

No. 22011/3/76-Estt(D)  
Government of India  
Ministry of Home Affairs  
Department of Personnel & I.R.

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New Delhi, the 24th Dec. ,1980.

OFFICE MEMORANDUM

**Subject:-Principles for promotion to 'Selection' posts.**

Large number of clarifications are being sought by the various Ministries/Departments on various aspects while preparing a panel for posts to be filled on the basis of Selection. The various points raised are as below:-

1. The absence of clearly defined limits in the matter of fixation of the zone of consideration has led to lack of uniformity of practice between the various DPCs;
2. In a number of cases the meetings of the DPCs are not held annually as required even though there were vacancies resulting in the bunching of vacancies which in turn enlarged the field of choice and upset the relative seniority positions in the higher grade on account of supersessions.
3. In a number of cases some of the senior officers even though included in the panel for promotion do not get promotion due to their being away from the parent department and at the same time are also not eligible for proforma promotion under the NBR due to the application of the one to one correspondence or due to the fact that they are being the junior most in the panel below them and this has resulted in their reconsideration by the next DPC thereby resulting in loss of seniority to them.
4. In certain cases Recruitment Rules are amended when a panel already prepared is still in operation and therefore whether the panel can still be operated after the amendment.

2 All the above aspects have been carefully considered and the following instructions are issued for the guidance of all Ministries.

3. Zone of consideration for promotion to posts filled by selection.

Reference is invited to the Ministry of Home Affairs (now Department of Personnel & AR) O.M.No.1/4/55-RPS dated 16.5.57 laying down certain principles for promotion. In the operation of these principles it has been observed that the absence of clearly defined limits on the extent

of the field of choice and upset the relative seniority in the higher post with reference to the positions which would not have resulted had the DPCs met at the appropriate time. In view of these considerations it has been decided in consultation with the UPSC as under in supersession of this Department's O.M.No.1/4/55-RPS dated 16.5.57 and all other memoranda having any bearing on the matter herein doalth with

(a) The Departmental Promotion Committee (D)C shall for the purpose of determining the number of officers who would be considered from out of those eligible officers in the feeder grade (s) restrict the field of choice as under, with reference to the number of clear regular vacancies proposed to be filled in the year.

No. of vacancies	No. of officers to be considered
(1)	(2)
1	5
2	8
3	10
4 or more	3 times the number of vacancies.

(b) Where, however, the number of eligible officers in the feeder grade (s) is less than the number in Col.(2) above, the officers so eligible should be considered.

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

Officers belonging to SC/ST selected for promotion against vacancies reserved for them from out of the extended field of choice under sub para (c) above, would, however be placed on bloc below all the other officers selected from within the normal field of hchoice.

4. Preparation of year-wise panels by DPC where they have not met for a number of years.

(a) Instructions already exist that DPC's should meet at regular annual intervals For the preparation of select lists and where no such meeting is held in any year, the appointing authority should record a certificate that there were no vacancies to be filled during the year. Administrative Ministries should obtain periodical information/certificates on the regular holding of DPCs.

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

(i) Determine the actual number of regular vacancies that arose in each of the previous year/years immediately preceding and the actual number of regular vacancies proposed to be filled in the current year separately.

(ii) Consider in respect of each of the years those officers only who would be within the field of choice with reference to the vacancies of each year starting with the earliest year onwards.

(iii) Prepare a 'Select list' by placing the select list of the earlier year above the one for the next and so on.

(iv) Prepare a consolidated 'Select list' by placing the select list of the earlier year above the one for the next and so on.

Illustration:-DPC meets in 1980. Number of vacancies in the year 1973 and 1979 were 8 and 7 respectively. It is proposed to fill also 9 more vacancies during 1980. There are 100 eligible officers.

Panel for 1978

No. of vacancies.....8

Field of choice.. .....24

Take officers.. ..... 1 to 24

DPC classified Sl. No.20 as 'Outstanding' and S.No. 7 and 15 'not fit' And rest 'Very Good'.

Panel list will be....Sl.Nos 20,1,2,3,4,5,6,8.

panel for 1979

No. of vacancies 7 field of choice 21. This comprises officers Nos. 7,9, to 19,21 to 29 (total 21). The DPC classified No.7 as not yet fit and rest 'very good'. Panel will comprise of Sl. Nos. 9 to 15.

Panel for 1980

No. of vacancies 9, field of choice 27. This will comprise Nos. 7,16 to 19,21 to 42.

No.40 is grade3 'Very Good' and the rest as Good.

consolidated select list Sl. Nos. 20,1 to 6,8,9 to 15, 40,7 16 to 19,21,22,23.

(c) For the purpose of evaluating the merit of the officers, the record of service of the officers for the purpose of considering for inclusion in the panel relevant to any of the earlier years as contemplated in clause (b) above should be limited to the record that would have been available had the DPC met at the appropriate time; for instance, for preparing the panel relating to the vacancies of 1978 records of service of the officers only upto 1978 should be taken into account and not the subsequent ones. However, if on the date of actual DPC (1980 in the Illustration) Departmental proceedings are in progress and under the existing instructions sealed cover procedure is to be followed, such procedure should be observed even if no such proceedings were in existence in the year to which the vacancy related (e.g. if the illustration, in respect of officer No.6 employed against a 1978 vacancy even though the disciplinary proceedings were started only in 1980 (prior to DPC meeting), his name has to be kept in the sealed cover till the proceedings are finalised.

(d) While promotions will be made in the order of the consolidated select list such promotion will have only prospective effect, even in cases where the vacancy relates to an earlier year.

5. Consideration of the cases of officers who are away on deputation by the DPC where they have been empanelled by the earlier DPC but not eligible for benefits under the NBR.

Under this Department's O.M.No.1/4/55-RPS dated 16 May 1957, the select list prepared for the purpose of promotion should be periodically reviewed and the names of those officers who have already been promoted (otherwise than a local or purely temporary basis) and continue to officiate should be removed from the list as having been promoted and rest of the names along with others who may now be included in the field of choice should be considered for the select list for the subsequent period. Again, in this Department's O.M.No.1/25/65-Estt(D) dated 11.10.1966, it has been laid down that a select list drawn by the DPC should formally be operative only for one year and in any case it would cease to be in force after 10 months or when the fresh list is prepared whichever is earlier.

The effect of these circulars would be that every officer included in the panel who at the time of expiry of the validity of the earlier panel or at the time of the fresh DPC does not hold a regular promotion post needs to be reconsidered and every officer who holds such a regular post on these crucial dates need not be so considered by the DPC.

In this Department's O.M.No.22011/6/75-Estt(D) dated 30.12.76 (Para V(5)), it has been laid down that DPC should consider the claims of all officers who are on deputation

or on foreign service **in public interest** or on their own volition. Thus their names would be considered for Inclusion in the panel based on their records of service along with others **including** posts within the Department concerned. However, in para X(4) of the circular, dated 30.12.76 referred to above, it has been envisaged that such officers who had gone on **deputation/foreign** service in the public interest should be protected to enable them to regain their temporarily lost seniority in their **higher grades** on return to his cadre. In the case of others who have taken up ex-cadre posts on the their own volitation, such protection is not available and they could be **considered** for promotion, only after they return to their parent cadre.

The application of this Department O.M. dated 11.10.66 and 16 May 57 referred to above has caused certain **anomalies** in the case of persons proceeding on deputation or foreign service etc. in public interest, in the matter of protecting their seniority in the higher grade. In respect of such officers who while on **deputation/foreign** Service are given **proforma** promotion under the NBR with reference to the date of promotion their juniors no problem of maintaining their panel seniority would arise. In other cases where, the number of officers outside the line exceeds the number of **juniors** who are promoted within the cadre, **proforma** promotion under NBR could not be given all such seniors in view of the condition of one-to-one correspondence under the guiding principles of NBR.

The effect of this would be that those of the officers higher in the panel and on deputation who could not be given NBR will continue to be shown as working in the lower posts while junior officers within the **department** would continue to be shown **against** higher posts. In a case where this position continues after the validity period of panel or at the time of a fresh DFC the juniors would not be required to be considered by the fresh OPC while the senior who is shown against the **lower** post and not actually officiating against a higher post even under NBR may have to be **considered** by the DFC.

In order to avoid such an anomalous situation, it has been decided that para X(4) of this department OM No. 22011/6/75-Estt(D) dated 30th December 1976 may be amended as under:-

- " 4. If the panel contains the name of a person who has gone on deputation or on foreign service in the **public** interest including the person who has gone on study leave, provision should be made for his **regaining** the temporary lost seniority in the higher grade on his return to the cadre. Therefore, notwithstanding the provision of **Sub-Para 3** above as well as the provision of para **XII** below, such officers need not be reconsidered by a fresh DFC if **any**,

subsequently held, while they continue to be on deputation/foreign service/study leave so long as any officer junior to him in the panel is not required to be so considered by a fresh DPC irrespective of the fact whether he might or might not have got the benefit or 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 for his being away on deputation."

In the case the officer has gone on ex-cadre post on his own volition by applying inresponse to advertisements, he should be required to revert to his parent cadre immediately when due for promotion, failing which his name shall be removed from the panel. On his reverting to the parent cadre after the period of two years or the extended period, if any, he will have no claim for promotion to the higher grade on the basis of that panel. He should be considered in the normal course along with other eligible officers when the next panel is prepared and he should be promoted to the higher grade according to his position in the fresh panel. His seniority, in that event shall be determined on the basis of the position assigned to him in the fresh panel with reference to which he is promoted to the higher grade. (If the panel contains the panel of an officer on study leave, he should be promoted to the higher post or 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.)

6. Hindi version will follow.

Sd/-

( J.K.Sarma )  
Director (E)

Authorised for issue.

Sd/- (K.R.Gopal Rao)  
Desk Officer

To

1. All Ministries/Departments including PM's Office, Cabinet Secretariat, Planning Commission.
2. UPSC with 10 spare copies.
3. C&AG, Election Commission, Central Vigilance Commission.
4. All attached and subordinate offices of MHA & DP&AR.
5. All sections of MHA/DP&AR.
6. All National Council Staff Side Members.
7. Secretary, National Council Staff Side, Ashoka Road, New Delhi.