

No.18/4/51-Estt.(B)
Government of India
Ministry of Home Affairs

.....
New Delhi, the 1st September, 1958

NOTIFICATION

In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the constitution and in supersession of all previous regulations on the subject, the President hereby makes the following regulations, namely:-

1. These regulations may be called the Union Public Service Commission (Exemption from Consultation) regulations, 1958.

2. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clause (a) and (b) of clause (3) of the Article 320 of the Constitution in the case of the services and posts specified in the Schedule I[#] to these Regulations.

^a 2A. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clause (b) of the clause (3) of article 320 of the Constitution in the case of posts specified in Schedule II to these Regulations.

3. Save as otherwise expressly provided in the rules governing recruitment to the Civil Service or Civil post concerned, it shall not be necessary to consult the Commission in regard to the selection for appointment:

(a) to a post included in an All India Service, of any Officer who is already a member of an All India Service:

(b) to a post included in a Central Service Group A of any Officer in the Armed Forces of the Union or any officer who is already a member of an All India Service or a Central Service, Group A:

(c) to a Central Service, Group B, or to a post included in a Central Service, Group B, of any officer who is already a member of a Central Service, Group B, of any officer who is already a member of a Central Service, Group B or Central Service Group C or any Officer in the Armed Forces of the Union; and

#. Substituted vide DOPT Notification No. 39018/590-Estt (B) dated 13/11/91. (GSR 666 dated 30th November, 1991)

^a. Inserted vide DOPT Notification No. 39018/590- Estt (B) dated 13/11/91. (GSR 666 dated 30th November, 1991)

(d) to a tenure post included in Central Service Group A or a Central Service Group B, of an Officer of a State Service.

Note:- In this regulation-

(i) the term "Central Service, Group A", "Central Service Group B" and "Central Service, Group C" shall include the corresponding Railway Services and Defence Services (Civilian);

€(ii) the term 'Officer' means a person appointed to an All India Service or the Armed Forces of the Union, or a Central Service Group A, or Central Service Group B, or a Central Service Group C or a State Service, as the case may be in accordance with the relevant recruitment rules.

(iii) the term "State Service" means service in a State appointment to which are made by the Governor;

(iv) the term "Tenure post" means a post whether permanent or temporary, which has been classified as a tenure post in consultation with the Commission.

4. It shall not be necessary to consult the Commission in regard to the selection for a temporary or Officiating appointment to a post, if-

(a) the person appointed is not likely to hold the post for a period of more than one year; and

(b) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay.

Provided that-

(i) such appointment shall be reported to the Commission as soon as it is made;

(ii) if the appointment continues beyond a period of six months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission.

(iii) if such estimate indicates that the person appointed is likely to hold the post for period of more than one year from the date of appointment, the Commission shall immediately be consulted, the Commission shall immediately be consulted in regard to filling up of the post.

€ Substituted vide D/Personnel and AR Notification No.18/10/74-Estt. (B) dated 29/4/1975. (GSR 594 dated 17th May 1975) as amended vide DOPT Notification No.39015/2/75-Estt (B) dated 5/7/76. (GSR 1063 dated 24th July, 1976)

5. (I) It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than:

(a) an original order by the President imposing any of the following penalties:-

(i) Censure

(ii) Withholding of increments or promotion;

(iii) recovery from the pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders;

^u(iv) reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such period, and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay.

[£](iv-A) A reduction to a lower time scale of pay, grade, post or service with or without further directions regarding conditions of restoration to the grade or post; or service from which the Government servant was reduced and his seniority and pay on such restoration to that grade, post or service;

(v) compulsory retirement;

(vi) removal from service;

(vii) dismissal from service;

(b) an order by the President on an appeal against an order imposing any of the said penalties made by a subordinate authority;

(c) an order by the President over- ruling or modifying, after consideration of any petition or memorial, or otherwise, an order imposing any of the said penalties made by the President or by a subordinate authority;

^u Substituted vide Cabinet Secretariat (Department of Personnel) Notification No.18/4/71-Estt. (B) dated 6/9/71. (GSR 1654 dated 6th November, 1971)

[£] Substituted vide Cabinet Secretariat (Department of Personnel) Notification No.18/4/71-Estt. (B) dated 6/9/71. (GSR 1654 dated 6th November, 1971)

¥(d) an order by the President imposing any of the said penalties in exercise of his power of review and in modification of an order under which none of the said penalties has been imposed.

(2) It shall not be necessary to consult the Commission in regard to any disciplinary matter affecting a person belonging to a Defence Service (Civilian).

±(3) It shall not be necessary for the President to consult the Commission.

(a) in any case where the President proposes to make an order of dismissal removal or reduction in rank after being satisfied that such action is necessary in the interest of the security of the State; and

(b) in any case where the President proposes to make an order under rule 3 of the General Civil Services (Safeguarding of National Security) Rules, 1953 or rule 3 of the Railway Services (Safeguarding of National Security) Rules, 1954 as amended by the Railway Services (Safeguarding of National Security) Amendment Rules, 1960.

Ω 5A It shall not be necessary to consult the Commission in regard to any matter mentioned in sub-clause (d) of clause 3 of Article 320 of the Constitution:-

(a) In the case of a person belonging to Central Service Group C or Central Service Group D.

(b) In any other case, where the Government has accepted the claim of the Government servant.

¥ Inserted vide MHA Notification No.18/7/59-Estt. (B) dated 23/5/1961. (GSR 731 dated 3rd June, 1961).

± Substituted vide MHA Notification No.18-10-60-Estt.(B) dated 17/8/1961. (GSR 1047 dated 26th August,1961)

Ω Inserted vide DOPT Notification No. 39018/3/85-Estt. (B) dated 1/4/86. (GSR 268 dated 12th April, 1986)

TM 6. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clause (e) of the clause (3) of Article 320 of the Constitution in the case of-

(a) a person belonging to an All India Service, or a Central Service, Group A or a Central Service Group B, in so far as claims arising out of the injuries sustained any time during which the proclamation, issued on 26th October, 1962 by, the President under clause (1) of Article 352 of the Constitution, remains in operation are concerned.

(b) a person belonging to a Central Services Group C or a Central Service Group D.

SCHEDULE- I
† (See Regulation 2)

- (1) Posts in respect of which the authority to appoint is specifically conferred on the President by the Constitution.
- (2) Posts of Chairman or Members of any Board, Tribunal, Commission, or other similar authority created by or under the provisions of a statute.
- (3) Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar body appointed by or under the authority of a resolution of either House of Parliament or by a resolution of Government for the purpose of conducting any investigation or inquiry into or for advising Government on specified matter.
- (4) Posts of Heads of Diplomatic, Consular and other similar Indian Missions in countries abroad (eg. Ambassadors, High Commissioners, Ministers, Commissioners, Consuls General, Representatives, Agents).
- (5) Posts on the personal staff attached to holders of posts mentioned in items (1) to (4) above.
- (6) Posts in the Secretariat of the Lok Sabha and the Rajya Sabha.
- (7) All technical and administrative posts in or under the Atomic Energy Commission.
- ~~H~~(8) Judicial Commissioners, Additional Judicial Commissioners, District Judges, Sessions Judges, Additional District Judges and Additional Sessions Judges in the Union Territories.
- (9) All Civil and criminal Judicial posts in the Union Territories under the control of a High Court of a Court of a Judicial Commissioner other than those included in the item (8).
- ®(9 A) Group B (non-gazetted) posts of Assistants and Stenographers Grade C to be filled by direct recruitment through open competitive examinations.
- (10) All Group C and D Services and post, save as otherwise expressly provided in the relevant rules or orders governing recruitment thereto.

† Inserted vide DOPT Notification No. 39018/5/90-Estt (B) dated 13/11/1991. (GSR 666 dated 30th November, 1991)

~~H~~(Substituted vide MHA Notification No.18-7-68-Estt.(B) dated 31/3/70. (GSR 633 dated 18th April 1970).

® Inserted vide DOP&T Notification No.24012/31/85-Estt. (B) dated 7-9-1989. (GSR 704 dated 23rd September, 1989)

^ (11) Save as otherwise expressly provided in the relevant recruitment rules or orders governing recruitment thereto any service or posts concerned with the administration of the Union Territories of Arunachal Pradesh and Mizoram.

* (12) Posts in the Secretariat and Personnel staff of the President and Vice President.

€ (12 A) Posts in the Government Hospitality Organisation under the Ministry of External Affairs.

▲ (13) National Research Professors under the Ministry of Scientific Research and Cultural Affairs.

(Inserted vide MHA Notification No.18/13/61-Estt.(B) dated 25-3-1963 – GSR No. 578 dated 6-4-1963).

► (14) Posts of Consultants and Chief Consultant in the Planning Commission.

◄ (15) Posts of Private Secretary to the Solicitor General of India and Additional Solicitor General of India

◇ (16) Deleted.

○ (17) Group B Ministerial posts in the I.B. other than the posts of Section Officer.

^ Substituted vide MHA notification No.18/7/68-Estt. (B) dated 31/3/70. (GSR 633 dated 18th April, 1970) as amended by notification No.18/3/72-Estt.(B) dated 12/2/73. (GSR 168 dated 24th February, 1973)

* Inserted vide MHA notification No.18/10/61-Estt.(B) dated 26/3/62 (GSR 382 dated 31st March, 1962) and subsequently amended by DOP&T notification No.18/3/72-Estt.(B) dated 12/2/73 (GSR 168 dated 24th February, 1973)

€ Substituted vide Department of Personnel Notification No.18/3/72-Estt.(B) dated 12/2/73 (GSR 168 dated 24th February, 1973)

▲ Inserted vide MHA Notification No.F.18/13/61-Estt. (B) dated 25/3/63. (GSR 578 dated 6th April, 1963)

► Inserted vide MHA Notification No.F.18/13/61-Estt. (B) dated 24/4/64 read with MHA Notification No. 18/10/74-Estt (B) dated 29/4/75 (GSR 594 dated 17th May, 1975)

◄ Inserted vide MHA Notification No.F.18/7/64-Estt. (B) dated 14/4/65. (GSR 599 dated 24th April, 1965)

◇ Deleted vide DOPT Notification No.39018/2/78-Estt.(B) dated 6/7/1999. (GSR 441 (E) dated 6th July, 79)

○ 17. Substituted vide Department of Personnel Notification No. 39015/2/75-Estt(B) dated 25/4/1971. (GSR 610 dated 14th May 1977)

○(18) All technical and Administrative posts in or under;

(a) the Department of Space.

(b) the space Commission, constituted by the resolution of the Government in the Department of Cabinet Affairs.

(19) All technical and administrative posts in or under the

●(a) Department of Information Technology.

■(b) the Electronics Commission, constituted by the Resolution of the Government of India in the Department of Cabinet Affairs.

■ (19 A) The posts of Private Secretary to the Speaker and Private Secretary to the Deputy Speaker of the Legislative Assembly of Goa, Daman and Diu).

⊙(19 B) All technical and administrative posts in and under the Commission on Additional Sources of Energy constituted by the Resolution of the Government of India in the Cabinet Secretariat No.64/1/1/80-Cab. Dated 12th March, 1981 for a period of three years from the commencement of the UPSC (Exemption from Consultation) (Second Amendment) Regulations, 1982.

●(19 C) the posts of Directors (Technical), Principal Scientific Officer and Senior Scientific Officer in or under the Department of No-conventional Energy Sources for a period from 15-5-86 to 14-5-87.

☼ (19 D) Recruitment/Promotions of Scientific and technical personnel in the Defence Research and Development Organisation (DRDO) under the Ministry of Defence.

○ Inserted vide Department of Personnel Notification No.18/12/72-Estt. (B) dated 14/11/74. (GS R 465(E) dated 14th November, 1974)

● Substituted vide DOPT Notification No. 39018/3/2001-Estt (B) dated 4/6/2003. (GSR 232 dated 14th June 2003) read with DOPT Notification No. 39018/3/2001-Estt(B) dated 25/2/2004. (GSR 67 dated 6th March, 2004)

■ Inserted vide Department of Personnel Notification No.18/5/71-Estt. (B) dated 13/8/75. (GSR 2288 dated 30th August, 1975)

■ Substituted vide Department of Personnel Notification No.39018/5/81-Estt. (B) dated 19/3/85. (GSR 329 dated 6th April, 1985)

⊙ Inserted vide Department of Personnel Notification No.39018/3/82-Estt. (B) dated 15/5/82 (GSR 481 dated 29th May, 1982)

● Inserted vide Department of Personnel Notification No.39018/3/86-Estt. (B) dated 3/12/86 (GSR 1071 dated 20th December, 1986)

☼ Inserted vide Department of Personnel Notification No. 39018/4/82-Estt(B) dated 18/5/85 (G.S.R 512 dated 1st June, 1985)

ψ(19 E) All Group A and B posts in or under the Central Administrative Tribunal.

ε(19 F) Scientific posts in the Ministry of Science and Technology, Department of Ocean Development, Department of Non-conventional Energy Sources and the Department of Environment, Forests and Wild Life as specified in the Annexure annexed to these regulations except in respect of appointments to be made thereto by promotion through the Departmental Promotion Committee.

♣(19 G) Posts of Computer Specialist, Programmer Software), Programme Assistant, Technical Assistant, Editorial Consultant, Sr. Research Officer, Bibliographer (Lexicon), Library Assistant, Reporgraphy Assistant and Folk Art Consultant in the Department of Arts for a period not exceeding five years. The appointments made against these posts under the exemption granted under these regulations shall not confer any right of permanent absorption in Government on the persons so appointed to these posts.

♣(19 H) All posts of Advisers in the Planning Commission carrying the pay band -4 of Rs 37400-67000/- with Grade Pay of Rs.10000/- Or HAG scale of 67,000/- (annual increment @ 3%) – 79,000/- or the apex scale of Rs. 80,000/- other than those required to be filled under the Senior Staffing Scheme or those included in any organized service.

♥(19 I) Framing of recruitment rules of and recruitment to Group B Non-gazetted posts in the Department of Telecommunications.

♦(19 J) Group B Non-gazetted posts under the Andaman and Nicobar Islands and Lakshadweep Administration.

♯(20) Posts of Examiner of Patents and Designs, Assistant Controller of Patents and Designs, Deputy Controller of Patents and Designs, Joint Controller of Patents and Designs, Senior Joint Controller of Patents and Designs, Deputy Chief Executive Officer, Senior Documentation Officer, Senior Reprography Officer, Junior Documentation Officer, Reprography Officer and Senior Programmer in the Patent Office under the Department of Industrial Development, Ministry of Industry.

ψ Inserted vide Department of Personnel Notification No.39018/4/85-Estt. (B) dated 10/1/85.

ε Inserted vide DOP&T Notification No.39018/2/86-Estt. (B) dated 1/4/87.

♣ Inserted vide DOP&T Notification No.39018/1/87-Estt. (B) dated 6/01/88 (GSR 74 dated 6th Feb, 1988)

♣ Substituted vide DOP&T Notification No. 39018/09/2008-Estt. (B) dated /8/2009 GSR 727 (E) dated 7th October, 2009.

♥ Inserted vide DOPT Notification No.39018/8/88-Estt.(B) dated 29/12/89 (GSR 37 dated 20th January, 1990)

♦ Inserted vide DOP&T Notification No.39018/2/90-Estt.(B) dated 18/9/90. (GSR 623 dated 6th October, 1990)

♯ Inserted vide DOPT Notification No. 39018/01/99-Estt(B) dated 6/7/99. (GSR 219 dated 17th July, 1999)

♪ (21) Posts of Lt. General, Scientist “H”, Major General, Scientist “G”, Secretary, Additional Secretary, Joint Secretary, Director, Deputy Secretary, Under Secretary, Principal Private Secretary, Senior System Analyst, Research Officer, Private Secretary, Section Officer.

Protocol Officer, Assistant, Research Assistant, Personal Assistant, Protocol Assistant, Senior Library and Information Assistant and Draftsman Grade ‘I’ in the National Security Council Secretariat, Cabinet Secretariat.”

#(21A) Professor of Law, Lal Bahadur Shastri National Academy of Administration, Mussorie.”

£(21 B) All Posts under the National Technical Research Organisation.

‡(22) Any service or post or class of posts in respect of which the Commission has agreed that it should not be necessary for it to be consulted.

£(23) Posts of Director Generals of, the Archaeological Survey of India, New Delhi, the National Archives of India, New Delhi and the National Museum, New Delhi and the posts of Directors of, the National Gallery of Modern Art, New Delhi, the Anthropological Survey of India, Kolkata, the National Library, Kolkata, and the National Research Laboratory for Conservation of Cultural Property, Lucknow, and the post of the Librarian in the Central Reference Library, Kolkata, under the Ministry of Culture.

@ (24) Post of Chief Economic Adviser in the Department of Economic Affairs, Ministry of Finance, New Delhi.

♪ Inserted vide DOPT Notification No. 39017/01/99-Estt (B) dated 31/01/2001. (GSR 88 dated 17th February, 2001)

Inserted vide DOPT Notification No. 39017/01/99-Estt (B) dated 31/1/2003. (GSR 54 dated 8th February, 2003)

£ Inserted vide DOPT Notification No. 39018/02/2005-Estt (B) dated 14/07/2005. (GSR 247 dated 23rd July 2005)

‡ Inserted vide DOPT Notification No. 39018/02/2006-Estt (B) dated 03/04/2006. (G.S.R 204(E) dated 3rd April, 2006)

£ Added vide DOPT Notification No. 39018/3/2009-Estt(B) dated 30/4/2009. (GSR 297(E) dated 30th April, 2009)

@ Added vide DOPT Notification No. 39018/06/2009-Estt (B) dated 22/7/2009. (GSR 544 (E) dated 22nd July, 2009)

SCHEDULE-II (See regulation 2A)

1. Group B non-gazetted posts of Research Assistant under the Ministry of Water Resources.
 2. Direct recruitment to all Group 'B' posts in the various Ministries or Departments of the Government of India and their attached and subordinate offices and which are in the pay band- 2 of Rs 9300/- to 34,800 with grade pay of Rs 4200.
 3. Direct Recruitment to the post in all Non-Gazetted posts carrying the pay band 2 of Rs 9300/- to 34,800 with grade pay of Rs 4200/- .
 4. Post of Special Director of Enforcement in the Enforcement Directorate in the band-4 of Rs 37,400-Rs 67,000/- with the grade pay of Rs 8900/-.
 5. Post of Deputy Secretary in the pay band-3 of Rs. 15,600- 39,100/- with grade pay of Rs 7600/- and Director in the pay band 4 of Rs. 37,400-67,000/- in the grade pay of Rs 8700/- of Central Secretariat Service (CSS).
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- Inserted vide DOPT Notification No. 39018/5/90-Estt(B) dated 13/11/91.
(GSR 666 dated 30th November, 1991)
- Inserted vide DOPT Notification No. 39018/09/2009-Estt(B) dated 7/10/2009.
(GSR 727 (E) dated 7th October , 2009)
- Substituted vide DOPT Notification No.39018/09/2009-Estt (B) dated 7/10/2009.
(GSR 727 (E) dated 7th October , 2009)
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(GSR 727 (E) dated 7th October, 2009)
- Added vide DOPT Notification No. 39018/06/2008-Estt (B) dated 30th July, 2008
(GSR 727(E) dated 7th October, 2009)