority in the new organization/new post which a surplus employee joins after he is redeployed.

(ii) The surplus employee will be treated to have been appointed by transfer in public interest in the matter of admissibility of Joining Time, Transfer TA Joining Time Pay for moving to the new post located in a Central Government / Department.

(iii) The surplus employees have the option to retain their existing classification if they are redeployed in posts carrying lower classification.

43. 9 **OPTION FOR RETIREMENT**

As soon as an employee is declared surplus he will be informed of the availability of the facility of seeking voluntary retirement under Rule 29, 48 and 48-A of the CCS (Pension)Rules 1972 and various clauses of FR 56. If a request for retirement under any of these rules is received, it should be processed expeditiously under the relevant rule(s) and orders for retirement issued as early as possible.

43.10 **CLOSURE OF EFFORTS FOR REDEPLOYMENT AND TERMINATION OF SERVICES**

If a surplus employee is offered alternative placement but refuses to join such post or wilfully fails to join the said post within the period specified by the appointing authority of the new post, without showing adequate cause for such failure and timely applying for extension of time for joining his surplus post further action for his redeployment may be closed and his services terminated after serving upon him a notice of termination under the appropriate rules as may be applicable. Similar action may be taken against a surplus employee who refuses to join training course to which he has been sponsored by surplus staff cell pending his redeployment, or wilfully fails to join the same by the specified date or fails to show satisfactory progress therein as provided for para 8.7 of the Revised Scheme for Re-deployment of Surplus Staff.

DOP&T No.1/18/88-CS.III dated 1st April, 1989 and CCS (Re-deployment of Staff) Rules 1990 notification dated 28th Feb., 1990

43.11 **SPECIAL VOLUNTARY RETIREMENT SCHEME**

The Scheme is applicable to permanent employees declared surplus in any Ministry/ Department as a consequence of Cabinet decision for restructuring of Ministries/ Departments, implementation of the recommendations of the Expenditure Reforms Commission, implementation of a decision relating to downsizing/rightsizing including restructuring of an organization, transfer or activity to a State Government, Public Sector Undertaking or other Autonomous Organisation, discontinuance of an ongoing activity and introduction of changes in technology or implementation of work study reports.

Details of the Scheme:

(a)All permanent employees rendered surplus irrespective of their age and qualifying service can opt for the scheme.

(b) An optee to the scheme shall be entitled to receive an ex-gratia amount equal to basic pay plus DA for the number of days worked out on the basis of length of service @35 days for each completed year and 25 days for each remaining year. For any part of the year, the number of days, for ex-gratia amount will be worked out on the basis of 365 days in a year The ex-gratia will be further subject to the following conditions:

(i) Total number of years to be counted for payment of ex-gratia will not exceed 33 years:

(ii) No weightage of additional service will be given for the purpose of calculation of ex-gratia.

(iii)The ex-gratia will be subject to a minimum of Rs.25000/- or 250 days emolument, whichever is higher.

(iv)The ex-gratia amount should not exceed the sum of the basic pay plus DA that the employee would draw at the prevailing level for the balance of the period of service left before superannuation.

(v)The ex-gratia amount will be paid in lump sum and amount upto Rs.5.00 Lakhs be exempted from Income Tax.

(c) Weightage of five years to the qualifying service shall be given under CCS (Pension) Rules 1972 to such permanent surplus employee who has rendered a minimum of 15 years of qualifying service on the date he is declared surplus. However, the qualifying length of service after taking into account the aforesaid weightage should not be more than the service he would have rendered had he retired on the date of his superannuation.

(d) One who opted to the scheme shall be entitled encashment of Earned leave accumulated on the date of relief as per CCS (Leave) Rules, 1972, payment of savings element with interest in the CGEGIS as per rules, TA/DA as on retirement of self and family for settling anywhere in India as per Travelling Rules and normal retirement benefits under CCS (Pension) Rules, 1972.

(e) Group A officers will be exempted from the operation of rule 10 of the CCS (Pension) Rules which stipulates previous sanction of the Government for accepting commercial employment.

(f) The permanent employee declared surplus has to exercise option for special VRS within three months from the date he/she has been declared surplus.

(g) Ministries/Departments are required to furnish quarterly statement in the prescribed proforma to Surplus Cell (Re-designated as the Division of Retraining and Redeployment i.e. R&R) in the Department of Personnel & Training.

DOP&T O.M. No.25013/6/2001-Estt(A) dated 28th Feb.2002

Chapter 44

THE NEW PENSION SYSTEM

44.1 Government introduced the defined contribution based New Pension System (NPS) from the 1st January, 2004 through a notification dated the 22nd December, 2003 for new entrants to Central Government service, except the Armed Forces. The monthly contribution would be 10% of the salary and DA to be paid by the employee and matched by the Central Government.

44.2 **Tier I & Tier II** -The contributions and investment returns would be deposited in a non-withdraw-able pension tier-I account. The existing provision of defined benefit pension and GPF would not be available to the new recruits in the Central Government Services. In addition to that each individual may also have a voluntary tier-II withdraw- able account at his option. This option is given as GPF will be withdrawn for new recruits in Central Government service. There is no contribution by the Government into this account. These assets would be managed through exactly the above procedures. However, the employee will be free to withdraw part or all the money from Tier-II anytime. This withdraw-able account does not constitute pension investment and would attract no special tax treatment. (Tier II account available w.e.f. 1.12.2009).

44.3 **Exit from NPS -** Individuals can normally exit at or after the age of 60years for tier - I of the pension system. At exit the individual would be mandatorily required to invest 40 % of pension wealth to purchase an annuity (from IRDA regulated life insurance company). In case of Government employees the annuity should provide for pension for the lifetime of the employee and his dependent parents and his spouse at the time of retirement. The individual would receive a lump-sum of the remaining pension wealth, which he would be free to utilize in any manner. Individual would have the flexibility to leave the pension system prior to age 60, in that case the mandatory annuitisation would be 80% of the pension wealth.

44.4 **The Regulator** - The Government constituted an interim regulator, the Pension Fund Regulatory and Development Authority (PFRDA) through a Government Resolution No.5/7/2003-ECB & PR dated the 10th October, 2003 and reissued vide Resolution No. 1(6)/2007 dated 14th November, 2008 as a precursor to a statutory regulator with a constitution of One Chairman, two Whole-time members, two Part-time members. In order to provide for a statutory regulatory body the PFRDA, to undertake promotional, developmental and regulatory functions in respect of pension funds, the Pension Fund Regulatory and Development Authority Act, 2013 (PFRDA Act, 2013) has been notified on 19th September, 2013.

44.5 **Investment** -The pattern of investment to be followed by Non-Government Provident Funds, Superannuation Funds and Gratuity Funds, w.e.f. 1st April, 2009 as per Notification No.5/88/2006-PR dated 14th August, 2008, as under:

(i) Securities (Govt. Securities, Mutual Funds) **Upto 55%**
(ii) Debt Securities, Term Deposit receipts, Rupee Bonds U**pto 40%**
(iii) Money market instruments **Upto 5%**
(iv) Shares of companies on which derivatives are available in BSE or NSE or equity linked schemes of mutual funds Regulated by SEBI **Upto 15%**

44.6 **Architecture of NPS: Unbundled architecture - Function specific intermediaries:**

(1) Subscriber interface- Points of Presence/ Aggregator

Points of Presence (POPs) are the first points of interaction of the NPS subscriber with the NPS architecture. The authorized branches of a POP, called Point of Presence Service Providers (POP-SPs), who act as collection points and extend a number of customer services to NPS subscribers. Currently there are 39 PoPs in number with 9000+ branches.

(2) Record keeping- Central Record Keeping and Accounting Agency

National Securities Depository Limited (NSDL) as Central Recordkeeping and Accounting Agency (CRA) is acting as an operational interface between PFRDA and other NPS intermediaries such as Pension Fund Managers, Annuity Service Providers, Trustee Bank etc. Providing Administration and customer service functions for NPS and issue of unique Permanent Retirement Account Number (PRAN) and maintaining its database are the main responsibilities. National Securities Depository Limited (NSDL) commenced Central Recordkeeping Agency (CRA) operations on 2nd June, 2008.

(3) Fund Management

PFRDA has appointed 3 Pension Fund Managers for Government sector to perform investment management function under the NPS. Each year the incremental fund flows are divided among them in proportion of the returns generated by them in the preceding year. Investments of such pension funds are made in accordance with the investment pattern notified by the Government. These PFMs are:

a. LIC Pension Fund Ltd.
b. SBI Pension Fund
c. UTI Retirement Solutions Pension Fund

(4) Custodian- Stock Holding Corporation of India (SHCIL)

SHCIL has been appointed as Custodian of NPS and it aims to provide Custodial services in compliance with SEBI Custodial Regulations 1996 such as Settlement Processing of Assets, Safe keeping of securities – Electronic form, Physical Custody of Securities and Corporate Actions

(5)Supervision- NPS Trust

NPS Trust is established under Indian Trust Act, 1882 and appointed NPS Board of Trustees in whom the administration of the "New Pension System" vests under Indian Law. The Trust is responsible for taking care of the funds under the NPS and the Trust also holds an account with the Bank of India, designated as the NPS Trustee Bank.

(6) Axis Bank as Trustee Bank is responsible for transfer of funds collected and remittances to PFM.

44.7 NPS in States

NPS has been adopted by several State Governments. So far, 26 State Governments have notified adoption of NPS for their new employees. The States of West Bengal and Tripura have still not adopted NPS for their employees.

Extension of New Pension System to the Unorganised Sector Workers: After receiving Government's approval for extending the NPS to all citizens including the unorganised sector workers PFRDA has decided to roll out the NPS architecture for all citizens of the country during the financial year 2009-10 so that NPS is available to all citizens including the unorganised sector workers. Unorganised Sector refers to a person who is not:

a.) a regular employee of the Central or a State Government, or an autonomous body/ PSU of the Central or a State Govt. having employer assisted retirement benefit scheme
b) covered by any social security scheme under any of the laws namely-

(i) Employees' Provident Fund and Miscellaneous Provision Act,1952
(ii) The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1952
(iii) The Seamen's Provident Fund Act, 1966
(iv) The Assam Tea Plantation Provident Fund and Pension Fund Scheme Act, 1955
(v) The Jammu and Kashmir Employees' Provident Fund Act, 1961

The NPS for all, on a voluntary basis, has been launched with effect from 1st May, 2009 with the same architecture as prevalent for NPS main with a slight difference of Pension Fund Managers. For unorganised Sector there are 6 PFMs in comparison to 3 PFMs for Government Sector and beneficiaries under this system have an option to choose the PFM of their choice.

Notification No. 5/7/2003-ECB & PR dated 22nd December, 2003, No.5/7/2003-ECB & PR dated the 10th October, 2003 and Resolution No. 1(6)/2007 dated 14th November, 2008

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Chapter 45

VARIOUS ALLOWANCES

45.1 HOUSE RENT ALLOWANCE

45.1.1 Policy of the Government is to allow free quarters to such establishment as are required to reside in on the office premises for the proper discharge of their duty. Thus Govt. has granted rent free quarters to Engineering Supervisors, Traffic Officers, Postmasters, Sub Postmaster and to certain categories of staff in Railway and Civil departments. The grant of quarters (including rent free) is subject to the condition that Govt. accommodation is available. It is not the liability of the Government to furnish residential accommodation compulsorily to the employees. But as a matter of convenience, the Govt. has endeavored to provide accommodation. In places where Government is not in a position to provide accommodation for their staff House Rent Allowances (HRA) is given.

Thus HRA is a compensatory allowance which is granted to the Central Government Employees to compensate them partly for what they have to pay hired residential accommodation. An official residing in his own house is also entitled to HRA.

45.1.2. Consequent upon the decision taken by the government on the recommendations of the Sixth Central Pay Commission the earlier classification of cities has been revised viz. A-1 to ‘’X”. A, B-1 & B-2 to “Y” and C & Unclassified to “Z”. In determining the revised classification, the population of Urban Agglomeration area of the city has been taken into consideration. The list of cities/ towns classified as ‘X’,’Y’ and ‘Z’ for the purpose of grant of house rent allowance is at Annexure I

45.1.3.1 The rates of House Rent Allowance from 1.9.2008 are as under:-

Classification of Cities/Towns	Rate of House Rent Allowance as a percentage of (Basic pay +NPA where applicable)
X	30%
Y	20%
Z	10%

45.1.3.2 The term “Basic Pay” in the revised pay structure means the pay drawn in the prescribed pay band plus the applicable grade pay but does not include any other type of pay like special pay, etc. In the case of Government servants in the pay scales of HAG+ and above, basic pay means the pay in the prescribed scale.

45.1.4. In respect of those employees who opt to retain their pre-revised scale of pay, the pay for the purpose of those orders shall also include, in addition to the basic pay in the applicable pre-revised scales, stagnation Increments (s), Dearness pay and Non-Practicing Allowance as per orders in force on 1.1.2006.

45.1.5. The orders issued by Finance Ministry in the past for grant of HRA/CCA at higher rates to the central governments employees posted within the municipal area are at Annexure II.

All other condition governing grant of HRA under existing orders shall continue to apply

45.1.6 Special compensatory allowance @2.5% of basic pay admissible w.e.f. 01.08.97 to group 'C' ,'D' and group 'B' non-gazetted employee whose pay scales correspond to or are lower than the pay scales of group 'C' employees posted at Gandhinagar as per this Ministry's O.M. No.2(64)/97-E.II(B) dated 04.07.2001, also stands abolished.

45.1.7 These are applicable to all civilian employees of the Central Government and the civilian employees paid from the Defenses Services Estimates . Armed Forces personnel and Railway employees, are governed by separate orders.

Min/Finance O.M. No.2(13)2008.E II(B) Dated 29th August 2008

ANNEXURE I

O.M.NO.2(13)/2008-E.II(B) dt.29 August 2008

LIST OF CITIES/TOWNS WHERE HOUSE RENT ALLOWANCE IS ADMISSIBLE TO CENTRAL GOVERNMENT EMPLOYEES

S.NO	STATES	CITIES CLASSIFIED AS "X"	CITIES CLASSIFIED AS "Y"
1	Andhra Pradesh	Hyderabad(UA)	Vijayawada(UA),Warangal(UA), Vishakapatnam(UA), Guntur
2	Assam		Guwahati (UA)
3	Bihar		Patna(UA)
4	Chandigarh		Chandigarh
5	Chhattisgarh		Durg-Bhilai Nagar(UA),Raipur(UA)
6	Delhi	Delhi(UA)	
7	Gujarat		Ahmedabad(UA),Rajkot(UA),Jamagar(UA), Bhavangar(UA),Vadodara(UA),Surat(UA)
8	Haryana		Faridabad
9	Jammu& Kashmir		Srinagar(UA).Jammu(UA)
10	Jharkhand		Jameshedpur(UA),Dhanbad, Mangalore(UA), Mysore(UA)
11	Karnataka	Bengaluru(UA)	Belgaum(UA),Hubli-Dharwad,Mangalore(UA),

			Mysore(UA)
12	Kerala		Kozhikode(UA),Kochi(UA), Thiruvananthapuram(UA)
13	Madhya Pardesh		Gwalior(UA),Indore(UA),Bhopal(UA), Jabalpur(UA)
14	Maharashtra	Greater Mumbai(UA)	Amaravati,Nagpur(UA),Aurangabad(UA), Nashik(UA),Bhiwandi(UA),(Pune(UA),Solapur, Kolhapur(UA)
15	Orissa		Cuttack(UA),Bhubaneswar(UA)
16	Punjab		Amritsar(UA), Jalandhar(UA),Ludhiana
17	Pondicherry		Pondicherry(UA)
18	Rajasthan		Bikaner,Jaipur,Jodhpur(UA),Kota(UA)
19	Tamil Nadu	Chennai(UA)	Salem(UA),Tiruppur(UA),Coimbatore(UA), Tiruchirappallli(UA),Madurai(UA)
20	Uttarakhand		Dehradun(UA)
21	Uttar Pradesh		Moradabad,Meerut(UA),Ghaziabad Aligarth,Agra(UA),Bareilly(UA),Lucknow(UA), Kanpur(UA),Allahabad(UA),Gorakhpur, Varanasi(UA)
22	West Bengal	Kolkata(UA)	Asansol(UA)

Only for the purpose of extending HRA on the basis of dependency.

NOTE

The remaining cities/ towns in various states/UTs which are not covered by classification as" X" or "Y" are classified "Z" for the purpose of HRA.

Annexure II

The orders issued by Finance Ministry in the past for grant of HRA/CCA at higher rates to the central governments employees posted within the municipal area:

1. O.M.No.2(4)-E.II/65 dt.05.11.74(HRA/CCA at Delhi rates in Faridabad complex)
2. O.M.No.11023/9/-E.II(B)/78 dt.26.05.79 (HRA/CCA at Delhi rates in Ghaziabad Municipal area)
3. O.M.No.21011/20/89(4)-E.II(B)-Vol dt.31.01.90(HRA/CCA at Delhi rates in Noida)
4. O.M.No.11013/2/81-E.II(B) dt.03.08.82(HRA/CCA at Mumbai rates in Navi Mumbai)
5. O.M.No.11013/1/87-E.II dt.12.10.87(HRA/CCA at Jalandhar rates in Jalandher cantt.)
6. O.M.No.11023/1/86-E.II(B) dt.09.12.86(HRA/CCA at Delhi rates in Gurgaon)
7. O.M.No.11018/6/87-E.II(B) dt.29.12.88(CCA at B-2 class rates in Jamnagar)
8. O.M.No.11018/2/83-E.II(B) dt.14.11.86(HRA at 'C' class in Mahe)
9. O.M.No.2(13)-E.II(B)/74-Vol.II dt.16.4.92 (HRA at 'C' class rates in Goa and UT of Daman & Diu)
10. O.M.No.2(27)-E.II/65 dt.09.8.65(HRA at 'C' class rates in Coonoor)
11. O.M.No.2(54)-E.II(B)/73 dt.29.08.79 and

O.M.No.11016/2/81-E.II(B)Dt 30.04.81 (CCA in cities mentioned in these orders on the basis of constliness)

12. O.M.No.11014/1/-E.II(B)/84 dt.05.02.90(HRA at 'A','B-1'&'B-2' class rates in shilling)
13. O.M.No.11021/1/77-E.II(B)dt.06.04.78(HRA at 'C' class rates in hill station)
14. O.M.No.2(10)-E.II(B) dt.05.02.98(HRA at 'B-2' class rates in Jammu)
15. O.M.No.2(30)/97-E.II(B)dt.18.05.98 (classification of Kolkata and Chennai as 'A-1' class cities)
16. O.M.No.2(3)/-E.II(B)/04 dt.01.03.04(HRA at 'B-1' class rates in Goa and port Blair and at 'C' class rates in the rural areas of A&N and Lakshadweep islands)

However due to **(i)** inclusion of Navi Mumbai within the UA of Greater Mumbai as per 2001 census, **(ii)** placement of existing 'C' class cities / town as well as unclassified places under new category "Z"(**iii)** abolition of CCA and **(iv)** upgradation of Jammu, Kolkata & Chennai on account of inclusion of UA, the special dispensation shall continue to be extended only to the following cities:-

(i) Faridabad, Ghaziabad, Noida and Gurgaon at "X" class rates.
(ii) Jalandhar Cantt, Shillong, Goa & Port Blair at "Y" class city rates.

45.2 **TRANSPORT ALLOWANCE**

45.2.1 Transport Allowance was recommended by the Fifth CPC to defray the cost of travel between office and residence. All Central Government employees who have not been provided with official transport have been entitled to this (transport) allowance with effect from 1st August 1997. Consequent upon the decision taken by the Government on the recommendations of the Sixth Central Pay Commission, and in modification of this Ministry's O.M.No.21(1)/97-EII(B) dated 3.10.1997, the Central Governments employees are now entitled to Transport Allowances at the following rates:-

Employees drawing	**Rate of Transport allowance per month w.e.f. 1.9.2008**	
	In 13 cities# classified as A-1/A earlier	Other places
Grade pay of Rs.5400& above	RS3200+DA Thereon	Rs.1600+ DA thereon
(i) Grade pay of Rs.4200, Rs4600 and RS4800 (ii) Those drawing grade pay below Rs.4200 but drawing pay in the pay band equal to Rs.7440 and above.	Rs.1600+ DA thereon	Rs.800+ DA thereon
Grade pay below 4200 and pay in the pay band below Rs7440.	Rs.600+DA thereon	Rs.400+DA thereon

#Hyderabad(UA),Delhi(UA),Bangular(UA),GreaterMumbai(UA),Chennai(UA),Kolkata(UA)(UA),Ahmedabad(UA),Surat(UA),Nagpur(UA),Pune(UA),Jaipur(UA),Lacknow(UA) and Kanpur(UA).

45.2.2. The grant of transport allowances shall be subject to the following conditions:-

(i) The blind or orthopedically handicapped employees in terms of this Ministry's order vide OM No 21(1)/97-E-II(B) dated 3.10.1997 shall continue to draw this allowances at double the normal rates which shall, in no case, be less then Rs.1,000/- per month plus the applicable rates of dearness allowances. The conveyance allowance to handicapped employees as per OM dated 31.8.1978 is withdrawn. Instead such of those handicapped employees eligible for conveyance allowance, will draw Transport Allowance at double the rates prescribed above, subject to minimum of Rs. 1000 per month plus DA thereon.

(ii) The allowances shall not be admissible to those employees who have been provided with the facility of governments transport. Officers drawing Gr. Pay of Rs. 10,000/- and those in HAG + Scale provided with staff car for commuting between office and residence can have the option to retain the facility or to draw transport allowance @ Rs. 7000/- per month + DA thereon. If they opt for Transport Allowance, the staff car facility will be withdrawn from the date they opt for the allowance.

(iii) The condition contained in para 3(ii) of O.M.No.21(1)/97 E-II(B) dated 3.10.1997 by which the grant of transport allowances to employees provided with official accommodation within one kilometer of office or within a campus housing the place of work and residence was disallowed, has been withdrawn.

(iv) In respect of those employees who opt to retain pre-revised scales of pay, the corresponding grade ay of the pay scale/corresponding pay scale of the post on1.1.2006 as indicated in CCS(Revised pay) Rules ,2008 would determine the allowance under orders.

Min. of Finance O.M.No.21(2)/2008.EII (B) dated 29 August 2008

45.3 **WASHING ALLOWANCE**

Washing Allowance was admissible to Central Government employees who are given Uniforms at the rates of Rs.30/- (Rupees thirty only per month. Subsequent to the implementation of the recommendations of the Sixth Central Pay Commission (CPC), the rate of Washing Allowance has been doubled w.e.f. 1st September 2008 i.e., has been increased from pre-existing level of Rs. 30/- per month to Rs. 60/- per month. In addition, as per the extant recommendation

of the Sixth CPC, it has also been provided that the rate of washing allowance will be increased by 25 percent every time the Dearness Allowance payable on the revised pay scales goes up by 50 percent**.**

DOPT OM No. 14/3/2008-JCA dated the 11th September, 2008

45.4 **CHILDREN EDUCATION ALLOWANCE SCHEME**

45.4.1 Children Education Allowance and Reimbursement of Tuition Fee which were payable separately till August, 2008, were merged and known as 'Children Education Allowance Scheme". The precursor schemes were pivoted on the tenets of the National Population Policy which stresses upon Family Planning and limitation of children and adoption of small family norms.

45.4.2. Present scheme:

The Scheme in its present form came into existence from 1st September, 2008 vide O.M. No.12011/03/2008-Estt.(Allowance) dated 2nd September, 2008. Under the Scheme, Government servants can claim:

Children Education Allowance of Rs.12000/- per child per year for reimbursement of costs incurred on the education of two eldest surviving children till the twelfth class.

Hostel subsidy up to a maximum of Rs.3000/- per month per child is also reimbursable under the scheme.

There is no item-wise ceiling.

(Note: Both Hostel Subsidy and Children Education Allowance cannot be availed concurrently)

Reimbursement of Children Education Allowance for disabled children of Government employees are being paid at double the normal rates prescribed for normal children, i.e. Rs.24,000/- per child per annum.

O.M. No.12011/04/2008-Estt.(Allowance) dated 11th September, 2008

The above limits will be automatically raised by 25 per cent every time the Dearness Allowance on the pay goes up by 50 per cent. Any enhancement in the ceiling of reimbursement per year due to increase in dearness allowance by 50%, shall be applicable on pro-rata basis from the date of increase in D.A., subject to actual expenditure during the quarter.

45.4.3. Definitions:

The key terms used in the instructions issued under the scheme have been defined below:

‘Year’ means academic year, i.e., twelve months of complete academic session.

O.M.No.12011/03/2008-Estt.(Allowance)dated 11th November, 2008

‘Hostel Subsidy’ means expenses incurred by the Government servant to keep his children in the hostel of a residential school/institution located beyond a distance of 50 kilometers from the residence of the Government servant. It may include expenses towards boarding, lodging and expenses as detailed in para 1 (e) of the O.M. No.12011/3/2008-Estt.(Allowance) dated 2nd September, 2008 and O.M. No.12011/7/2011-Estt.(AL) dated 31st May, 2011. Hostel subsidy is not linked to transfer liability and such subsidy is not payable for children attending day boarding.

'Classes nursery to twelfth' will mean classes I to XII including class XI & XII held by junior colleges or schools affiliated to Universities or Board of Education, besides 2 classes prior to class I irrespective of the nomenclature.

O.M. No.12011/03/2008-Estt.(Allowance) dated 23rd November, 2009

‘Fee’ means fee paid to the educational institution, in which the child is studying, directly by the parents/guardian for the items mentioned in para 1(e) of the O.M. dated 2/9/2008. Fee paid to organisations/institutions/tutors, other than the educational institute in which the child is studying are not reimbursable.

O.M. No.12011/07(i)/2011-Estt.(Allowance) dated 21st February, 2012

‘Disability’ means a person having a minimum Disability 40% as it mentioned in Ministry of Welfare’s Notification No.16-18/97NII dated 01.06.2009 and O.M. dated 11.08.2008.

‘A set of uniform’ includes all items of clothing prescribed for a day, as uniform by the school.

'One set of shoes' means one pair of shoes

'Two sets of uniform' means two sets of uniform prescribed by the school in which the child is studying. (Reimbursement may be allowed for two sets of such uniform irrespective of the colours/winter/ summer/PT uniform.

O.M. No.12011/08/2010-Estt.(Allowance) dated 30-12-2010

‘Recognized school/institution’ means a Government school or any educational institution whether in receipt of Govt. aid or not, recognized by the Central or State Govt. or UT Administration or by University or a recognized educational

authority having jurisdiction over the area where the Institution is situated. However is belong as physically/mentally handicapped child study in any institution for non formal or vocational training or other institution aided or approved by any of the said authorities shall be reimbursed irrespective of whether the institution is recognized or not.

O.M. No.12011/03/2008-Estt.(Allowance) dated 11 November, 2008 and O.M. No.21011/16/2009-Estt.(Allowance) dated 17 June, 2011

45.4.4. Clarifications:

Clarifications have been issued from time to time. Some of them are listed as below:

Reimbursement of CEA is also allowed in case of children studying through "Correspondence or Distance Learning" subject to other condition prescribed.

O.M. No.12011/08/2010-Estt.(Allowance) dated 30th December, 2010

Reimbursement Children Educational Allowance/Hostel Subsidy for the initial two years of a diploma/certificate course from Polytechnic/ITI/ Engineering College is allowed, if the child pursues the course after passing 10th standard and the Government servant has not been granted CEA/Hostel Subsidy in respect of the child for studies in 11th and 12th standards.

O.M. No.12011/07/2011-Estt(AL)Dated 31-05-2012

Admissibility of CEA for more than 2 children:

If the number of children exceeds two as a result of second child birth resulting in twins or multiple births Children Education Allowance/Hostel Subsidy is admissible for more than two children.

O.M. No.12011/03/2008-Estt.(Allowance) dated 11th November, 2008 and O.M. No.12011/16/2009-Estt.(Allowance) dated 13th November, 2009

Children Education Allowance is admissible only for the first child born after failure of sterilization operation.

O.M.No.21011/16/2009-Estt.(Allowance) dated 17th June, 2011

Age limit of children:

There shall be no minimum age for any child for whom CEA/Hostel Subsidy is claimed.

O.M.No.12011/07(ii)/2011-Estt.(Allowance)dated 21st February, 2012

The upper age limit in respect of normal children, in respect of whom CEA can be claimed, is 20 years or till the time of passing Class 12th. The upper age limit for disabled children has been set at the age of 22 years.

O.M. No.12011/08/2010-Estt.(Allowance) dated 30th December, 2010

45.4.5. Other expenditure reimbursable as part of CEA:

Development Fee/Parents' Contribution charged by the educational institution in lieu of tuition fee is reimbursable. The Government servant will have to certify that tuition fee has not been charged by the institution.

O.M.No.12011/07(ii)/2011-Estt.(Allowance) dated 21st February, 2012

Fee charged directly by the educational institution for catering to the special needs of the child with disabilities, duly certified by the school authorities, is reimbursable in addition to items mentioned in para 1(e) of O.M. dated 2/9/2008. Such educational institute shall be aided or approved by the Central/State Government/UT Administration or whose fees are approved by any of these authorities.

O.M. No.12011/03/2008-Estt.(Allowance) dated 11th November, 2008 and O.M. No.12011/07(ii)/2011-Estt.(Allowance) dated 21st February, 2012

45.4.6. Admissibility of CEA during leave, suspension, etc.

The Children Education Allowance or hostel subsidy shall be admissible to a Govt. servant while he/she is on duty or is under suspension or is on leave (including Extra Ordinary Leave).

However, during any period which is treated as 'dies-non' the Govt. servant shall not be eligible for the Allowance/reimbursement/subsidy for the period.

CEA/hostel subsidy shall be admissible till the end of the academic year in which the Government servant ceases to be in service due to retirement, discharge, dismissal or removal from service in the course of an academic year.

If a Govt. servant dies while in service, the Children Education Allowance or hostel subsidy shall be admissible in respect of his/her children till such time the employee would have actually received the same, subject to observance of other conditions for its grant provided the surviving spouse of the deceased is not employed in service of the Central Govt., State Government, Autonomous body, PSU, Semi-Government Organisation such as Municipality, Port Trust Authority or any other organization partly or fully funded by the Central Govt./State Governments.

The payment shall be made by the office in which the Govt. servant worked prior to these events.

O.M. No.12011/03/2008-Estt.(Allowance) dated 11th November, 2008 and O.M. No.12011/08/2010-Estt.(Allowance) dated 30th December, 2010

45.4.7. Periodicity of reimbursement:

Reimbursement of 50% of the entitled amount for the academic year could be allowed in the first and/or second quarter and the remaining entitled amount could be reimbursed in the third and/or fourth quarter. The entire amount can be reimbursed in the last quarter. However, front loading, i.e., reimbursement of full entitled amount in the 1st and/or 2nd quarter is **not** allowed.

O.M. No.12011/07(i)/2011-Estt.(Allowance) dated 21st February, 2012

45.4.8.Production/Misplacement of receipts:

Original receipts from educational institutions need not be attested/ countersigned/ rubber stamped by the school authorities.

In case of misplacement of original receipts given by the educational institution towards charges received from the Government servant, reimbursement can be allowed if the Government servant produces a duplicate receipt, duly authenticated by school authorities.

Duplicate receipts from private parties in lieu of misplaced receipts shall not be entertained.

O.M. No.12011/07(ii)/2011-Estt.(Allowance) dated 21st February, 2012

45.4.9. Reimbursement for the same class:

The reimbursement of CEA is not linked to the performance of the child in his class. Even if a child fails in a particular class, the reimbursement is permissible. However, if the child is admitted in the same class in another school, although the child has passed out of the same class in previous school or in the mid-session, CEA shall not be reimbursable.

O.M. No.12011/03/2008-Estt.(Allowance) dated 2nd September, 2008

45.4.10. Reimbursement of CEA for citizens of Nepal and Bhutan:

The CEA is payable for the children of all Central Government employees including citizens of Nepal and Bhutan, who are employees of Government of India, and whose children are studying in the native place. However, a certificate may be obtained from the concerned Indian Mission that the school is recognized by the educational authority having jurisdiction over the area where the institution is situated.

45.5 **RISK ALLOWANCE**

45.5.1 The Second Central Pay Commission recommended that certain unskilled staff employed in the Ministry of Railways and Defence whose work was exceptionally heavy or whose normal duties involved special risks such as those of chemical process workers or those who handled explosives should be given a special pay of Rs.3/- p.m. The Third CPC recommended grant of special pay at the rate of Rs.10/- p.m. to all categories of staff in receipt of Risk Allowance. On the basis of recommendations of the committee appointed in pursuance of recommendations of the Third CPC, the beneficiaries of Risk Allowance were classified into four categories, namely, Semi-skilled workers, Skilled workers, Supervisors and certain Gazetted and non-Gazetted officers. The Fourth CPC recommended 100% increase in the then existing rates. The Fifth Pay Commission recommended withdrawal of the risk allowance in jobs which involved only contingent risks. This decision required that some categories of employees which were in receipt of Risk Allowance be de-notified. A further 100% increase in rates of Risk Allowance was recommended for the employees who were exposed to continuous risk.

45.5.2. The rates of the Risk Allowance were revised the rates w.e.f. 01.09.2008, i.e. the date from which the recommendations of the 6th Central Pay Commission as regards other allowances came into effect. The rates of Risk Allowance as revised vide O.M. No.21012/01/2010-Estt. (AL) dated 18th October, 2012 are as under:

Sl. No.	Categories of employees	Revised rates in rupees per month
1.	Unskilled workers	40.00
2.	Semi-skilled workers	60.00
3.	Skilled workers	80.00
4.	Supervisors	100.00
5.	Non-gazetted officers engaged in Nitro Glycerine preparation	180.00
6.	Gazetted officers engaged in Nitro Glycerine preparation	300.00
7.	Danger Building Officers	400.00

45.5.3. The amount of Risk Allowance would be automatically raised by 25% every time the Dearness Allowance on the revised pay structure goes up by 50%.

45.6 **HOSPITAL PATIENT CARE/ PATIENT CARE ALLOWANCE**

The Scheme of Hospital Patient Care allowance (HPCA)/Patient Care Allowance (PCA) was introduced keeping in view the employees of hospitals/CGHS excluding nursing personnel working in highly infectious environment loaded with virulent and multi-drug resistant bacteria. The HPCA/ PCA has been granted to provide additional support to take care of preventive and nutritional needs of such employees.

The Ministry of Health & Family Welfare has issued various orders, from time to time, for grant of HPCA/ PCA to all eligible Group 'C' & 'D' (Non Ministerial) employees working in Hospitals, Dispensaries and Organizations in the Central Government in consultation with Department of Personnel & Training and Ministry of Finance, Department of Expenditure.

In October 2012 Department of Personnel and Training vide d.o. dated 18.10.2012 conveyed approval of the Union Cabinet to MoHFW for doubling the existing rate of payment of HPCA/PCA to all eligible employees w.e.f. 1.9.2008. The amount of HPCA/PCA would be automatically raised by 25% every time the Dearness Allowance in the revised pay structure goes up by 50%. Based on this MoHFW issued instructions on 17.12.2012 to all concerned for implementation.

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Chapter 46

SUSPENSION

46.1.1 Suspension, in the context of disciplinary proceedings, may be defined as temporary withdrawal of duties from a government servant, pending inquiry into his/ her conduct, with simultaneous reduction in pay and withdrawal of some rights/privileges.

46.1.2. The provisions relating to suspension are scattered across several rules. The main provisions are contained in Rule 10 of CCS (CCA) Rules, 1965 (or corresponding rules governing the Govt. servant concerned) and FR 53, 54 and 55.

46.1.3. Suspension, though not a penalty, is to be resorted to sparingly. Whenever a Govt. servant is placed under suspension not only does the Govt. lose his services but also pays him for doing no work. It also has a stigma attached to it. Therefore the decision to place a Govt. servant under suspension must be a carefully considered decision and each case would need to be considered on merits. A Govt. servant may be placed under suspension, in the following circumstances:

(a) where, a disciplinary proceeding against him is contemplated or is pending; or

(b) where, in the opinion of the competent authority, he has engaged himself in activities prejudicial to the interest of the security of the State; or

(c) where, a case against him in respect of any criminal offence is under investigation, inquiry or trial.

Rule 10(1) of CCS (CCA)Rules,1965

46.2.1 A Disciplinary Authority may consider it appropriate to place a Government servant under suspension in the following circumstances. These are only intended for guidance and should not be taken as mandatory:-

(i) Cases where continuance in office of the Government servant will prejudice the investigation, trial or any inquiry (e.g. apprehended tampering with witnesses or documents);

(ii) where the continuance in office of the Government servant is likely to seriously subvert discipline in the office in which the public servant is working;

(iii) where the continuance in office of the Government servant will be against the wider public interest [other than those covered by (i) and (ii)] such as there is public scandal and it is necessary to place the Government servant under

suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption;

(iv) where allegations have been made against the Government servant and preliminary inquiry has revealed that a prima facie case is made out which would justify his prosecution or is being proceeded against in departmental proceedings, and where the proceedings are likely to end in his conviction and/or dismissal, removal or compulsory retirement from service.

NOTE :

(a) In the first three circumstances the disciplinary authority may exercise his discretion to place a Government servant under suspension even when the case is under investigation and before a prima facie case has been established.

(b) Suspension may be desirable in the circumstances indicated below:-

(i) any offence or conduct involving moral turpitude;

(ii) corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gain;

(iii) serious negligence and dereliction of duty resulting in considerable loss to Government;

(iv) desertion of duty;

(v) refusal or deliberate failure to carry out written orders of superior officers. In respect of the types of misdemeanor specified in sub clauses (iii) and (v) discretion has to be exercised with care.

46.2.2. Reasons for Suspension, if not indicated in the suspension order itself, should be communicated within three months.

46.3 Deemed Suspension**:**

A Government servant shall be deemed to have been placed under suspension by an order of appointing authority -

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION - The period of forty-eight hours referred to in clause (b) shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

c) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

d) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders :

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

Rule10 (2), (3) and (4) of CCS (CCA) Rules,1965

46.4 Authority competent to place a Govt. servant under suspension**:**

The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension

Provided that, except in case of an order of suspension made by the Comptroller and Auditor - General in regard to a member of the Indian Audit and Accounts Service and in regard to an Assistant Accountant General or equivalent (other than a regular member of the Indian Audit and Accounts Service), where the order of suspension is made by an authority lower than

the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

Rule 10(1) of CCS (CCA)Rules,1965

46.5 Review of Suspension

An order of suspension made or deemed to have been made may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

Rule 10(5)(c) of CCS (CCA) Rules,1965

An order of suspension made or deemed to have been made shall be reviewed by the authority competent to modify or revoke the suspension, before expiry of ninety days from the effective date of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

An order of suspension made or deemed to have been made shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension, if the Government servant continues to be under detention at the time of completion of ninety days of suspension and the ninety days period in such case will count from the date the Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later. [Rule 10(6) & (7) of CCS (CCA) Rules, 1965]

46.6 Subsistence Allowance

A Govt. servant under suspension is not paid any pay but is allowed a Subsistence Allowance at an amount equivalent to the leave salary which the Government servant would have drawn if he had been on leave on half average pay or half pay and in addition dearness allowance, if admissible on the basis of such leave salary. FR 53 1(ii) (a)

Subsistence allowance to be reviewed after 3 months and may be increased by upto 50 % of the allowance during the first 3 months or reduced by upto 50% of the allowance during the first 3 months

FR 53 1(ii) (a) - (i)& (ii)

46.7 Headquarters during Suspension

An officer under suspension is regarded as subject to all other conditions of service applicable generally to Government servants and cannot leave the station without prior permission. As such, the headquarters of a Government servant should normally be assumed to be his last place of duty. The order placing an officer under suspension should clearly indicate what his headquarters would be.

However, where an individual under suspension requests for a change of headquarters, there is no objection to a competent authority changing the headquarters if it is satisfied that such a course will not put Government to any extra expenditure like grant of T.A. etc. or other complications.

46.8 Promotion during suspension

Officer under suspension shall be considered by the DPC along with others. However the recommendations in respect of those under suspension shall be placed in a sealed cover. The sealed cover shall be opened/ not acted upon depending on the outcome of the disciplinary proceedings.

If an officer is suspended subsequent to the meeting of the DPC but before he is actually promoted, then the recommendations would be deemed to have been placed in the sealed cover.

DoPT O.M.No.22034/4/2012-Estt (D) dated 02-11-2012

46.9 LTC

A Govt. servant under suspension cannot avail of LTC as he cannot get any leave including casual leave during the period of suspension. As he continues to be in service during the period of suspension, members of his family are entitled to LTC.

46.10 Leave

Leave may not be granted to a Government servant under suspension. [FR55]

46.11 Recoveries from subsistence Allowance

A. Compulsory Deductions to be enforced

a) Income Tax

b) House Rent (Licence Fee) and allied charges

c) Repayment of loans and advances taken from Government – rate of recovery to be determined by Head of Department

d) CGHS contribution

e) CGEGIS subscription

B. Deductions at the option of the suspended officer

- PLI premia
- Amounts due to Co-op stores/ Societies
- Refund of GPF advance

C. Deduction NOT to be made

- GPF subscription
- Amounts due to court attachments
- Recovery of loss to Government

46.12 Forwarding of applications etc**.**

Application of a Government servant for appointment, whether by Direct Recruitment, transfer on deputation or transfer, to any other post should not be considered/ forwarded if he is under suspension.

DoPT OM No. AB14017/101/91-Estt. (RR) dated 14th July, 1993

Vigilance clearance may not be granted to an officer under suspension for deputation, empanelment etc.

DopT O.M.No.11012/11/2007-Estt(A) dated 14-12-2007 & 21-06-2013

46.13 Voluntary Retirement / Resignation

a) Notice of Voluntary Retirement Under FR 56 (k) or Rule 48 (1) of CCS(Pension) Rules, 1972

It shall be open to the Appropriate Authority to withhold permission to a Government Servant under suspension who seeks to retire under either of these rules.

Proviso (c) of FR 56 (k) (1) (c) and second proviso to Rule 48(1) of CCS(Pension) Rules, 1972

b) Voluntary Retirement under rule 48-A of Pension Rules

A notice of voluntary retirement given after completion of twenty years' qualifying service will require acceptance by the appointing authority if

the date of retirement on the expiry of the notice would be earlier than the date on which the Government servant concerned could have retired voluntarily under the existing rules applicable to him [e.g., FR 56 (k), Rule 48 of the CCS(Pension) Rules, 1972, Article 459 of CSRs or any other similar rule]. Such acceptance may be generally given in all cases except those (a) in which disciplinary proceedings are pending or contemplated against the Government servant concerned for the imposition of a major penalty and the disciplinary authority, having regard to the circumstances of the case, is of the view that the imposition of the penalty of removal or dismissal from service would be warranted in the case, or (b) in which prosecution is contemplated or may have been launched in a Court of Law against the Government servant concerned. If it is proposed to accept the notice of voluntary retirement even in such cases, approval of the Minister-in-charge should be obtained in regard to Group `A' and Group `B' Government servants and that of the Head of the Department in the cases of Group `C' and Group `D' Government servants. Even where the notice of voluntary retirement given by a Government servant requires acceptance by the appointing authority, the Government servant giving notice may presume acceptance and the retirement shall be effective in terms of the notice unless, the competent authority issues an order to the contrary before the expiry of the period of notice.

GOI Decision below Rule 48-A of CCS (Pension) Rules, 1972

c) Resignation

The competent authority should examine, with reference to the merit of the disciplinary case pending against the Government servant, whether it would be in the public interest to accept the resignation. Normally, as officers are placed under suspension only in cases of grave delinquency, it would not be correct to accept the resignation of an officer under suspension. Exceptions would be where the alleged offence does not involve moral turpitude or where the evidence against the officer is not strong enough to justify that departmental proceedings, if continued would result in removal from service / dismissal or where departmental proceedings are likely to be so protracted that it would be cheaper for the exchequer to accept the resignation.

d) Retirement

A Government servant who retires while under suspension is entitled to provisional pension equal to the maximum pension on the basis of qualifying service upto the date immediately preceding the date on which he was placed under suspension.

Gratuity will not be paid until the conclusion of disciplinary proceedings-except where the proceedings are under Rule 16 of CCS (CCA) Rules (for imposition of minor penalty) [Rule 69 of CCS(Pension) Rules, 1972]

46.14 Revocation of Suspension

An order of suspension made or deemed to have been made may be modified or revoked at any time by the authority who made it (or deemed to have made) or any authority to which such authority is subordinate.

Rule 10(5)(c) of CCS(CCA) Rules,1965

An order of suspension made or deemed to have been made shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension, if the Government servant continues to be under detention at the time of completion of ninety days of suspension and the ninety days period in such case will count from the date the Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later.

Rule 10(7) of CCS (CCA) Rules, 1965

46.15 On Conclusion of Proceedings

A. If Exonerated

a) Where the Competent Authority is of the opinion that the suspension was wholly unjustified, the Government servant may be paid full pay and allowances.

b) Where the Competent Authority is of the opinion that the proceedings were delayed for reasons directly attributable to the Govt. servant, it may after notice to the Govt. servant and considering his representation-if any, order a reduced amount to be paid.

c) The period of suspension will be treated as period spent on duty for all purposes. [FR 54-B (3) & (4)]

B. **Minor Penalty is imposed**

Where the proceedings result only in minor penalty being imposed, then the suspension is treated as wholly unjustified.

DoPT O.M.No. 11012/15/85-Estt (A) dt. 3-12-1985

C. **Other than exoneration/ minor penalty**

a) The competent authority shall determine the amount to be paid, after notice to Govt servant and considering his representation-if any. [FR 54-B(5)]

b) The period of suspension shall not be treated as duty unless the competent authority specifically directs that it shall be so treated for any specified purpose.

c) If the Govt servant so desires, the period of suspension may be converted into leave of the kind due and admissible. (Note: Such leave can be in excess of 3 months in case of temporary Govt servants or 5 years in case of permanent Govt servants) [FR 54-B(7)]

NOTE: As per FR 54-B(9) wherever the amount allowed is less than full pay and allowances it shall not be less than the Subsistence Allowance already paid.

D**. Death while under suspension**

Where a Govt. servant under suspension dies before the disciplinary proceedings or the court proceedings against him are concluded, the period between the date of suspension and the date of death shallbe treated as duty for all purposes and his family shall be paid the full pay and allowances to which he would have been entitled had he not been suspended, for that period subject to adjustment of subsistence allowance already paid.

[FR 54-B (2)]

46.16 Serving of Charge Sheet etc**.**

a) Suspension order should normally indicate the grounds for suspension.

b) Where the suspension is on grounds of contemplated proceedings, charge sheet should be served upon the Govt servant within 3 months.

c) Where charge sheet is not served within 3 months, the reasons for suspension should be communicated to the Govt servant immediately on expiry of 3 months from the date of suspension.

DoPT O.M. No. 35014/1/81-Ests.(A) dated the 9th November, 1982

46.17 **Appeal**

` Order of Suspension is appealable under Rule 23 (i) of CCS (CCA) Rules, 1965.

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Chapter 47

VOLUNTARY RETIREMENT & PREMATURE RETIREMENT

47.1.1 **Voluntary Retirement :** Government servants may retire from service voluntarily before attaining the age of superannuation under the following provisions of Fundamental Rules and CCS (Pension) Rules, 1972.

		FR 56 (k)	FR 56(m)	Pension Rule48(1)(a)	Pension Rule 48 (A)
1	Eligibility	Group 'A & B' officers: i. Entered service before 35 years of age ii. Attained 50 years of age Other cases: Attained 55 years of age	Group 'C' Officer not governed by any pension rules	All Government servants covered by CCS (Pension) Rules, 1972	All Government servants covered by CCS (Pension) Rules, 1972
2	Minimum service	None	30 years	30 years	20 years
3	Notice period	3 months	3 months	3 months	3 months
4	Acceptance	Automatic, if non-acceptance not conveyed before expiry of notice period	Not required	Automatic, if non-acceptance not conveyed before expiry of notice period	Acceptance required but acceptance presumed if non-acceptance not conveyed before expiry of notice period
5	Grounds for non acceptance	Suspension	None	Suspension	Any ground

47.1.3 A notice of voluntary retirement under FR 56(k) or Rule 48 (1)(a) of Pension Rules does not require acceptance. It is only in the case of a *government servant under suspension* that the appropriate authority may withhold permission to retire under these rules. This is unlike the notice under Rule 48(A) of Pension Rules which requires acceptance by the appointing authority. In case of notice under FR 56 (m) even the right to refuse, if the government servant is under suspension, is not available to the Government.

47.1.4 A permanent employee declared surplus in any Department may opt for Special Voluntary Retirement Scheme. Detailed guidelines for this purpose have been issued by DoPT vide O.M.No. 25013/6/2001-Estt (A) dated 28th February, 2002.

O.M.No.25013/6/2001-Estt (A) dated 28.2.2002

47.2 **Premature Retirement:** The appropriate authority has the absolute right to retire, if it is necessary to do so in public interest, any Government employee as per provisions of Rules as under:-

		FR 56 (j)	Pension Rule 48 of CCS (Pension) Rules, 1972
1	Category	Group 'A & B' officers: iii. Entered service before 35 years of age iv. Attained 50 years of age <u>Other cases:</u> Attained 55 years of age 56 (e) a Govt. Servant in Group 'C' of post who is not governed by any Pension Rules, can also be retired after he has completed 30 years service.	All Government servants covered by CCS (Pension) Rules, 1972 who have completed 30 years of qualifying service.
2	**Notice Period**	3 months or 3 months pay and allowances in lieu thereof	3 months or 3 months pay and allowances in lieu thereof

The cases of Government servant covered by FR 56(j) or Rule 48 of CCS (Pension) Rules, 1972 should be reviewed six months before he attains the age of 50/55 years or completes 30 years service, whichever occurs earlier in cases covered by FR 56(j) and 30 years of qualifying service under Rule 48 of CCS (Pension) Rules, 1972.

Time Schedule for review is as under:-

Sl. No.	Quarter in which review is to be made	Cases of employee who will be attaining the age of 50/55 years or will be completing 30 years of service or 30 years of service qualifying for pension, as the case may be, in the quarter indicated below to be reviewed
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 of the next year

A register of employees who are due to attain the age of 50/55 years or complete 30 years of service to be maintained. The register should be scrutinized at the beginning of every quarter by a senior officer in the Ministry / Department and the review undertaken according to the above schedule.

Note : Compulsory Retirement as a penalty under CCS (CCA) Rules, 1965 is distinct from the above provisions.

Chapter 48

AGE OF RETIREMENT / EXTENSION

48.1.1 As per Fundamental Rule, FR 56 (a), every Government servant shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years

[a Government servant whose date of birth is the first of the month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years].

48.1.2 On attaining the age indicated in the above rule, retirement is automatic and in the absence of specific orders to the contrary by the competent authority a government servant must retire on the due date. The date of superannuation of a government servant is known in advance and there be no question of failure to make arrangements for his release sufficiently in advance. It is the responsibility of the administrative authority concerned to ensure that the government servants under their control so retire.

48.1.3 There are certain exceptions which are indicated in the Table below:-

I. Exceptions

Sl. No.	Category of Government Servants	Age of superannuation	Reference
1.	Specialists in the Teaching, Non-Teaching and Public Health sub-Cadres of Central Health Service	62 years	FR 56 (bb)
2.	Specialists in the Teaching sub-cadres of the Central Health Service who are engaged only in Teaching activities and not occupying administrative positions. Note: As per Second Proviso to FR 56(bb) Teaching sub-cadre of Central Health Service who are occupying administrative positions shall have the option of seeking appointment to the teaching positions	65 years	First Proviso to FR 56 (bb)

II. Extension

As per FR 56(d), no Government Servant shall be granted extension in service beyond the age of retirement of sixty years.

Extension, however, may be given in public interest to certain categories of Government servants which are indicated in the Table below:-

Sl. No.	Category of Government Servants	Period of extension	Reference
1.	Government servant dealing with budget work or working as a full-time Member of a Committee which is to be wound up within a short period of time.	Period not exceeding three months	First Proviso to FR 56(d)
2.	A Specialist in medical or scientific fields	Up-to Sixty Two years of age	Second Proviso to FR 56(d)
3.	Eminent Scientist of International Stature	Up-to Sixty Four years of age	Third Proviso to FR 56(d)
4.	Cabinet Secretary in the Central Government	For such period or periods as may be deemed proper subject to the condition that the total term as such Cabinet Secretary does not exceed four years	Fourth Proviso to FR 56(d)
4.	Defence Secretary, Foreign Secretary, Home Secretary, Director, Intelligence Bureau, Secretary, Research and Analysis Wing and Director, Central Bureau of Investigation	For such periods as may be deemed proper on case to case basis, subject to the condition that the total term of the incumbents does not exceed two years	Fifth Proviso to FR 56(d)
5.	Home Secretary and Defence Secretary.	For a further period not exceeding three months beyond the period of two years in 4 above.	Sixth Proviso to FR 56(d)
6.	Secretary, Department of Space and the Secretary, Department of Atomic Energy	For such period or periods as may be deemed proper subject to a maximum age of 66 years	Seventh Proviso to FR 56(d)

Provided also that the Appropriate Authority shall have the right to terminate the extension of service before the expiry of such extension by giving a notice in writing of not less than three months in the case of a permanent Government servant, or, of one month in the case of a temporary Government servant, or pay and allowances in lieu of such notice.

48.2 Distinction between Extension and Re-employment

The terms "Extension of service" and "Re-employment" may be differentiated as under:

i. Where the services of a Government servant beyond the age of his superannuation are required in the same cadre post which he is holding at the time of superannuation, then such retention shall be treated as "extension of service"
ii. Any proposal for retaining the services of a Government servant in the parent cadre beyond the normal age of superannuation in a post different from the one which he was holding at the time of superannuation should be discouraged. If however, such retention is for very exceptional reasons consider to be unavoidable, the same shall be treated as re-employment; and
iii. Where the services of a Government servant on deputation to an ex-cadre post or holding an ex-cadre post are required by the competent authority beyond the date of his superannuation in his parent service, then such retention, be it on the post he was holding at the time of superannuation or in any other post shall for all purposes be treated as re-employment.

DoPT O.M.No.26012/6/87-Estt (A) dated 13th April, 1988

48.3 Criteria and Procedure for Extension

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

2. The procedure indicated in the following paragraphs should also be followed by the Departments in regard to posts in statutory / autonomous bodies and Public Sector Undertakings, the initial appointments to which

are required to be made by or with the approval of the President / Central Government. Departments of the Government of India should bring to the notice of the autonomous bodies the instructions mentioned and request them to consider whether similar principles should not be adopted by them for other appointments.

I. CRITERIA FOR EXTENSION / RE-EMPLOYMENT

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

2) No person can be appointed/reappointed in Central Government service after the age of superannuation of 60 years through contract.

DoP&T No. 26012/6/2002-Estt. (A) dated 9th December, 2002

3) Extension of service / re-employment can be justified only in very rare and exceptional circumstances. Even in such cases, 60 years of age should be the deadline for non-scientific / technical posts and 62 years in the case of specialists in the medical and scientific fields. The over-riding consideration for the grant of extension of service / re-employment is that it must be clearly in the public interest and in addition satisfy one of the following two conditions:-

(i) that the retiring specialist is not just one of the outstanding officers but is really head and shoulders above the rest; or
(ii) that other specialists are not ripe enough to take over the job.

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

3. Whenever any specialist is considered for grant of extension, his character roll and personal file should be carefully scrutinized and all other relevant information that may be available should be taken into account to judge whether the specialist had good reputation for integrity and honesty. In cases where the specialist is not considered to have good reputation for integrity and honesty, he should not be considered for grant of extension in service. The appropriate authority in the Administrative Ministry should furnish a certificate of Integrity along with the Annexure-I as contained in

DoPT O.M.No.26012/6/2002-Estt (A) dated 9.12.2002 where grant of extension of service is proposed.

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

DoPT O.M.No.26012/6/2002-Estt (A) 9.12.2002 Annexure-I

4. While making proposals for extension of service in higher posts, it is all the more necessary to apply higher standards of efficiency to persons whose appointments to the higher posts are recommended for approval of the Appointments Committee of the Cabinet. The number of top posts is bound to be very limited and a few persons should not have them for too long. No Government servant who is on extension of service after the prescribed date of retirement should be promoted to another post during the period of extension of service.

5. No extension of service should be considered on the ground that a suitable successor is not available unless it is established that action to select a successor had been taken well in advance but the selection could not be finalized in time for justifiable reasons. A proposal for the grant of extension of service based merely on the consideration that the specialist's predecessor had been given extension should obviously not be accepted.

48.4 PROCEDURE FOR PROCESSING CASES OF EXTENSION OF SERVICE FOR SERVICE OF SCIENTISTS BEYOND THE AGE OF SUPERANNUATION

General Procedure :

1. Departmental Peer Review Committees (DPRCs) headed by the Secretary of the Scientific Departments constituted by the DOP&T with the approval of Prime Minister for a term of 2 years shall consider the cases of extension of service of scientists beyond 60 years and upto 62 years.

2. The existing/reconstituted Departmental Peer Review Committees shall also do the first stage screening of Scientists for their extension beyond 62 years of age and thereafter the DPRCs' recommendations will be placed before the Committee under the Cabinet Secretary provided that the DPRCs have at least two outside experts apart from Secretary(Personnel & Training). The DPRCs must give detailed justification for such extension based on merits of the case, the international stature of the person recommended and also indicate whether this will block promotion opportunities of others in the Department. Such recommendations of the DPRC for extension of service of Scientists beyond 62 years will be sent to the Establishment Division of the Department of Personnel & Training for placing the cases before the Committee under Cabinet Secretary. Only such

cases recommended by the Committee under Cabinet Secretary will be processed further for approval of ACC through the office of the Establishment Officer. Cases of extension of service of Scientists beyond 60 years and up to 62 years recommended by DPRC will continue to be sent directly to the office of Establishment Officer in DOP & T.

3. All proposals for extension of service of Scientists beyond 62 years in terms of the 3rd proviso to FR 56(d) may be processed keeping in view the above guidelines in addition to the criteria stipulated in the OM dated 9.12.2002.

DoP&T O.M.No.26012/8/2011-Estt (A) dated16th May, 2011

48.5 Central Secretariat Service Officers

All cases of extension of service / re-employment of officers belonging to CSS/CSSS/CSCS beyond the age of 60 years are require to be referred to the CS Division of the Department of Personnel and Training for prior approval.

48.6 Re-employment of Ex-Servicemen

Cases relating to re-employment of Ex-Servicemen will be regulated by Ex-servicemen (Re-employment in Central Services and Posts) Rules, 1979 as amended from time to time.

48.7. Curtailment of the period of Extension / Re-Employment

A situation might arise where the grant of extension of service / re-employment beyond the age of superannuation for a specified period might have to be cancelled or modified at a later date for administrative reasons. The eighth Proviso below FR 56(d) empowers the appropriate authority to terminate the extension of service before the expiry of such extension by giving a notice in writing of not less than three months in the case of a permanent Government Servant or one month in the case of a temporary government servant; or pay and allowances in lieu of such notice. In every case the orders granting an extension of service/re-employment should include a clause providing for termination of service after three months/one month's notice at any time within the period of extension / re-employment.

48.8 Promotion

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

48.9 Pay

The pay of superannuated Government servant re-employed in Central Civil Department will be regulated in accordance with the

instructions contained in Department of Personnel & Training's O.M.No.3/1/85-Estt. (Pay-II) dated 31st July, 1986

DoP&T O.M.No.3/1/85-Estt (Pay-II) dated 31st July, 1986

48.10 Autonomous Bodies

Autonomous Bodies are also expected to follow Government orders and guidelines issued in this regard from time to time.

DoP&AR O.M.No.26011/1/77-Estt (B) dated 18.5.1977

DoP&T O.M.No.25012/8/98-Estt (A) dated 30th May, 1998

DoP&T O.M.No.26012/6/2002-Estt (A)9.12.2002 Annexure-I

DoP&T O.M.No.26012/8/2011-Estt (A) dated16th May, 2011

Chapter 49

TERMINATION OF TEMPORARY EMPLOYEES

49.1 "Temporary Service" means the service of a temporary Government servant in a temporary post or officiating service in a permanent post under the Government of India. The provisions relating to termination of temporary service are contained in the Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965.

49.2 TERMINATION OF TEMPORARY SERVICE

(a) The services of a temporary Government servant shall be liable to termination at any time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant;

(b) the period of such notice shall be one month.

Provided that the services of any such Government servant may be terminated forthwith and on such termination, the Government servant shall be entitled to claim a sum equivalent to the amount of his pay plus allowances for the period of the notice at the same rates at which he was drawing them immediately before the termination of his services, or as the case may be, for the period by which such notice falls short of one month.

49.3 PROCEDURE TO BE ADOPTED WHILE SERVING NOTICE

49.3.1 The following procedure shall be adopted by the appointing authority while serving notice on such Government servant as mentioned in paragraph 1(a) above.

(i) The notice shall be delivered or tendered to the Government servant in person.
(ii) Where personal service is not practicable, the notice shall be served on such Government servant by registered post, acknowledgement due at the address of the Government servant available with the appointing authority.

(iii) If the notice sent by registered post is returned unserved it shall be published in the Official Gazette and upon such publication, it shall be deemed to have been personally served on such Government servant on the date it was published in the Official Gazette.

49.3.2 (a) Where a notice is given by the appointing authority terminating the services of a temporary Government servant, or where the service of any such Government servant is terminated on the expiry of the period of such notice or forthwith the Central Government or any other authority specified by the Central Government in this behalf or a head of Department, if the said authority is subordinate to him, may, of its own motion or otherwise, reopen the case and after making such inquiry as it deems fit-

(i) confirm the action taken by the appointing authority;
(ii) withdraw the notice;
(iii) reinstate the Government servant in service; or
(iv) make such other order in the case as it may consider proper.

Provided that except in special circumstances, which should be recorded in writing, no case shall be re-opened under this sub-rule after the expiry of three months-

(i) from the date of notice, in a case where notice is given;
(ii) from the date of termination of service, in a case where no notice is given.

(b) Where a Government servant is reinstated in service under sub-rule (2) the order of reinstatement shall specify –

(i) the amount or proportion of pay and allowances, if any, to be paid to the Government servant for the period of his absence between the date of termination of his services and the date of his reinstatement; and
(ii) whether the said period shall be treated as a period spent on duty for any specified purpose or purposes.

49.3.3 Rule 5 enables Government to dispense with the services of a temporary employee forthwith but does not provide for the forfeiture to Government of a similar amount when the employee does not give the requisite notice. The practice of obtaining an undertaking from temporary employees regarding forfeiture of pay and allowances should be discontinued where this has not already been done.

49.3.4 When action is taken as under Rule 5 to terminate the services of a temporary employee, the order of termination, which should be passed by the appointing authority, should not mention the reasons for such termination.

49.3.5 Where a Central Government servant, whose services have been terminated on payment of pay and allowances in lieu of a period of notice is able to secure another appointment under the Central Government within that period, the break in service may be condone by the appointing authority and service in the new appointment treated as continuous with that in the previous appointment for all purposes including fixation of pay, seniority, leave and gratuity or other retirement benefits; provided that he shall refund to Government the pay and allowances of the former post for the unexpired portion of the notice after his re-employment as well as any gratuity or other termination benefits in respect of his previous service.

49.3.6 (i) The period of one month should commence from the date the notice is served on or tendered to, the Government servant.

(ii) The Government of India, have standardised the proforma to be used for termination of services of temporary Government servants under rule 5 of the Central Civil Service (Temporary Service) Rules, 1965. Forms I and II are meant

for use in cases where the appointing authority is other than the President of India, whereas Forms III and IV are to be used in cases where the appointing authority is the President of India (see Forms I to IV below).

(iii) Ordinarily when a Government servant is actually in service, there would not be any difficulty in serving the notice on him personally or tendering in the presence of some other officer, if he refuses to accept the same. In the cases where it is apprehended that service is likely to be evaded, e.g. when the officer is on long leave, service should be terminated forthwith with an offer to pay a month's salary in lieu of notice as provided in the Rules.

49.4 DISTINCTION BETWEEN "NOTICE OF RESIGNATION" AND "LETTER OF RESIGNATION"

49.4.1 When a temporary Government servant submits a letter of resignation, a distinction should be drawn between a letter of resignation purporting to be a notice of termination of service and one which is not. This is because a notice of termination of service, given by a temporary Government servant under rule 5 (1) of the Central Civil Services (Temporary Service) Rules, 1965, is something different from a mere letter of resignation submitted by him without any reference direct or indirect, to the said rule. While the former is an exercise of the right conferred by statutory rules enabling a temporary Government servant to cease performance of his duties automatically on the expiry of the prescribed period of notice, the latter requires acceptance by the competent authority in order to become effective. Therefore, if a temporary Government servant submits a letter of resignation in which he does not refer to rule 5 (1) of the Central Civil Services(Temporary Service) Rules, 1965 or does not even say that it be treated as a notice of termination of service, the provisions of rule 5 (1) ibid will not be attracted. In such a case, the resignation of the temporary Government servant will be dealt with under the provision of Department of Personnel & Training OM No. 28034/25/87-Ests. (A) dated 11th February, 1988] and he can relinquish his post only when the resignation is accepted and he can be relieved of his duties. It will, therefore, be possible in such circumstances to retain the temporary officer even beyond one month if it takes time to make alternative arrangements. This will not be repugnant to the provisions of the Central Civil Services (Temporary Service) Rules, 1965 in any way, because when a temporary Government servant submits a letter of resignation without invoking the provisions of the said Rules, they will not come into picture.

Deptt. Of Personnel & Training OM No. 28034/25/87-Ests.(A) dated 11.02.1988

49.4.2 In addition to the forms prescribed for termination of service of a temporary Government servant under rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965 vide OM No. 4/1/65-Ests.(C) dated 30.3.1967, the forms below at Form V and VI will also be used.

49.5 PERSONS ON PROBATION

49.5.1 Under Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, the services of a temporary Government servant can be terminated at any

time by a notice in writing given either by the Government servant to the appointing authority or by the appointing authority to the Government servant. As regards the case of persons appointed on probation, where in the appointment letter a specific condition regarding termination of service without any notice during or at the end of the period of probation (including extended period, if any) has been provided, the position is that the Central Civil Services (Temporary Service) Rules,1965 do not specifically exclude probationers or persons on probation as such. However, in view of the specific condition regarding termination of service without any notice during or at the end of the period of probation (including extended period, if any), in cases where such a provision has been specifically made in the letter of appointment, it would be desirable to terminate the services of the probationer/person on probation in terms of the letter of appointment and not under Rule 5(1) of the Central Civil Services (Temporary Service) Rules, 1965.

49.5.2 In the case of temporary Government servants whose services are terminated on payment of one month's pay and allowances in lieu of notice under Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, the Government servant concerned may be granted terminal leave to the extent due and admissible but the leave salary for such leave should be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

49.6 **TERMINATION OF TEMPORARY SERVICE ON ACCOUNT OF PHYSICAL UNFITNESS**

Notwithstanding anything contained in Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, under Rule 6 the services of a temporary Government servant may be terminated at any time without notice on his being declared physically unfit for continuance in service by an authority who would have been competent to declare him as permanently incapacitated for service had his appointment been permanent.

FORM I

Notice of termination of service issued under Rule 5 (1) of the Central Civil Services (Temporary Service) Rules, 1965.

In pursuance of sub-rule (1) of rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, I hereby give notice to Shri/ Smt./ Kumari…… ……(name) that his/her services shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on or, as the case may be, tendered to him/her.

Station (Signature of the appointing authority)

Date:

ACKNOWLEDGEMENT

I hereby acknowledge the receipt on this day of the notice of termination from service.

Place:

Date:

Signature of the individual

Designation

FORM II

Order of termination of service issued under the proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965

In pursuance of the proviso to sub-rule (1) of rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 I hereby terminate forthwith the services of Shri/Smt./Kumari…….. (name) and direct that he/she shall be entitled to claim a sum equivalent to the amount of his/her pay and allowances for a period of one month (in lieu of the period of notice) calculated at the same rate at which he/she was drawing them immediately before the date on which this order is served on or, as the case may be, tendered to him/her.

Station: (Signature of the appointing authority)

Date:

FORM III

Notice of termination of service issued under Rule 5 (1) of the Central Civil Services (Temporary Service) Rules, 1965 where the appointing authority is the President.

In pursuance of sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, the President hereby gives notice to Shri/Smt./Kumari…… ……..……(name) that his/her services shall stand terminated with effect from the date of expiry of a period of one month from the date on which this notice is served on or, as the case may be, tendered to him/her.

Station: By order and in the name of the President

Date: (Signature of the authority empowered to authenticate documents in the name of the President).

ACKNOWLEDGEMENT

I hereby acknowledge the receipt on this day of the notice of termination from service.

Place: Signature of the individual

Date: Designation

FORM IV

Order of termination of service issued under the proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 where the appointing authority is the President.

In pursuance of the proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965, the President hereby terminates forthwith the services of Shri/Smt./Kumari……(name) and directs that he/she shall be entitled to claim a sum equivalent to the amount of his/her pay and allowances for a period one month (in lieu of the period of notice) calculated at the same rate at which he/she was drawing them immediately before the date on which this order is served on or, as the case may be, tendered to him/her.

Station: By order and in the name of the President

Date: (Signature of the authority empowered to authenticate documents in the name of the President).

FORM V

Order of termination of service issued under proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 during the currency of the notice of termination of services already served on him, where the appointing authority is the President..

In modification of Notice No……dated ……..of termination of service of Shri/Smt./Kumari……..(name) and in pursuance of the proviso to sub-rule (1) of rule (5) of the Central Civil Services (Temporary Service) Rules, 1965, the President hereby terminates forthwith the services of Shri/Smt./Kumari…….. (name) and directs that he/she shall be entitled to claim a sum equivalent to the amount of his/her pay and allowances for the period by which the said notice falls short of one month calculated at the same rates at which he/she was drawing them immediately before the date of this order.

Station: By order and in the name of the President

Date:

(Signature of the authority empowered to authenticate documents in the name of the President).

FORM VI

Order of termination of service issued under proviso to sub-rule (1) of Rule 5 of the Central Civil Services (Temporary Service) Rules, 1965 during the currency of the notice of termination of services already served on him.

In modification of Notice No……dated ……..of termination of service of Shri/Smt./Kumari……..(name) and in pursuance of the proviso to sub-rule (1) of rule (5) of the Central Civil Services (Temporary Service) Rules, 1965, I hereby terminate forthwith the services of Shri/Smt./Kumari…….. (name) and direct that he/she shall be entitled to claim a sum equivalent to the amount of his/her pay and allowances for the period by which the said notice falls short of one month calculated at the same rate at which he/she was drawing them immediately before the date of this order.

Station: Signature of the appointing authority

Date:

Chapter 50

RESIGNATION AND WITHDRAWAL OF RESIGNATION

50.1 Resignation is an intimation in writing sent to the Competent Authority by the incumbent of a post, of his intention or proposal to resign the office/post either immediately or from a future specified dated. A resignation has to be clear and unconditional.

DOP&T OM No.28034/25/87-Estt.(A) dated 11th February, 1988

50.2 **ACCEPTANCE OF RESIGNATION**

50.2.1 It is not in the interest of Government to retain an unwilling Government servant in service. The general rule, therefore, is that a resignation of a Government servant from service should be accepted, except, in the circumstances indicated below:

(i) Where the Government servant concerned is engaged on work of importance and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted straightway but only when alternative arrangements for filling the post have been made.

(ii) Where a Government servant, who is under suspension submits a resignation the competent authority should examine, with reference to the merit of the disciplinary case pending against the Government servant, whether it would be in the public interest to accept the resignation. Normally, as Government servants are placed under suspension only in cases of grave delinquency, it would not be correct to accept a resignation from the Government servant under suspension. Exceptions to this rule would be where the alleged offences do not involve moral turpitude or where the quantum of evidence against the accused Government servant is not strong enough to justify the assumption that if the departmental proceedings were continued, he would be removed or dismissed from service, or where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.

50.2.2 In those cases where acceptance of resignation is considered necessary in the public interest, the resignation may be accepted with the prior approval of the Head of the Department in respect of Group 'C' & 'D' posts and that of the Minister in charge in respect of holders of Group 'A' and 'B' posts. In so far as Group 'B' officers serving in Indian Audit and Accounts Department are concerned, the resignation of such officers shall not be accepted except with the prior approval of the Comptroller and Auditor General of India. Concurrence of the Central Vigilance Commission should be obtained before submission of the case to the Minister in charge/Comptroller and Auditor General, if the Central Vigilance Commission had advised initiation of departmental action against the

Government servant concerned or such action has been initiated on the advice of the Central Vigilance Commission.

DOP&T OM No.28034/25/87-Estt.(A) dated 11th February, 1988

50.3 **WHEN RESIGNATION BECOMES EFFECTIVE**

A resignation becomes effective when it is accepted and the Government servant is relieved of his duties. If a Government servant who had submitted a resignation, sends an intimation in writing to the appointing authority withdrawing his earlier letter of resignation before its acceptance by the appointing authority, the resignation will be deemed to have been automatically withdrawn and there is no question of accepting the resignation. In case, however, the resignation had been accepted by the appointing authority and the Government servant is to be relieved from a future date, if any request for withdrawing the resignation is made by the Government servant before he is actually relived of his duties, the normal principle should be to allow the request of the Government servant to withdraw the resignation. If, however, the request for withdrawal is to be refused, the grounds for the rejection of the request should be duly recorded by the appointing authority and suitably intimated to the Government servant concerned.

DOP&T OM No.28034/25/87-Estt.(A) dated 11th February, 1988

50.4 **WITHDRAWAL OF RESIGNATION**

50.4.1 The procedure for withdrawal of resignation after it has become effective and the Government servant had relinquished the charge of his earlier post, are governed by the following statutory provisions in the sub-rules (4) to (6) of Rule 26 of the CCS (Pension) Rules, 1972 which corresponds to Art. 418 (b) of the Civil Service Regulations:-

> (4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely :-
>
> (i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency, or conduct and the request of a material change in the circumstances which originally compelled him to tender the resignation;
>
> (ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper,
>
> (iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw resignation is not more than ninety days;

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not be counted as qualifying service."

DOP&T OM No.28034/25/87-Estt.(A) dated 11th February, 1988

50.4.2 **APPLICABILITY**

Since the CCS (Pension) Rules, 1972 are applicable only to holders of permanent posts, the above provisions would apply only in the case of a permanent Government servant who had resigned his post. The cases of withdrawal of resignation of permanent Government servants which involve relaxation of any the provisions of the above rules will need the concurrence of the Ministry of Personnel, Public Grievances and Pensions, as per Rule 88 of the CCS (Pension) Rules, 1972.

DOP&T OM No.28034/25/87-Estt.(A) dated 11th February, 1988

50.5 **IN CASE OF SELECTION IN CENTRAL PUBLIC ENTERPRISE/ CENTRAL AUTONOMOUS BODY:**

A Government servant who has been selected for a post in a Central Public enterprises/Central autonomous body may be released only after obtaining and accepting his resignation from the Government service. Resignation from Government Service with a view to secure employment in a Central public enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organization.

DOP&T OM No.28034/25/87-Estt.(A) dated 11th February, 1988

50.6 **VIGILANCE CLEARANCE**

In all cases of acceptance of resignation, the Competent authority, shall insist, as a mandatory measure, on prior vigilance clearance, before taking a decision on request for resignation. When an authority refers a case for vigilance clearance,

the authority competent to accord vigilance clearance would ensure expeditious consideration of the request.

DOP&T OM No.28034/4/94-Estt.(A) dated 31st May, 1994

50.7 GUIDELINES REGARDING REFERRING OF CASE OF WITHDRAWAL OF RESIGNATION BY THE MINISTRIES:

Only exceptional cases, which are properly justified from the point of public interest and where time limit is exceeded only very marginally, are required to be referred to DOPT.

DOP&T OM No.28035/2/2007-Estt.(A) dated 4th December, 2007

Chapter 51

COMMERCIAL EMPLOYMENT AFTER RETIREMENT

51.1 PRIOR SANCTION OF CENTRAL GOVERNMENT NECESSARY FOR ACCEPTING COMMERCIAL EMPLOYMENT.

51.1.1 Commercial employment is defined in Rule 10(8) of the Central Civil Services (Pension) Rules, 1972.

51.1.2 A pensioner, who immediately before his retirement was a member of Central Service Group 'A' is required to obtain previous sanction of the Central Government for accepting commercial employment before the expiry of one year* from the date of his retirement from service. In case, the pensioner is re-employed after retirement without any break either in the same or another Group 'A' post under the Central Government or in any other equivalent post under a State Government, the period of one year shall be reckoned from the date the pensioner ceases to be re-employed.

51.1.3 A pensioner, who proposes to take up post – retirement commercial employment before the expiry of one year from the date of retirement, should apply for prior sanction of Central Government in the prescribed form. A copy of the application form is at Annexure I(REVISED FORM 25).

[Rule 10(1) Read with Rule 10(8)(b) of the CCS (Pension) Rules, 1972]

DoP T Notification No. 27012/1/2006-Estt(A) dated 23.11.2006

51.2 CONSIDERATION OF APPLICATION

51.2.1 All requests have to be considered by the competent authority in terms of the provisions of Rule 10 of the CCS(Pension) Rules, 1972 and the guidelines issued by the Department of Personnel & Training vide O.M. No. 27012/5/2000-Estt.A dated 5th December, 2006. The Check List to be used by the administrative Departments while considering such requests is at Annexure II

51.2.2 CASES THAT MAY BE DECIDED BY ADMINISTRATIVE MINISTRIES.

The applications of Pensioners, who immediately before retirement hold the post below the rank of Joint Secretary to the Government of India, would be disposed of by the Department concerned after obtaining the orders of the Minister-in-Charge.

Dy. No. 27011/2/97-Estt (A) dated 2.12.1997

51.2.3 CASES WHICH REQUIRE SUBMISSION TO THE DEPARTMENT OF PERSONNEL & TRAINING

Cases relating to grant of permission to officers of the level of Joint Secretary to the Government of India or equivalent and higher belonging either to the All India Services or the Central Civil Services including those under the Ministry of Railways, are required to be submitted to Department of Personnel & Training for approval.

51.2.4 CASES OF MEMBERS OF CENTRAL SECRETARIAT SERVICE(CSS)

Proposal for commercial employment after retirement of CSS Officer (of the grades of Under Secretary and above) will be processed by the administrative Department concerned and referred to the CS Division of DOP&T for approval.

DOPT,CS Division Order No.21/01/2004-CS-I dated 20.02.2005

51.2.5 The following factors shall be taken into account while granting or refusing permission to take up commercial employment:-

(a) Whether a 'No Objection' for the proposed post-retirement commercial employment has been obtained from the cadre controlling authority and from the office from where the officer has retired;

(b) Whether the officer has been privy to sensitive or strategic information in the last three years of his service which is directly related to the areas of interest or work of the organization which he proposes to join or the areas in which he proposes to practice or consult;

(c) Whether there is conflict of interest between the policies of the office he has held in the last three years and the interest represented or work undertaken by the organization he proposes to join

Explanation – For the purposes of this clause, "conflict of interest" shall not include normal economic competition with the Government or its undertakings.

(d) Whether the organization he proposes to join has been known to be in any way in conflict with or prejudicial to India's foreign relations, national security and domestic harmony, and whether the organization is undertaking any for intelligence gathering.

(e) Whether service record of the officer is clear, particularly with respect to integrity and dealings with non-Government organizations;

(f) Whether the proposed emoluments and pecuniary benefits are far in excess of those currently prevailing in the industry.

Explanation – For the purposes of this sub-clause, the words "far in excess", shall not be construed as to cover increase in such benefit that may be as a result of buoyancy in industry or in the economy as a whole;

(g) Any other relevant factor.

DoP T Notification No. 27012/1/2006-Estt(A) dated 23.11.2006 and DoP T OM No. 27012/5/2000-Estt(A) dated 05.12.2006

51.3 **CONSEQUENCES OF NOT OBTAINING PRIOR SANCTION**

If a pensioner takes up commercial employment without the prior permission of the Central Government or commits a breach of any conditions subject to which permission has been granted to him to take up the employment, the Central Government is competent to withhold or withdraw pension whether partly or in full for such period as may be specified in the order. Before issuing such an order withholding or withdrawing pension, the pensioner shall be given an opportunity to show cause against the proposed action. While issuing such an order, the Government shall take into account the following factors:-

(i) The financial circumstances of the pensioner.
(ii) The nature of, and the emoluments from, commercial employment taken up by the pensioner concerned and
(iii) Any other relevant factor.

Rule 10(6) of the CCS(Pension) Rules, 1972

ANNEXURE- I

Form of Application for permission to Central Services Officers to accept commercial employment within a period of one year after retirement.

(Revised Form-25*)

1. Name of the Pensioner_____
(IN BLOCK LETTERS)

2. Date of retirement _____

3. Particulars of the Ministry/Department/Offices in which the pensioner served during the last five years preceding retirement (with duration)

Name of the Ministry/ Department/Office	Post held	Duration From	To

_____

4. Post held at the time of Retirement and period for Which held _____

5. Pay scale of the post and the Pay drawn by the officer At the time of retirement_____

6. Pensionary benefits

Pension expected/sanctioned (Commutation, if any, should be mentioned)	Gratuity, if any

7. Details regarding commercial employment proposed to be taken up:-

(a) Name of the firm/company/ cooperative society etc._____

_____

(b) Products being manufactured by the firm/type of business Carried out by the firm etc. _____

(c) Whether the officer had during the last three years of his official career, any dealings with the firm or company or cooperative society, etc. _____

(d) Duration and nature of the Official dealing with the firm_____

(e) Name of the job/post offered_____

(f) Whether post was advertised, if not, how offer made (Attach Newspaper cutting of the advertisement and a copy of the offer of appointment, if any._____

_____

(g) Description of the duties of the Post/job. _____

_____

(h) Remuneration offered for the post/job_____

(i) If proposing to set up practice, indicate:

(a) Professional Qualification in the field of practice _____

(b) Nature of proposed practice _____

8. Any information which the Applicant desires to furnish in support of his request _____

_____

9. Declaration:

I hereby declare that –

(a) The employment, which I propose to take up, will not involve activities prejudicial to India's foreign relations, national security and domestic harmony. It will not involve conflict of interest with the policies of the office held by me during the last three years and the interest represented or work undertaken by the organization I propose to join will not bring me into conflict with the working of the Government.

(b) I have not been privy to sensitive or strategic information in the last three years of service, which is directly related to the areas of interest or work of the organization that I propose to join or to the areas in which I propose to practice or consult.

(c) My service record is clear, particularly with respect to integrity and dealings with Non-Government Organisations.

(d) I agree to withdraw from the commercial employment in case of any objection by the Government.

Address
Place
Dated
Signature of applicant

DOPT Notification No. 27012/1/2006-Estt(A) dated 23.11.2006

ANNEXURE-II

CHECK-LIST

Subject: Grant of permission to retired Group 'A' Officers for commercial employment after retirement –case of Shri _____

1. Date of receipt of application in Office/Ministry/Department.

2. ********.

3. Comments with reference to the Prescribed criteria:

4. Has the case been examined from the vigilance angle?

5. The C.R. Dossier of the applicant is attached /may be attached by the Ministry/Department of _____

6. Recommendation regarding grant or refusal of permission including conditions, if any, subject to which permission may be granted.

Signature of authority
Forwarding/recommending the case
Name
Designation:
Office address

Chapter 52

LIST OF OTHER ACTS & RULES

52 The relevant Acts & Rules relating to Pay, Leave, LTC, Conduct Rules, Disciplinary Procedures, Pension/DCRG and Commutation of Pension may be accessed through the following links :

Leave	http://persmin.gov.in/DOPT_actrules.asp
LTC	http://persmin.gov.in/DOPT_actrules.asp
Conduct Rules	http://persmin.gov.in/DOPT_actrules.asp
Disciplinary Procedures {CCS (CCA) Rules}	http://persmin.gov.in/DOPT_ActRules_CCS%28CCA%29%28Eng%29_Index.asp
Pension/ DCRG	http://persmin.gov.in/pension/rules/ccspen1.htm
Commutation of Pension	http://persmin.gov.in/pension/rules_new/CCS_COPRules_1981_060613.pdf