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सत्यमेव जयते

भारत सरकार
कार्मिक और प्रशिक्षण विभाग
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
नॉर्थ ब्लाक, नई दिल्ली - 110001
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS
NORTH BLOCK, NEW DELHI-110001

D.O. No. 4(3)/2017-EO (PR)

Dated the 8th December, 2017

Dear Sir / Madam,

In terms of Rule 5(1) of AIS (PAR) Rules, 2007, if a performance appraisal report for a financial year is not recorded by 31st of December of the year in which the financial year ended, no remarks may be recorded thereafter and the officer may be assessed on the basis of the overall record and self assessment for the year, if he has submitted his self-assessment on time.

2. As you are all aware that from the year 2013-14, the Performance Appraisal Report in respect of IAS officers are being recorded online only in SPARROW. The platform for online filing of PAR, namely, SPARROW has been designed in sync with the PAR Rules, 2007. As such, the window for online filing of PAR i.e. SPARROW, is closed on the 31st December of that year in which the financial year of that PAR ends.

3. In view of this, it is requested that all the authorities in the State Government who have been designated to record remarks in the PARs of IAS officers may be reminded of the afore-stated rule as the PARs in r.o 2016-17 would automatically get closed on 31st December, 2017 and no comments could thereafter be recorded. The political executives are exempted from online recording of PAR, however, after obtaining their comments manually, the PAR is to be uploaded in SPARROW for online disclosure, latest by 31st December, 2017.

4. It may further be added that DoPT vide its executive instructions dated 21.4.2015 had conveyed the decision that PARs for the year 2014-15 onwards are to be recorded online only. Now, vide notification dated 15.6.2017, certain amendments have been carried out in AIS(PAR) Rules, 2007, which inter-alia has laid down that the PAR shall be generated and recorded electronically only. A copy of the AIS(PAR) Amendment Rules is enclosed for ready reference. PARs which are initiated and recorded manually would be declared non-est.

5. May I request you to issue necessary directions to the concerned authorities for expediting PARs in respect of IAS officers working in the Cadre.

Yours sincerely,

(P.K. Tripathi) 8/12

Encl: As above.

All the Chief Secretaries of State Governments / Administrators of UTs.

Copy for similar action in respect of the Ministry / Department to all the Secretaries to the Government of India.

Copy also to:

(i) The President's Secretariat, New Delhi.
(ii) The Prime Minister's Office, New Delhi.
(iii) The Cabinet Secretariat, New Delhi.
(iv) The Rajya Sabha Secretariat, New Delhi.
(v) The Lok Sabha Secretariat, New Delhi.
(vi) Election Commission, New Delhi.
(vii) UPSC, New Delhi.
(viii) Central Vigilance Commission, New Delhi.
(ix) O/o Comptroller & Auditor General, New Delhi.
(x) JS (Admn.), DoPT, North Block, New Delhi.
(xi) Joint Secretary, UT, MHA, North Block, New Delhi.
(xii) NIC, DoPT for uploading the letter in the Department's website.

सूचना
का अधिकार

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 15th June, 2017

G.S.R. 596(E).—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the State Governments, hereby makes the following rules further to amend the All India Services (Performance Appraisal Report) Rules, 2007, namely:-

1. (1) These rules may be called the All India Services (Performance Appraisal Report) Amendment Rules, 2017.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the All India Services (Performance Appraisal Report) Rules, 2007 (hereinafter referred to as the said rules), in rule 2, after clause (b), the following clause shall be inserted, namely:-

"(ba) "competent authority" means the authority as mentioned in sub-rules (7A) and (7B) of rule 9 to decide the representation of the officer reported upon against performance appraisal report disclosed to the member of Service.".

3. In the said rules, after rule 4, the following rule shall be inserted, namely:-

"4A (1) The performance appraisal report shall be generated and written by the officer reported upon electronically in the form as specified in Schedule 2.

(2) The comments of the reporting, reviewing and accepting authority shall be recorded electronically in case he is a government servant.

(3) The political executives may record their comments manually and the performance appraisal report so recorded shall be uploaded electronically as per time frame specified in Schedule 2:

Provided that in certain cases, with the approval of the Government and for reasons to be recorded in writing, performance appraisal report may be generated and written manually by the officer reported upon and any of the reporting authorities, that is, reporting or reviewing or accepting authority as per the guidelines specified by the Central Government from time to time :

Provided further that prior approval of the Central Government in consultation with Department of Personnel and Training shall be taken in cases where permanent exemption from electronic filing of performance appraisal report is sought on the grounds of national security, etc. for a particular class of posts.".

4. In the said rules, in rule 5,-

(i) for sub-rule (2), the following sub-rule shall be substituted, namely :-

"(2) Subject to the provisions of sub-rule (4), a performance appraisal report shall also be written when either the reporting or reviewing or accepting authority who is a government servant or the member of the Service reported upon relinquishes charge (other than retirement) of the post, and, in such a case, the report shall be written within the time frame as specified in Schedule 2 for completion of performance appraisal report in paragraph 9 of general guidelines for filling of the performance appraisal report form." ;

(ii) for the first and second provisos to sub rule (3), the following provisos shall be substituted, namely :-

"Provided that only one report shall be written on a member of the Service for a particular period during the course of the financial year:

Provided further that if the member of Service occupies more than one post, the Government shall identify **the post (substantive or additional charge) to report or review, well in advance** of the relevant assessment year." ;

(iii) after sub-rule (3), the following sub-rule shall be inserted, namely:-

"(3A) In general one person shall write the performance appraisal reports in the capacity of reporting, reviewing or accepting authority for a given period of time :

Provided that if more than one person supervises the performance of the member of Service for a given period of time, the Government shall identify **the persons to report or review well in advance** of the relevant assessment year." :

(iv) sub-rule (7) shall be omitted.

5. In the said rules, in rule 6, sub-rule (4) shall be omitted.

6. In the said rules, in rule 7, sub-rule (2) shall be omitted.

7. In the said rules, after rule 7, the following rules shall be inserted, namely: -

"7A. Restriction on reporting authority, etc. in certain cases. - Notwithstanding anything contained in rules 5, 6 and 7, it shall not be competent for the reporting authority, reviewing authority or accepting authority to write a performance appraisal report where the authority reporting the performance appraisal report is a government servant, after one month of his retirement from service; and in other cases, after one month of the date on which he demits office.

Explanation.- For the purposes of this rule,-

(a) a Minister shall not be deemed to have demitted the office if he continues to be a Minister in the Council of Ministers with a different portfolio or in the Council of Ministers immediately reconstituted after the previous Council of Ministers of which he was a Minister with the same or a different portfolio provided the Prime Minister or the Chief Minister, as the case may be, continues in office.

(b) a Minister shall be deemed to have demitted the office where pursuant to fresh elections, a new Council of Ministers has been reconstituted, even if the Minister who was in the earlier Council of Ministers finds a place in the new Council of Ministers with the same or different portfolio.

7B. Treating performance appraisal report as non-est. - The performance appraisal report, not recorded in terms of the provisions of these rules and instructions issued thereunder, shall be treated as non-est:

Provided that all the performance appraisal reports filed manually without approval of the Government to do so shall be treated as non-est.".

8. In the said rules, in rule 9, –

(i) for sub-rule (1), the following sub-rule shall be substituted, namely:-

"(1) The full annual performance appraisal report, including the overall grade and assessment of integrity, shall be disclosed electronically to the officer reported upon, after finalisation by the accepting authority except in the cases where it is generated manually, to enable the officer reported upon to represent his case." ;

(ii) for sub-rule (4), the following sub-rule shall be substituted, namely: -

"(4) The accepting authority shall within fifteen days from the date of receipt of comments from the officer reported upon forward the same to the reviewing and the reporting authority and call for their views on the comments and the comments of reporting and reviewing authority are required to be sought even if they have retired or demitted or relinquished office, and in case the comments of reporting and reviewing authority are not received within fifteen days from the date of receipt, it shall be presumed that reporting and reviewing authority have no comments to offer." ;

(iii) for sub-rule (7), the following sub-rules shall be substituted, namely: -

"(7) If the accepting authority is of a level below the Minister in the State or in the Central Government, then the competent authority to decide the representation shall be one level higher than the accepting authority and in such cases the accepting authority shall forward the comments of the officer reported upon along with the views of the reporting authority, reviewing authority and his own views to the competent authority within fifteen days of receipt of the views of the reviewing authority, and the comments of the accepting authority are required to be sought even if he has retired or demitted or relinquished office.

(7A) The competent authority shall consider the comments of the officer reported upon, the views of the reporting authority, reviewing authority and accepting authority and after due consideration, the competent authority may accept them and modify the performance appraisal report with a speaking order and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the views of the accepting authority.

(7B) If the accepting authority is the Minister in the State (including the Chief Minister) or the Minister in the Centre, then the competent authority to decide the representation will be the accepting authority himself and in such cases the accepting authority shall consider the comments of the officer reported upon, the views of the reporting authority and the reviewing authority and after due consideration may

accept them and modify the performance appraisal report accordingly and the decision and final grading shall be communicated to the officer reported upon within fifteen days of receipt of the views of the reviewing authority, and the comments of the reporting and the reviewing authority are required to be sought even if he has retired or demitted or relinquished office.

(7C) If the competent authority has not seen the work for the reporting period, the representation shall be referred to the Referral Board." ;

(iv) in sub-rule (9), in clause (a), for the words "and the accepting authority", the words ", the accepting authority and the competent authority" shall be substituted;

(v) after clause (b) of sub-rule (9), the following proviso shall inserted, namely: -

" Provided that where the representation has been sent to the Referral Board when the competent authority has not seen the work of the officer reported upon, the Referral Board shall consider the representation of the officer reported upon in the light of the comments of the reporting authority, the reviewing authority and the accepting authority and confirm or modify the performance appraisal report, including the overall grade and the decision of the Referral Board shall be in respect of both factual observations and errors of facts and the decision of the Referral Board shall be final and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the decision of the Referral Board.".

9. In the said rules, for rule 10, the following rule shall be substituted, namely:-

"10. Memorial against assessment. - Nothing in these rules shall be deemed to preclude an officer from making a memorial within the period of ninety days to the President on the performance appraisal report, as provided under rule 25 of the All India Services (Discipline and Appeal) Rules, 1969:

Provided that in cases where due to unavoidable circumstances it is not possible to make a memorial under these rules within the said period of ninety days, the competent authority may relax the timeline for submission of the memorial.".

[F. No. 11059/01/2016-AIS-III]

RAJESH KUMAR YADAV, Under Secy. (Services)

Note: The principal rules were published in the Gazette of India, vide number G.S.R. 197(E), dated the 14th March, 2007 and were subsequently amended as under:-

(i) G.S.R. 296 (E), dated 16th April, 2007,

(ii) G.S.R. 256 (E), dated 31st March, 2008,

(iii) Notification No. 11059/06/2010-AIS(III), dated the 22nd December, 2010,

(iv) Notification No. 11059/03/2012-AIS(III), dated the 19th February, 2013.

RAKESH SUKUL Digitally signed by RAKESH SUKUL Date: 2017.06.19 18:13:29 +05'30'

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