

No. AB-14017/36/2011-Estt(RR)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

New Delhi, the 21st September , 2012

OFFICE MEMORANDUM

Subject: Flexible Complementing Scheme for Scientists in Scientific and Technological Departments – date of effect of promotions

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The Flexible Complementing Scheme (FCS) for scientists is in position in some of the scientific Ministries/Departments of the Government of India with the issue of guidelines issued by this Department under O.M. No.2/41/97-PIC dated the 9th November, 1998. The same is presently governed by the Modified FCS guidelines issued by this Department after 6th CPC under O.M. No. AB 14017/37/2008- Estt.(RR) dated the 10th September, 2010.

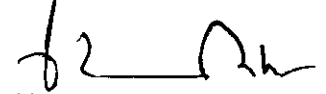
2. On the issue of date of effect of promotions under FCS, this Department's instructions issued in OM dated 17th July, 2002 lay down that as promotions are made effective from a prospective date after the competent authority has approved the same, the same principle shall be applicable in the case of in situ promotions under FCS as well. The OM makes it very clear that the Assessment Boards have to be constituted well in advance keeping in view the fact that 1st January and 1st July of each year are crucial dates to effect promotions. The competent authority shall ensure that no promotion is granted with retrospective effect.

3. This Department has received a number of proposals from various Ministries/Departments on the issue of antedating the promotion/ retrospective promotions under FCS based on court orders, etc. The delay in assessment for promotions is cited on account of various administrative reasons, non availability of ACRs., etc. The Hon'ble Courts/Tribunal while giving directions for giving promotions from a retrospective date have made references to the provisions of the DOPT OM dated 17.7.2002 which requires in situ promotions under FCS to be effected each year and mandates timely assessments should be made well in advance keeping in view the crucial dates. Attention is also invited to the DOPT instructions vide OM No. 21011/02/2009-Estt (A) dated 16th February 2009 which prescribes the Time Schedule for preparation of Confidential Reports by the various Ministries/Departments. Delay in convening of Assessment Board meetings due to administrative reasons leads to delayed promotions which in turn has a bearing on subsequent promotions also.

4. Under FCS, promotion is not effected upon arising of a vacancy. Subject to being found suitable, the Scientists are entitled to be promoted in situ. The guidelines however lay down that assessment norms for promotions under the FCS should be rigorous with due emphasis on evaluation of scientific and technical knowledge so that only scientists who have to their credit demonstrable achievements or higher level of technical merit are recommended for promotion. Giving the benefit of promotions from a retrospective date or from the date of completion of residency period without timely assessment as prescribed in our guidelines would dilute the spirit of FCS instructions on rigorous assessment and would be akin to granting of financial upgradation as in other such schemes.

5. The Ministries/Departments may bring the above to the notice of all concerned for necessary action and strict compliance.

6. Hindi version will follow.



(Ashok Kumar)

Deputy Secretary to the Government of India
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To

1. Ministry of Science and Technology
2. Department of Biotechnology
3. Ministry of Communications and Information Technology (DIT)
4. Ministry of Environment, Forests & Wild Life
5. Ministry of Non-Conventional Energy Sources
6. Ministry of Earth Sciences,
7. Ministry of Home Affairs
8. Ministry of Water Resources
9. Ministry of Health and Family Welfare
10. Department of Consumer Affairs
11. All other Ministries/Departments of the Govt. of India

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7. The Comptroller and Auditor General of India, New Delhi.
8. The Union Public Service Commission, New Delhi.
9. All Attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
10. Establishment Officer and Secretary, ACC (10 copies).
11. All Officers and Sections in the Department of Personnel & Training
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