

301600
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 01314/2001

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SECTION OFFICER (Judl.)

Dahing
8/12/17

FORM NO. 4

(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI.ORDER SHEETAPPLICATION NO. 314 OF 2001APPLICANT (s) D. N. PegooRESPONDENT (s) Not LARSADVOCATE FOR APPLICANT(s) Mr M. Chanda, H. Datta, Mrs ND G. S. Datta
and Mr G. N. ChakrabartyADVOCATE FOR RESPONDENT(s) Cese

Notes of the Registry

dated

Order of the Tribunal

16.8.01

Heard Mr. M. Chanda, learned counsel for the applicant.

The application is admitted. Call for the records.

List on 17/9/01 for further order.

CCU Shaha

Member

Vice-Chairman

This application is in form but not in time. Condonation Petition is filed, not filed vide M.P. No. C.P. for Rs. 50/- deposited vide IPO/BP No. S.G. 423009
Dated..... 30/7/2001
/Dy. Registered
17/8/01

mb

17.9.01

List on 16/10/01 to enable the respondents to file written statement.

CCU Shaha

Member

Vice-Chairman

mb

16.10.01

Mr. B.C. Pathak, learned Addl.C.G. S.C. faxxth request for some more time to file written statement. Prayer allowed. List on 27.11.2001 for order.

Extra money deposited. Notice prepared and sent to D/L for cross the respondent No 1 to 7 by Regd A/D vide S.I. No. 3204 W 3210 Ad 24/8/01

BB
22/8/01

bb

CCU
Member

① Service report are still awaited.

BB
14.9.01

Respondent No.6. Notice
returned due to incomplete
address
15/10/01.

(2)

27.11.01 List on 7.1.02 to enable the
respondents to file written statement.

No written statement
has been filed.

U C Usha
Member

Vice-Chairman

mb

26/11/01

7.1.2002

Written statement has been
filed. The case may now be listed for
hearing. The applicant may file rejoinder,
if any, within two weeks from
today.

List the case on 11.2.2002 for
hearing.

26.12.2001

WTS submitted
by Respondent No.3. It is
submitted

U C Usha
Member

Vice-Chairman

bb

11.2.02

It has been stated by Sri M.
Chanda, learned counsel for the applic-
ant that he has been served with written
statement today and he wants to go
through the same and may require some time
to file rejoinder. List the matter
on 6.3.2002 for hearing. The applicant
may file rejoinder, if any, within 2
weeks from today.

U C Usha
Member

Vice-Chairman

mb

4.3.2002

Rejoinder submitted
by the applicant in
reply to the WTS

6.3.02

List again on 27.3.02 for hearing.

U C Usha
Member

Vice-Chairman

pg

27.3.2002

Heard learned counsel for the
parties. Hearing concluded. Judgment
delivered in open Court, kept in separate
sheets.

The application is allowed in
terms of the order. No order as to costs.

U C Usha
Member

Vice-Chairman

bb

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 314 of 2001.

Date of Decision 27.3.2002.

Sri D.N.Pegoo

Petitioner(s)

Mr. M. Chanda, Mr. H. Dutta, Mrs. N. D. Goswami &
Mr. G. N. Chakraborty.

Advocate for the
Petitioner(s)

- Versus -

union of India & Others.

Respondent(s)

Mr. B. C. Pathak, learned Addl. C. G. S. C.

Advocate for the
Respondent(s)

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 314 of 2001.

Date of Order : This the 27th Day of March, 2002.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

Sri D.N.Pegoo
S/O Sri L.K.Pegoo
Regional Director, Gr."B"
Employees State Insurance Corporation
N.E.Region, Guwahati-781021. . . . Applicant.

By Advocate Mr.M.Chanda, Mr.H.Dutta, Mrs.N.D.Goswami
& Mr.G.N.Chakraborty.

- Versus -

1. The Union of India
Represented by the Secretary to the
Government of India, Ministry of Labour
New Delhi.
2. The Director General
Employees' State Insurance Corporation
Panchadeep Bhawan, Kotla Road
New Delhi - 110 002.
3. Shri R.K.Mehta
Director, P & D (Adhoc)
Employees' State Insurance Corporation
New Delhi.
4. Smt. S.Thomas
Director, Finance (Adhoc)
Employees State Insurance Corporation
New Delhi.
5. Shri Jose Cherian
Regional Director (Adhoc)
E.S.I. Corporation
Regional Office
Kerala.
6. Shri T.K.Bhattacharjee
Regional Director (Adhoc)
E.S.I.Corporation
Regional Office
Kolkata.

7. Union Public Service Commission
Represented by its Chairman
Dholpur House
Shahjahan Road
New Delhi.

... Respondents.

By Mr.B.C.Pathak, learned Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C.):

The issue relates to promotion to the post of Regional Director Group "A"/Director in the following circumstances :

1. The applicant is a person belonging to Scheduled Tribe as envisaged in the Article 342 of the Constitution. He joined the department of Employees State Insurance Corporation on 17.5.78 and was promoted to the post of Joint Director/Regional Director Gr."B" in the pay scale of Rs.3000-4500/- w.e.f.1.8.91. The respondents authority promoted some of the Joint director/Regional Directors Gr."B" to the rank of Regional Director Gr."A"/Director in the pay scale of Rs.12,000-16,500/- including the respondent Nos.3, 4, 5 & 6.
2. According to the applicant, since he was senior to the aforesaid respondents and more so, in view of the fact that he was a Scheduled Tribe, he was entitled for the benefit conferred on such class of/in the matter of promotion. The respondents while promoting the respondent Nos.3 to 7 overlooked the genuine claim of the applicant in the matter of promotion. Hence this application assailing the legitimacy of the action of the respondents and for withholding the promotion the

the respondent Nos.3 to 7.

2. The respondents have filed written statement. It was stated in the written statement that earlier promotion of the respondents was made on adhoc basis. It was also mentioned sequal to the decision rendered by the Hon'ble Supreme Court in the case of Shri S.Vinod Kumar -vs- Union of India JT 1996 (8) SC.643, the DOPT issued instructions dated 22.7.97 prohibiting any relaxation in standards in favour of candidates belonging to SC/ST while considering for promotion to the higher posts. Accordingly, when the Screening Committee held on 19.7.2000 considered the officers for promotion to the cadre of the Regional Director Grade "A"/Director (Rs.12,000-325-16500/-) the bench mark of "Very Good" was enforced to all the officers under consideration. The case of the applicant was not considered for promotion as the Screening Committee grade him as "Average" which was much below the bench mark level of "Very Good". The respondents, however, stated that the relaxation in the matter of promotion to SC/ST officials that was existed prior to 22.7.97 was restored vide DOPT instruction dated 3.10.2000. As per the said relaxation, the benefit of relaxation in bench mark was available only to those SC/ST officials who were senior enough in the zone of consideration to be within the number of vacancies for which the DPC was held. Subsequently a DPC was held in

the UPSC on 21.6.2001 for consideration for promotion to 5 vacancies in the grade of Regional Director Gr."A"/Director, the applicant was not within first 5 officers in the zone of consideration and as such not eligible for benefit of relaxation in bench mark as per DOPT instruction dated 3.10.2000.

3. We have heard Mr.M.Chanda, learned counsel for the applicant and also Mr.B.C.Pathak, learned Addl.C.G.S.C. for the respondents. The policy decision issued by the office memo dated 22.7.97 determining the provision of the relaxation in the matter of promotion is reviewed consequent to Constitution (Eighty Second Amendment) Act, 2000. The Proviso to Article 335 was added. Consequently the authority issued office memo dated 3.10.2000 restoring the relaxation and concession in the matter of promotion. The full text of the said memo is reproduced below :

The undersigned is directed to refer to Department of Personnel & Training's OM No.36012/23/96-Estt.(Res) dated 22nd July, 1997 vide which various instructions of the Government providing for lower qualifying marks/lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of the Supreme Court's judgement in the case of S.Vinod Kumar Vs. Union of India.

2. The undersigned is further directed to say that the matter has been reviewed, consequent to which the following proviso to Article 335 has been incorporated in the Constitution by the Constitution (Eighty Second Amendment) Act, 2000.

"Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and 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 in connection with the affairs of the Union or of a State."

3. In pursuance of the enabling proviso of Article 335 of the Constitution, it has now been decided to restore with immediate effect the relaxations/concessions in matters promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.97 and as contained in the instructions issued by the Department of Personnel and Training from time to time including OM No. 8/12/69-Estt.(SCT) dated 23.12.1970, No.36021/10/76-Estt.(SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training's OM No.22011/5/86-Estt.(D) dated 10.4.1989. In other words, the effect of these instructions would be that the Department of Personnel and Training's OM No.36012/23/96-Estt.(Res) dated 22nd July, 1997 becomes inoperative from the date of issue of this OM.

4. These orders shall take effect in respect of selections to be made on or after the date of issue of this OM and selections finalised earlier shall not be disturbed."

4. Consequent of the Constitution (Eighty Second Amendment) Act, 2000 the entire position was reviewed by the Government vide communication No. 20011/1/2001-Estt.(D) dated 21.1.2002, whereby the Government decided to negate the effects of the DOPT OM dated 30.1.1997 by amending Article 16(4A) of the Constitution right from the date of its inclusion in the Constitution i.e.17.6.1995.

5. In view of the aforementioned developments we are of the opinion that it is a fit case in which a direction may be issued to the respondents to hold a Review DPC to consider the case of the applicant. Accordingly, the respondents are directed to hold a Review DPC in the ESIC and consider the case of the applicant for his promotion as per the rules w.e.f. the date of promotion of his juniors.

The application is allowed to the extent indicated above.

There shall, however, no order as to costs.

K.K.Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

D.N.Chowdhury
(D.N.CHOWDHURY)
VICE CHAIRMAN

bb

केन्द्रीय प्रसादिक अधिकरण
Central Administrative Tribunal
14 AUG 2001
गुवाहाटी न्यायपोट
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act,
1985)

Title of the case : O.A. No. 314/2001

Shri D.N.Pegoo : Applicant

- Versus -

Union of India & Others : Respondents.

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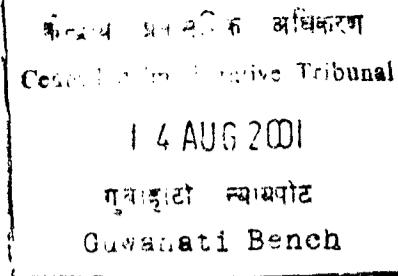
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Filed by :

Date

Advocate





**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI**

(An Application under Section 19 of the Administrative Tribunals Act,
1985)

O.A.No. 314/2001

BETWEEN

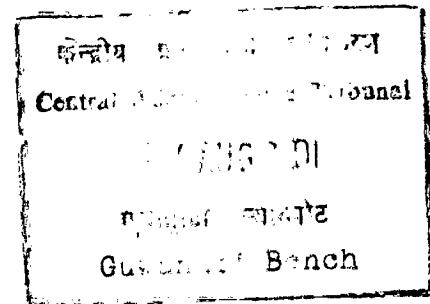
Sri D.N.Pegoo,
Son of Sri L.K. Pegoo
Regional Director, Gr."B"
Employees State Insurance Corporation,
N.E.Region, Guwahati-781021.

.....Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Labour,
New Delhi.
2. The Director General,
Employees' State Insurance Corporation
Panchadeep Bhawan, Kotla Road,
New Delhi-110 002





3. Shri R.K. Mehta,
Director, P & D (Adhoc)
Employees State Insurance Corporation
New Delhi.
4. Smt. S. Thomas,
Director, Finance(Ad hoc)
Employees State Insurance Corporation
New Delhi.
5. Shri Jose Cherian
Regional Director (Ad hoc)
E.S.I. Corporation,
Regional Office,
Kerala.
6. Shri T.K. Bhattacharjee,
Regional Director (Ad hoc)
E.S.I. Corporation,
Regional Office,
Kolkata
7. Union Public Service Commission,
Represented by its Chairman,
Dholpur House,
Shajahan Road, New Delhi.

.....Respondents.

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made against the impugned orders (i) Office order NO. 490 dated 31.08.2000 (ii) Office Order No. 114 dated

No. 148 dated 15.03.2001 (v) Office Order No. 407 dated 25.07.2001 issued by the Joint Director E.I(A), Employees State Insurance Corporation on behalf of the Respondent No.2 promoting the Respondent Nos. 3,4,5 and 6 respectively from Joint Director to Regional Director Group "A"/Director without considering the promotion of the applicant who is senior to the respondent nos. 3,4,5 and 6 and praying for a direction to promote the applicant to the post of Regional Director Gr. "A"/Director at least with effect from the date of promotion of the first promotee amongst the Respondent Nos. 3,4,5 and 6, if not earlier, with all consequential benefits including monetary benefits.

2. Jurisdiction of the Tribunal.

The applicant declares that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

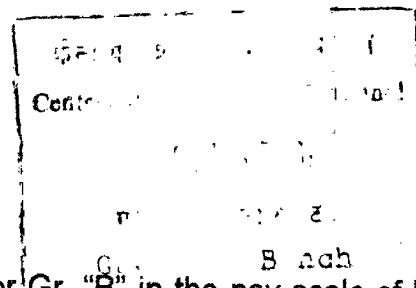
The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India. Further, the applicant belongs to a Scheduled Tribe Community.

4.2 That the applicant initially joined under the Employees State Insurance Corporation (for short ESIC) on 17.5.1978 and was promoted to





the post of Joint Director/Regional Director Gr. "B" in the pay-scale-of-Rs. 3000-4500 with effect from 01.08.1991 on regular basis in the Employees State Insurance Corporation vide office order No. 92 of 1996 issued on 02.04.1996 by the ESIC along with 36 other promotees as per the recommendation of the DPC/UPSC and has now been serving as the Regional Director (Gr.B), North Eastern Regional Office, ESIC, Guwahati.

4.3 That in the list of promotees as contained in the Office Order No. 92 of 1996 dated 02.04.1996, the name of the applicant appears at Sl. No. 11 while the names of Respondent Nos. 3,4,5, and 6 appear at Sl. No. 15,17,18 and 19 respectively and as such the applicant is senior to all the four respondents above named in the cadre of Joint Director/Regional Director Gr. "B".

Copy of the Office Order No. 92 of 1996 is annexed hereto and marked as Annexure-1.

4.4 That the applicant has all along been discharging his duties and responsibilities with full commitments and dedication, to the satisfaction of his superior authorities and at no point of time, he has done anything unfaithful or contrary to law and to his knowledge, he had never attracted any adverse opinion/entries in his service records which might go against him.

4.5 That of late, the authorities of ESIC have issued some promotion orders promoting some of the Joint Director/Regional Directors Gr."B" to the post of Regional Director Gr."A"/ Director in the pay scale of Rs. 12,000-16,500/- which includes the Respondent Nos. 3,4,5 and 6 also. While promoting the aforesaid respondents either on Ad hoc or Regular

16 AUG 2001

मुख्य न्यायिक
Central Civil Appellate Tribunal

Group Amti Bench

basis, the case of the applicant was not considered for promotion although

the applicant happens to be senior to all the four aforesaid respondents.

The unopposed orders under which the aforesaid respondents have been promoted without considering the case of promotion of the

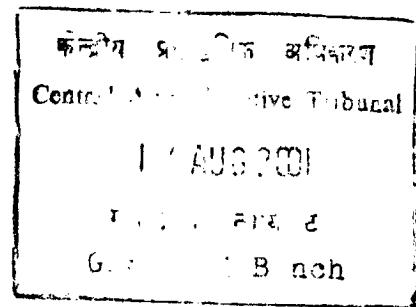
applicant are cited hereunder :

- (a) Respondent No. 3 Sri R.K. Mehta was promoted as Director on Ad hoc basis vide Office Order No. 490 dated 31.08.2000 and subsequently regularised in the Promoted Cadre on regular basis vide Office Order No. 386 dated 12.07.2001.
- (b) Respondent No.4 Smt. S. Thomas was promoted as Director (F) on Ad hoc basis vide Office Order No. 114 dated 27.02.2001.
- (c) Respondent No.5 Shri Jose Cherian was promoted to the cadre of Regional Director Gr."A" on Ad hoc basis vide Office Order No. 148 dated 15.3.2001, and
- (d) Respondent No.6 Sri T.K.Bhattacharjee was promoted to the post of Regional Director Gr. "A"/Director on Ad hoc basis vide Office Order No. 407 dated 25.07.2001.

Similarly one Sri K.K.Saha, Joint Director (F) was also promoted as Director (F) on Ad hoc basis vide Office Order No. 490 dated 31.08.2000 who subsequently expired and hence not impleaded as a respondent.

The applicant is senior to all the persons above named but his promotion was not considered for the reasons best known to the Respondent Nos. 1 and 2 only and 7.





(Copy of the impugned Office Order No. 490, 386,

114, 148 and 407 are annexed hereto and marked as Annexures-II, III, IV, V and VI respectively.

4.6 That subsequent to the issuance of the impugned promotion Order No. 490 dated 31.08.2000, the applicant was aggrieved due to non-consideration of his case of promotion and submitted one representation on 07.09.2000 to the Respondent No.2 agitating against his supersession by two of his junior colleagues and prayed for review of the said order and claimed for his promotion. Similarly the applicant again submitted one representation to the Respondent No.2 on 30.3.2001 agitating against the other subsequent orders of promotion stated in paragraph 4.5 above and praying for his legitimate promotion in accordance with the principles of natural justice. The applicant thus approached the Respondent No.2 time and again praying for natural justice vis-a-vis his promotion as against his juniors already promoted but to no result.

Copy of representation dated 07.09.2000 and dated 30.3.2001 are annexed hereto as Annexures-VII and VIII respectively.

4.7 That your applicant begs to state that he was deprived of his legitimate promotion from the Cadre of Joint Director/Regional Director Gr. "B" to the cadre of Director/Regional director Gr."A" and has been superseded by the persons who are junior to him as stated above in spite of his sincere and unblemished service since his very joining in the Corporation due to the unjust, arbitrary and capricious action of the

QW

(b)

कानूनी संसदीय विभाग
Central Government
प्रधानमंत्री

Respondent Nos. 1 and 2, The respondents even lost sight of the fact that the applicant is a member of the Scheduled Tribe Community and by ignoring the case of promotion of the applicant in an illegal and unjust manner, committed atrocity upon a member of the Scheduled Tribe.

4.8 That your applicant finding no other alternative, approaching this Hon'ble Tribunal for protection of his fundamental right by setting aside the impugned promotion order Nos. 490 dated 31.08.2000, No. 114 dated 27.02.2001, No. 386 dated 12.07.2001, No. 148 dated 15.03.2001, No. 407 dated 25.7.01 and such other orders, to the extent of promotion of the Respondent Nos. 3,4,5 and 6 and also praying for a direction upon the respondents to promote the applicant as per his seniority, and to promote the applicant as per his seniority, at least from the date of promotion of his juniors aforesaid, if not earlier, with all consequential service benefits including monetary benefits.

4.9 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

- 5.1 For that the applicant is senior to the Respondent Nos. 3,4,5 and 6 and also earned all eligibilities for promotion as Regional director Gr."A"/Director.
- 5.2 For that the promotion of Respondent Nos. 3,4,5 and 6 to the cadre of regional director Gr."A"/Director superseding the legitimate claim



Central Government of India
High Court of
Guarana Bench

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of the applicant is violative of Article 14 and 16 of the Constitution of India.

- 5.3 For that the promotion of the applicant to the post of Regional Director Gr."A"/Director is his legitimate claim and to deprive him of the same is a gross injustice and violation of the principles of natural justice.
- 5.4 For that the applicant is a member of Scheduled Tribe Community which attaches even priority considerations of his case for promotion as enshrined in Article 335 of the Constitution of India.
- 5.5 For that the applicant is not only senior to the Respondent Nos. 3,4,5, and 6 but has got an unblemished service career to his credit.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application. All representations and approaches of the applicant in this context have gone in vein.

7. Matters not previously filed or pending with any other court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. Reliefs sought for :



Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to grant the following reliefs.

Under the facts and circumstances of the case, the applicant prays that Your Lordships be pleased to issue notice to the respondents to show cause as to why the relief sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause that may be shown, be pleased to grant the following reliefs.

- 8.1 That the impugned orders of promotion issued under Officer No. 490 dated 31.08.2000, No. 114 dated 27.02.2001, No. 386 dated ^{NO. 148 dt. 15.03.2001 and NO. 407 dt. 25.7.2001} 12.07.2001 be set aside and quashed to the extent of promotion of the Respondent Nos. 3,4,5 and 6.
- 8.2 That the respondents be directed to promote the applicant to the post of Regional Director Gr."A/Direction by holding a review DPC in the ESIC as per his seniority at least with effect from the date of promotion of his juniors, if not earlier, with all consequential benefits including monetary benefit.
- 8.3 Costs of the application.
- 8.4 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief :-

- 9.1 Pending disposal of this application, an observation be made that the pendency of this application shall not be a bar for the



respondents to grant promotion to the applicant to the post of Regional Director Gr."A"/Director and also prays for expeditious disposal of this application.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I.P.O. No. : 56 423009
- ii) Date of issue : 30-7-2007
- iii) Issued from : G.P.O., Guwahati.
- iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.



VERIFICATION

I, Sri D.N.Pegoo, Son of Sri L.K. Pegoo, aged about 53 years, working as Regional Director Gr."B", Employees, State Insurance Corporation, North Eastern Regional Office, Guwahati, resident of ESIC Colony, Bamunimaidam, Guwahti-21, do hereby verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this the 13th day of August, 2001.


Signature

EMPLOYEES' STATE INSURANCE CORPORATION
'PANCHDEEP' BHAWAN : KOTLA ROAD, NEW DELHI

NO.A-33/13/A/86-E.I(A)

Dated: 2nd April, 1996.

OFFICE ORDER NO. 92 OF 1996

The Director General has approved the regular promotion of the following officers in the grade of Jt. Director/Regional Director Gr.'B' in the pay scale of Rs.3000-100-3500-125-4500/- on the recommendations of the DPC/UPSC from the date(s) as shown against each:-

S.N.C.	NAME OF THE OFFICER	DATE OF REGULAR PROMOTION	PRESENT POSTING	
			1	2
	S/Shri			
1	BS Sharma	7.12.89	since retired on	
2	AK Wankhede	1.7.90	31.3.91(AN),	Gujrat
3	UC Sharma	1.1.91	Since retired on	
4	BN Khapro	7.1.91	31.7.92(AN),	Since retired on
5	VK Verma	7.1.91	31.1.91	
6	RN Manna	7.1.91	D(M)D,	
7	SN Shorey	7.1.91	Hqrs. Office	
8	Ramesh Chandra	7.1.91	Since retired on	
9	Daya Ram	1.3.91	31.4.91(AN),	Hqrs. Office
10	NR Dhinwar	1.3.91	Hqrs. Office	
11	DN Pegoo	1.8.91	Hqrs. Office	
12	S. Srinivasa Iyer	1.8.91	Hqrs. Office	
13	KK Saha	1.10.91	Since retired on	
14	IR Amarnani	1.11.91	29.2.92(AN),	West Bengal
15	RK Mehta	22.11.91	Bombay	
16	Sdhu Ram	1.12.91	Hqrs. Office	
17	Smt. S. Thomas	27.7.92	Hqrs. Office	
18	Jose Cherian	27.7.92	Hqrs. Office	
19	EK Bhattacharjee	27.7.92	Hqrs. Office	
20	A. Chockalingam	1.10.92	West Bengal	
21	BK Venkatesh	1.11.92	Madras	
22	CR Naiya	1.2.93	Hqrs. Office	
23	MA Elakkottil	10.5.93	West Bengal	
24	V. Vijayan	21.5.93	Madras	
25	KN Mishra	14.6.93	Coimbatore	
26	M. Rama Rao	18.8.93	Bihar	
27	RK Srivastava	23.2.94	Andhra Pradesh	
28	SC Chakraborty	23.2.94	Madhya Pradesh	
29	Dashrath Giri	23.2.94	West Bengal	
30	L. Hanumanth Rao	23.2.94	Punjab	
				Madurai

D. M. A. I. E. C. P. Y.
T. R. D. E. C. P. Y.

R. D. S. P. E. C. P. Y.
T. R. D. E. C. P. Y.

Attested
M. A. S. S.
Advocate.

- 2 :-

1	2	3	4
<u>S/ Shri</u>			
31	RK Shukla	23.2.94	West Bengal
32	KN Govindan	1.3.94	Bombay
33	AK Verma	6.7.94	U.P.
34	Smt. KP Nambiar	6.7.94	Madras
35	Babu Verghese P.	1.10.94	Hqrs. Office
36	S. Jayaprakash	1.11.94	Nagpur
37	RK Srinivasan	1.1.95	Bombay

Officers 2. All the aforesaid/ shall remain posted in their respective place(s) of posting till further orders. Their promotion have been made subject to such terms and conditions of service as are contained in the ESIC(Staff and Conditions of Service) Regulations, 1959 as amended from time to time. The promotion of all the officers including officers at Sl.No.1, 3, 4, & 7 who have since retired, has been made in terms of para (5) of the orders dated 1.6.94 of CAT, Principal Bench, New Delhi. They shall be entitled to consequential monetary benefits from the date of regular promotion. It is also certified that all the said officers have been promoted in accordance with the eligibility conditions prescribed in the Recruitment Regulations for the post of Jt. Director/RD Gr.'B' etc.

3. Their pay on regular promotion shall be fixed in accordance with the rules. They shall have the option to request for re-fixation of pay under clause (a')(1) of FR 22(1) from the date of accrual of next increment in time scale of pay of their lower post. They may (if they so desire) exercise option within one month from the date of this order, to this effect.

4. Their charge reports may be sent to all concerned in due course.

(Hindi version of this office order will follow.)

G. Sharma
(P.C. SHARMA)
J.T. DIRECTOR (ADMN.)
for DIRECTOR GENERAL

TO:-

1. The officers concerned.
2. All RDs/RACOs/D(M)D/MS, EST Hospital, Bagdarpur, Jhilmil, Okhla, NCLDA/Director, FW Project, New Delhi/All VOs.
3. PS to DG/IC/FC/MC/Dir(A)/Dir(Rec.)/JRD(D.E.)/PA to JD-I(A).
4. All officers at Hqrs.
5. All Branches at Hqrs.
6. U/G with reference to their letter no.1/39/2/95-AU.2 dated 26.
7. Copies for personal files/Hindi section for Hindi version.
8. J.D. file/Spare copies.

*Attested
M.R. Sharma
Advocate.*

EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, KOTLA ROAD, NEW DELHI - 2.

Dated : 31.08.2000.

OFFICE ORDER No.490 OF 2000.

The Director General has ordered the transfer/promotion/posting of the following Officers of the ESI corporation in public interest :-

S. NO.	Name	Present Designation & place of Posting	Designation and posting now ordered
1.	S/ Shri K.K. Saha	Joint Director (Finance), Calcutta	Director (Finance) (Adhoc), Hqrs. Office, New Delhi. (in the pay scale of Rs.12,000- 375-16,500)
2.	R.K. Mehta	Joint Director, Hqrs. Office/Nodal Officer, ESIC Chairman's Office	Director (P&D) (Adhoc), Hqrs. Office/Nodal Officer, ESIC (in the pay scale of Rs.12,000- 375-16,500)

The promotion of Shri K.K. Saha has been ordered with immediate effect and he will be entitled to TA/DA, joining time, etc., as admissible, under the rules of cadre.

The promotion in respect of Shri R.K. Mehta will take effect from 01.09.2000 or from the date of his taking over charge of the promoted post, whichever is later.

The promotion of the above Officers have been made on purely temporary and adhoc basis. They are liable to be reverted to their lower posts without notice or assigning any reason therefor. It is made clear to them that the adhoc promotion or future. The period of service to continue in the post or for regular promotion in grade/cadre will neither be counted towards the Officers on adhoc basis in the eligibility for promotion to the next higher grade. Their pay in the grade/cadre nor for Rs.12,000-375-16,500/- shall be fixed under the normal rules.

S. The Charge Report(s) of the Officers may be sent to all concerned in due course.

TRV E C (B)
all
Super

(Hindi version will follow)

Mr. S. Maitra
JOINT DIRECTOR E-I(A)
For DIRECTOR GENERAL.

Copy to :-

The Officers concerned.
All Principal Officers.

All Regional Directors/D(M)D/Joint Director-II, Hqrs.' Office/ Medical Supdt.
ESI Hospital, Basaidarapur/NOIDA/Thakurpukur/ Okhla/M.G.M. /Jhilmil
Director (FV) Project, New Delhi/Jt. Director (Vig.)/Jt. Director (DE)/Director,
ESI Hospital, K.K. Nagar.
All Officers at Hqrs.' Office/All Branches at Hqrs.' Office.
All Regional Jt. Director (Fin.)/Dy. Director (Fin.).
Hindi Section, Hqrs.' Office for Hindi version.
Guard file/spare copies/copies for personal files.

Attested
Ms. S. S.
Advocate

EMPLOYEES' STATE INSURANCE CORPORATION
'PANCHDEEP BHAWAN', KOTLA ROAD, NEW DELHI - 110 002.

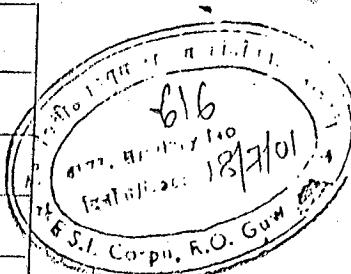
No.A-33/13/1/86-E.I(A)

Dated : 12.07.2001

OFFICE ORDER No.386 OF 2001

The Director General has approved the regular promotion of the following Officers in the grade of Regional Director Grade 'A'/Director in the pay scale of Rs.12,000-375-16,500/- with effect from 11.07.2001 on the recommendation of the DPC/Union Public Service Commission.

S. No.	Name of the Officer (S/Shri)
1.	K.G. Venu Rao, Regional Director, Karnataka
2.	R.N. Manna, Director, SRO, Pune
3.	A.W. Khadgi, Regional Director, Punjab
4.	G.C. Lowey, Director (MSU), Hqrs.' Office
5.	R.K. Mehta, Regional Director, Gujarat



2. The aforesaid Officers shall remain posted in their present place of postings.
3. The promotion of these officers have been made subject to such terms and conditions of service as are contained in the Employees' State Insurance Corporation (Staff & Conditions of Service) Regulations, 1959 as amended from time to time.
4. The charge report(s) may be sent to all concerned.

(Hindi version of this Office Order will follow)


 (DABU VERGHESE P.)
JOINT DIRECTOR

Copy to :

1. The Officers concerned.
2. All Principal Officers.
3. All Regional Directors/Director, SRO Pune/All Joint Directors- Incharge, SRO, Baroda/Coimbatore/Hubli/Madurai//Marol/Nagpur/Surat/Thane /D(M)D/Joint Director-II, Hqrs.' Office/Medical Superintendent, ESI Hospital, Basaidarapur/NOIDA/Thakurpukur/Okhla/Chinchwad/Jhilmil, Director (FW) Project, New Delhi/Joint Directors (Vig.)/Joint Directors (DE)/ Director, ESI Hospital, K.K. Nagar.
4. All Officers at Hqrs.' Office/All Branches at Hqrs.' Office.
5. All Regional Joint Director (Fin.)/Dy. Director (Fin.).
6. Hindi Section, Hqrs.' Office for Hindi Version.
7. Guard file/spare copies/copies for personal files.

*Attested
Wade
Advocate*

**EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, KOTLA ROAD, NEW DELHI - 2.**

No.A-22(13)-1/83-E.I(A)

Dated : 27.02.2001

OFFICE ORDER No. 114 OF 2001.

The Director General has ordered the promotion/transfer/posting of the following officers of the ESI Corporation in public interest with immediate effect.

S. No.	Name (S/ Shri/ Smt.)	Present Designation & Place of posting	Designation and posting now ordered
01.	A.J. Pawar	Additional Commissioner/ Regional Director, Mumbai	Additional Commissioner (P&A), Hqrs.
02.	R.K. Mehta	Director (P&D) (Adhoc), Hqrs.' Office	Regional Director (Adhoc), Gujarat
03.	A.W. Khadgi	Joint Director (DE), West Zone, Mumbai	Regional Director (Adhoc), Punjab in the pay scale of Rs.12,000-375-16500)
04.	S. Thomas	Joint Director (Systems), Hqrs.'	Director (Fin.) (Adhoc), Hqrs.' in the pay scale of Rs.12,000-375-16500)
05.	N.R. Dhinwar	Joint Director, D(M)D	Director (P&D) (Adhoc), Hqrs. (in the pay scale of Rs.12,000-375-16500)
06.	C.S. Balakrishnan	Joint Director, Delhi Region	Joint Director, Systems, Hqrs.

02. The transfer/posting of the above officers have been made in public interest and they will be entitled to TA/DA/joining time, as admissible under the rules.

03. The promotion of Shri A.W. Khadgi, Smt. S. Thomas, Shri N.R. Dhinwar will take effect from the date of their taking over charge of the promoted post. Smt. S. Thomas will also head the Systems Division in addition to her new assignment. However, it is added that no extra remuneration will be paid to her for this additional charge.

04. Promotion of the officers from S.No.3 to 5 have been made on purely temporary and adhoc basis and they are liable to revert to their lower posts without notice or assigning any reason therefor. It is made clear to them that the adhoc promotion shall not confer on them any right to continue in the post or for regular promotion in future. The period of service to be rendered by the officers on adhoc basis in the grade/cadre will neither be counted towards seniority in the grade/cadre nor for eligibility for promotion to the next higher grade. Their pay in the pay scale of Rs.12,000-375-16,500/- shall be fixed under the normal rules.

05. The charge report(s) of the Officers may be sent to all concerned in due course.

(Hindi version will follow)

21/2/2001
(G.C. JENA) 272
JOINT DIRECTOR - E.I(A)
For DIRECTOR GENERAL

2001

Copy to :

1. The Officers concerned.
2. All Principal Officers.
3. All Regional Directors/All Joint Director- Incharge, SROs/D(M)D/Joint Director-II, Hqrs.' Office/Medical Superintendent, ESI Hospital, Basildarapur/NOIDA/Thakurpukur/ Okhla/M.G.M./Jhillimil, Director (FW), Project, New Delhi/Joint Director (Vlg.)/Joint Director (DE)/ Director, ESI Hospital, K.K. Nagar.
4. All Officers at Hqrs.' Office/All Branches at Hqrs.' Office.
5. All Regional Joint Director (Fin.)/Dy. Director (Fin.)
6. Hindi Section, Hqrs.' Office for Hindi Version.
7. Guard file/spare copies/copies for personal files.

Attested
M.R. JENA
Advocate

EMPLOYEES' STATE INSURANCE CORPORATION
'PANCHDEEP BHAWAN', KOTLA ROAD, NEW DELHI-2.

No. A-33(13)-1/86-E.I(A)

Dated : 15.03.2001.

OFFICE ORDER No.148 OF 2001

The Director General has ordered the promotion/transfer/posting of the following Officers of the ESI Corporation in public interest.

S. No.	Name of the Officer (S/Shri)	Designation and present place of posting	Designation and posting now ordered
1.	N. Parasuraman	Regional Director Grade 'A', Regional Office, Kerala.	Director (HRD) Hqrs. Office
2.	Jose Cherian	Joint Director, Sub-Regional Office Marol, Mumbai.	Regional Director Grade 'A' (Adhoc), Regional Office, Kerala.

2. The promotion of Shri Jose Cherian has been made on purely temporary and adhoc basis and he is liable to be reverted to his lower post without notice or assigning any reason thereof. It is also made clear to him that the adhoc promotion shall not confer on him any right to continue in the post or for regular promotion in future. The period of service to be rendered by him in the grade/cadre on adhoc basis will neither be counted towards seniority in the grade/cadre nor for eligibility for promotion to the next higher grade. The pay of Shri Jose Cherian on promotion in the pay scale of Rs.12,000-16,500/- will be fixed under the normal rules.
3. The transfer/posting of all the above Officers have been made in public interest and they will be entitled to TA/DA/joining time etc., as admissible under the rules of transfer.
4. The above officers shall handover charge to the senior most officers of the Region and shall assume charge of their new assignment after availing normal joining time, as admissible.
5. The promotion of Shri Jose Cherian will take effect from the date of his joining the promoted post.
6. The charge report(s) of the Officers may be sent to all concerned in due course.

(Hindi version will follow)

(G.C. JENA) 113001
JOINT DIRECTOR - E.S.I.(A)

- Attested
Malik
Advocate*
1. The Officers concerned.
 2. All Principal Officers.
 3. All R.Ds./Dir., Pune/All J.D. Incharge, SROs/D(M)D/J.D-II, Hqrs./M.S., ESIH, Basaidarapur/NOIDA, Thakurpukur/Okhla/MGM/Jhilmil/Dir. (FW) Project, New Delhi/J.D. (Vig.)/J.D. (DE)/Dir. ESIH, K.K. Nagar.
 4. All Officers at Hqrs. Office/All Branches at Hqrs. Office.
 5. All Reg. Jt. Director (Fin.)/Dy. Director (Fin.)
 6. Hindi Section, Hqrs. Office for Hindi version.
 7. Guard file/spare copies/copies for personal file.

EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN KOTLA ROAD NEW DELHI

No. A-22/13/1/2000-EIA

Dated 25/7/2001

OFFICE ORDER No. 407 OF 2001

The Director General has ordered the promotion / posting of Shri T.K. Bhattacharjee, Joint Director, Regional Office, Kolkata to the post of Regional Director Gr. 'A' / Director in the pay scale of Rs. 12,000-16,500/- on adhoc basis in Regional Office, Kolkata to look after the work of setting up of a Sub-Regional Office at Barrackpore, West Bengal till further orders.

2. The promotion of Shri T.K. Bhattacharjee, has been made on purely temporary and adhoc basis and he will be liable to be reverted to his lower post without notice or assigning any reason therefor. It is also made clear to him that the adhoc promotion shall not confer on him any right to continue in the post or for regular promotion in future. The period of service rendered by him in the grade/ cadre on adhoc basis will neither be counted towards seniority in the grade/ cadre nor for promotion to the next higher grade. The pay of Shri T.K. Bhattacharjee on promotion in the pay scale of Rs. 12,000-16,500/- will be fixed under the normal rules.

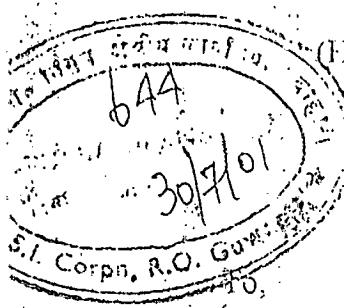
3. The promotion of Shri T.K. Bhattacharjee will take effect from the date of his joining of the promoted post on or after 1/8/2001.

4. The charge reports be sent to all concerned.

5. He will be counted against the post of Director (HRD) Hqrs. Office.

(Hindi version will follow)

21/7/2001
(G. C. JENA)
JOINT DIRECTOR-I (A)



Attested
By
Advocate

1. The Officer concerned..
2. All Principal Officers.
3. All Regional Directors/Director, SRO Pune/ All Joint Directors- Incharge, SRO, Baroda/Coimbatore/Hubli/Madurai/Marol/Nagpur/Surat/Thane/D(M)D/Joint Director-II, Hqrs. Office/Medical Superintendent, ESI Hospital, Basaidarapur/ Noida/ Thakur-Pukur/ Okhla/ Chinchwad/Jhilmil, Director (FW) Project, New Delhi/ Joint Directors(Vig.)/ Joint Directors (DE)/ Director, ESI Hospital, K.K. Nagar.
4. All Officers at Hqrs. Office/ All Branches at Hqrs. Office.
5. All Regional Joint Director(Fin.)/ Dy. Director(Fin.)
6. Copy for personal file/ Guard file/ Spare copy.
7. Hindi Section, Hqrs. for Hindi version.

D. N. PEGOO.

NO.43-RD/ASV/96
Dated : Sept. 07, 2000.

Respected Sir,

While going through the Hqrs. Office Order No. 490 of 2000 issued under letter No. A.33(13)-1/86-Btt. I.A. dated 31.08.2000 it is observed that my name has been ignored at the time of giving my promotion though I am senior to both Shri K. K. Saha and Shri R.K. Mehta.

In this connection, I have the honour to request you kindly to review the matter so that I may be promoted placing my seniority in my due position as I am serving the Corporation with full devotion, sincerity and run the region smoothly amidst odds and alarming situation prevailing in the N.E. region, specially in Assam. Inspite of my devotion and sincerity, I am surprised to see that I have been superseded by two of my junior colleagues as seen from the Hqrs. Office order referred to above which I think is a great injustice done to me inspite of my full dedication, sincerity and hard work.

Under the above circumstances, I earnestly request you kindly to review the matter in the name of natural justice and promote me also placing my name in my due position as it should have been.

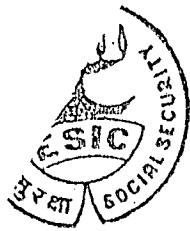
With profound regards,

Yours sincerely,


(D. N. PEGOO)

Siri L. M. Mehta, IAS,
Director General,
ESIC, Hqrs. Office,
Panichdeep Bhawan, Ketla Road,
New Delhi-2.

Attested
Pradeep
Advocate



क्षेत्रिय निदेशक D. H. PEGOO
 REGIONAL DIRECTOR
 कर्मचारी राज्य बीमा निगम
 EMPLOYEES' STATE INSURANCE CORPORATION
 क्षेत्रिय कायलिय, पूर्वांतर क्षेत्र,
 Regional Office, North-East Region.
 बामुणीमैदान, गुवाहाटी-21
 Bamun Maidan, Guwahati-21
 Phone. No:-550367 FAX No:-550357

DO. NO. 43-RD/PA CELL/99/MISC.
 Dated : March 30, 2001.

Respected Madam,

While going through the Hqrs. office order No. 490 of 2000, 114 of 2001 and 148 of 2001 dated 31.08.2000, 27.02.2001 and 15.03.2001 respectively, it is observed that my name has been ignored at the time of giving promotion though I am the senior one to late K. K. Salia, Shri R. K. Mehta, Smt. S. Thomas and Jose Cherian. In this connection, my representation dated 07.09.2000 may also kindly be referred to (copy enclosed) in which I have already requested kindly to review the matter and promote me also placing my name in my due position as it should have been. But it is a matter of great regret that I have again been superseded by two of my juniors viz. Smt. S. Thomas and Jose Cherian as seen from the office order cited above.

Under the circumstances, I earnestly request you again kindly to review the matter in the name of natural justice and promote me also placing my name in my due position as it should ought to have been.

With profound regards,

Yours sincerely,
 (D. H. PEGOO)

Enclos: As above.

6/6
 Smt. Sumon Sircar, IAS,
 Director, General,
 ESIE, B.E. Office,
 New-1, Guwahati-2.

Attested
 Royle
 Advocate

Filed by:
B.C. Pathak
21/11/2001

U.B.C. Pathak
Adm. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

O.A.No.314 OF 2001

Shri D.N.Pegoo

....

Applicant

-Vs-

Union Of India & Ors

....

Respondents

(Written Statement for and on behalf of the
Respondents No.1 to 6)

The Written Statements of the above noted
respondents are as follows:-

1. That a copy of the O.A.No.314/2001(referred to as the "application") have been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, common written statements are filed for all of them.

2. That the statements made in the application, which are not specifically admitted, are hereby denied.

3. That with regard to the statements made in para 1 of the application, the answering respondents state that these are being matter of records and the actions of the respondents being done in accordance with rules and law, the respondent admit nothing beyond such records and rules.

4. That the respondents have no comments to offer with regard to the statements made in para 2,3 and 4.1 to 4.4 of the application. However, the applicant is put to strict proof thereof to support his contentions.

-2-

5. That with regard to the statements made in para 4.5 (a) (b) (c) (d), the respondents state that the Screening Committee for preparing a panel of Officers who could be promoted to the cadre of Regional Director Grade 'A' / Director in pay scale of Rs.12,000-375-16,500/- met on 19.7.2000.

This arrangement exist as sometimes it takes time for the UPSC to conduct DPC and prepare the panel for promotion to various cadres. Though the panel prepared by the Screening Committee is only for the sake of adhoc promotion, all the instructions and guidelines which are applicable for the DPC conducted by UPSC are being followed so that subsequent panel recommended by the UPSC may not be at variance to the promotion panel recommended by Screening Committee.

As a follow up of the decision of the Supreme Court in the case of Shri S. Vinod Kumar Vs Union Of India JT 1996(8) SC.643, the DOPT had issued instructions dated 22.7.97 that there will not be any relaxation in standards in favour of candidates belonging to SC/ST while condidering them for promotion to higher posts. Accordingly, when the Screening Committee held on 19.7.2000 considered the officers for promotion to the cadre of the Regional Director Grade 'A' / Director(Rs.12,000-325-16500/-) the bench mark of 'Very Good' was enforced to all the officers under consideration. Shri Pegoo was not considered for promotion as the Screening Committee graded him as 'Average' which is much below the bench mark level of "Very Good". Though he is a ST officer, the relaxation in standards was not admissible to him as per the

decision of the Supreme Court and the guidelines laid down by DOPT above.

The said relaxation/concession in the matter of promotion to SC/ST officials that existed prior to 22.7.97 was restored vide DOPT instruction dated 3.10.2000. As per the said instruction, the benefit of relaxation in bench mark is available only to those SC/ST officials who were senior enough in the zone of consideration to be within the number of vacancies for which the DPC is being held.

A DPC was held subsequently in the UPSC on 21.6.2001 for consideration for promotion to 5 vacancies in the grade of Regional Director Gr. 'A'/Director, Shri D.N.Pegoo, the applicant was not within first 5 officers in the zone of consideration and as such not eligible for benefit of relaxation in bench mark as per DOPT instruction dated 3.10.2000. Further, Shri Pegoo was also graded as 'Average' by the said DPC for which he was not recommended for promotion by the said DPC and Shri K.K.Saha and Shri R.K.Mehta superseded Shri D.N.Pegoo as they were having essential bench mark of "Very Good".

Further, the Respondent No.3,4 & 5 recommended by the Screening Committee held on 19.7.2000 were considered for adhoc promotion to the grade of Regional Director Gr.A/ Director as and when vacancies arose in the said grade, as the panel dated 19.7.2000 recommending their promotion in the higher grade was made prior to issue of the DOPT instruction dated 3.10.2000 which was brought into effect from 3.10.2000 only. Further ,the said instructions of DOPT dated 3.10.2000

also stipulated that selection finalized earlier need not be disturbed for which the applicant was not considered for promotion.

The copies of the DOPT office memo dated 22.7.97 with DOPT instruction dated 10.4.89 DOPT office memo dated 3.10.2000 are annexed as Annexure-R1, R2 and R3 respectively.

6. That with regard to the statements made in para 4.6, the respondents state that the applicant's representation dated 7.9.2000 and 30.3.2001 have been examined and the applicant was informed vide this office letter No.A-33(18)-1/86-EI(A) dated 19.4.2001.

That copy of the letter dated 19.4.2001 is annexure-R4.

7. That with regard to the statements made in para 4.7, the respondents state that averments made are not correct and hence the same are denied. The applicant was not considered for promotion as per the findings of the Departmental Screening Committee held on 19.7.2000 and DPC held on 21.6.2001. The overall performance of the applicant was found 'Average' for the year 1994-95 to 1998-99 by the Screening Committee/DPC conducted by UPSC. Further the applicant is not entitled for any relaxation/ concession for being a member of Scheduled Tribe in the selection process undertaken by the Screening Committee

or DPC during the period 22.7.97 to 3.10.2000. The case of the applicant has been considered by Screening Committee as well as by DPC conducted by UPSC. The respondents crave the leave of the Hon'ble Tribunal to rely upon and to produce the records of Screening Committee and DPC at the time of hearing the case.

8. That with regard to the statements made in para 4.8 and 4.9, the respondents state that the contentions of the applicant are not tenable in law as he was not recommended for promotion to the post of Regional Director Grade 'A' / Director by Departmental Screening Committee/DPC. As such there is no discrimination or violation of law and the applicant is not entitled to any relief as stated.

9. That with regard to the statements made in para 5.1 of the application, the respondents state that as stated above, under the facts and circumstances and provisions of rules/law, the applicant is not entitled to any relief whatsoever. The grounds shown cannot sustain in law. There is no discrimination or violation of Article 14 or 16 of the Constitution of India as alleged. The application is liable to be dismissed as devoid of any merit.

10. That with regard to the statements made in para 6 and 7 the respondents have no comments ~~as~~ to offer.

11. That with regard to the statements made in para 8.1 to 8.4 of the application, the respondents state that under the facts and circumstances of the case and law involved, the applicant is not entitled to any relief as sought for and hence the application is liable to be dismissed with cost.

aforesaid,
In the premises, it is, therefore, prayed
that your Lordships would be pleased to hear the

parties, peruse the records and after hearing the parties and perusing the records shall further be pleased to dismiss the application with cost.

VERIFICATION

I, Shri Romen Saikia, Presently working as the Regional Director, Employees State Insurance Corporation, Bamunimaidan, Guwahati-21 being competent and duly authorised to sign this verification, do hereby solemnly affirm and state that the statements made in para 1 to 11 are true to my knowledge and belief, those made in para 5 to 16. Being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal.

I have not suppressed any material facts.

And I sign this verification on this 21 th day of December, 2001 at Guwahati.

Romen Saikia
DEPONENT

(Romen Saikia)
Regional Director,
E. S. I. CORPORATION
Guwahati - 21.

7

27
Annexure - R
b

No. 36012/23/96-Estt. (Res)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(DEPARTMENT OF PERSONNEL & TRAINING)

North Block, New Delhi.
Dated the 22nd July, 1997.

OFFICE MEMORANDUM

Subject: Reservation in promotion- Prescription of lower qualifying marks/ lesser standard of evaluation.

The undersigned is directed to say, that in terms of instructions noted in the margin, certain relaxations/concessions in the matter of qualifying marks/standards of evaluation of performance are to be made in favour of candidates belonging to the Scheduled Castes and the Scheduled Tribes while considering them for promotion.

- 1) O.M. 2. The validity of such lower qualifying marks/lesser standards of evaluation was called into question in Courts, No.8/12/69- in the context of the judgement of the Supreme Court in the Estt. (SCT) case of Indira Sawhney Vs. Union of India. The Supreme Court, dated 23.12.70. (8) S.C.643 has held that the provision for lower qualifying marks/lesser level of evaluation, in the matter of promotion, provided for candidates belonging to the Scheduled Castes and the Scheduled Tribes under Government's instructions, is not permissible under Article 16(4) in view of the command contained in Article 315 of the Constitution. The Court has further observed that even if it is assumed for the sake of argument that reservation is permitted by Article 16(4) in the matter of promotion, a provision for lower qualifying marks or lesser level of evaluation is not permissible in the matter of promotion, by virtue of Article 335. The Court also held that the protection for reservation in promotion for five years, given by the Supreme Court, vide para 829 of the judgement in Indira Sawhney's case, did not save the provisions for lower qualifying marks/lesser level of evaluation.
- 2) O.M. No.36 021/10/76-Estt. (SCT), dated 21.1.77. 3) Para 6.3.2 of the DPC guidelines circulated vide OM No.22011/5/86- Estt. D, dated 10.4.89. 3. It has accordingly been decided to withdraw the instructions contained in this Department's O.M. No. 8/12/69- Estt. (SCT) dated 23/12/70 and O.M. No.36021/10/76-Estt. (SCT) dated 21.1.1977, in so far as these provide for lower qualifying marks for Scheduled Castes/ Scheduled Tribes candidates in departmental qualifying/competitive examinations for promotion. Similarly, the relevant portions of para 6.3.2 of the DPC guidelines circulated vide this Department's O.M.

...contd.....

No. 22011/5/86-Estt. (D) dated 10.4.1989, to the extent that they provide for consideration of Scheduled Castes/ Scheduled Tribes candidates without reference to merit and the prescribed "benchmark", are hereby rescinded.

4. It is clarified that the effect of these instructions is that henceforth there shall be no separate standards of evaluation for candidates of the Scheduled Castes/ Scheduled Tribes for promotion, and assessment of all candidates for this purpose will be with reference to uniform standards. Any other instructions of the Government, which provide for lower qualifying marks/ lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes/ Scheduled Tribes, may also be treated as having been modified to this extent.

5. These instructions take immediate effect.

6. All Ministries/ Departments are also requested to bring these instructions to the notice of their Attached/ Subordinate offices and Autonomous Bodies/ Public Sector Undertakings under their control for compliance.

Sd/-

(Y.G. PARANDE)
DIRECTOR.

To

1. All Ministries/Departments of the Government of India.
2. Union Public Service Commission, Dholpur House, New Delhi.
3. Staff Selection Commission, C.G.O. Complex, Lodi Road, New Delhi.
4. Department of Economic Affairs (Banking Division), New Delhi.
5. Department of Economic Affairs (Insurance Division), New Delhi.
6. Department of Public Enterprises, New Delhi.
7. National Commission for SC & ST, Lok Nayak Bhavan, New Delhi.
8. National Commission for Backward Classes, Trikoot-I, Bhikaji-cama-place, R.K.Puram, New Delhi.
9. Ministry of Welfare, Shastri Bhavan, New Delhi.

- 9 -

(28) *Declassified*

EMPLOYEES' STATE INSURANCE CORPORATION
"PANDEEP" BHAVAN : KOTLA ROAD :
NEW DELHI - 110 002.

Annexure

R2

No. A.35(11)/1/82-Estt.I(A) Col.II

Dated : Oct, 1989 40

MEMORANDUM

Subject:- Departmental Promotion Committee and related matters- consolidated instructions on "....."

Attention of all Regional Directors and appointing authorities is invited to the instructions issued on the above subject from time to time.

Government of India, Department of Personnel & Training vide their latest O.M. No. 22011/5/86-Estt.(D) dated 10.4.1989 received through Ministry of Labour letter No.Z-11016/1/89 dated 16.6.89 endorsed as under, has now consolidated and updated various instructions issued from time to time in the form of "Guidelines on Departmental Promotion Committee".

A copy of the said Memorandum is sent herewith to all Regional Directors etc. for information, guidance and strict compliance.

The receipt of this Memorandum kindly be acknowledged.

Hindi version will follow.

Shah
(S.K.SHAH)
SECTION OFFICER
for DIRECTOR GENERAL

To

1. All Principal Officers.
2. All Regional Directors/Director, SRO, Pune/Jt. Regional Director-Incharge, Nagpur/Regional Director, G.a.
3. Director(Medical)Delhi/Medical Superintendent, E.S.I. Hospital, New Delhi/Jhilmil, Delhi/Director, E.S.I. Scheme, Noida/Dy. Medical Commissioner, FW Project, E.S.I. Hospital Complex, New Delhi.
4. Administrative Officer-II/Estt.I(B)/Estt.II(A)/Estt.II(B) Director(Med) Cell , HQ/Director (MSU) HQ.
5. Dealing Assistant dealing with posting/transfer of Group A &B posts (Estt-I(A)).
6. Hindi Cell for Hindi version.
7. Guard file/Spare copies.

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GUIDELINES ON DEPARTMENTAL PROMOTION COMMITTEES

PART - I

FUNCTIONS AND COMPOSITION OF DEPARTMENTAL PROMOTION COMMITTEES

Functions of DPCs:

A post is filled by promotion where the Recruitment Rules so provide. 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/Dept./ 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;
- (c) assessment of the work and conduct of probationers for the purpose of determining their suitability for retention in service or their discharge from it or extending their probation; and
- (d) consideration of cases of Government servants for crossing the Efficiency Bar.

Composition of DPCs :

2.1. Members included in DPCs for Group A&B posts should be officers who are at least one step above the posts in which promotions/confirmation is to be made as indicated below :-

Pay scale (revised) of the post in which confirmation or to which promotion is to be considered by the DPC.

Minimum status of officers who should be members of the DPC.

1. Rs.2200-4000 or equivalent
Rs.3000-4500 or equivalent

Officers of the rank of Deputy Secretary to the Government of India or above.

2. Rs.3000-5000 or equivalent

Officers of the rank of Director or above.

3. Rs.3700-5000 or equivalent
Rs.4100-5300 or equivalent
Rs.4500-5700 or equivalent

Officer of the rank of Secretary/Additional Secy. of the Deptt./ Joint Secy. of the Ministry should invariably be one of the members of India or above. of the DPCs.

4. Rs.5000-5700 or equivalent
Rs.5900-6700 or equivalent

Secretary/Additional Secy. to the Govt. of India.

(2)

- 2.2 The Union Public Service Commission(UPSC) should be associated with DPCs in respect of all Central Civil Service posts belonging to Group A where promotion is based on the principles of selection unless it has been decided by the Govt. not to associate the 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.
- 2.3 The Commission need not be associated with a DPC constituted for considering the cases of confirmation of officers. The proceedings of the DPC which considered the confirmation of Group A Officers should, however, be sent to the Commission for their approval. While doing so, the cases of officers not considered fit for confirmation along with their records should be specifically referred to the Commission for their approval.
- 2.4 Whenever the UPSC is associated with a DPC, the chairman or a Member of the Commission will preside at the meeting of the DPC.
- 2.5 In respect of a DPC for Group C&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 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 be made. In the case of a DPC constituted for promotion 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.
- 2.6 Endeavour should also be made to nominate an SC/ST officer on the DPC constituted for various post/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 with 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.
- 2.7 In Group A & 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 coopt 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/Dept.
- 2.8 The composition of the DPC for considering the cases of Government servants for crossing the EB in a time scale of pay should be the same as the DPC constituted for the purpose of considering the cases of confirmation of the Government servants concerned with the only change that the UPSC need not be associated for considering EB cases.

P A R T IIFREQUENCY OF DEPARTMENTAL PROMOTION COMMITTEE MEETINGSFrequency at which DPC should meet

3.1 The DPCs should be convened at regular annual interval 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. DPCs could be convened every year if necessary on a fixed date e.g. 1st April or May. The Ministries/Deptts. should lay down a time schedule for holding DPCs under their control and after laying down such a schedule the same should be monitored by making one of their officers responsible for keeping a watch over the various cadre authorities to ensure that they are held regularly. 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 expressly 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.

3.2 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.

P A R T - IIIPREPARATORY ACTION FOR HOLDING DEPARTMENTAL PROMOTION COMMITTEESDetermination of regular vacancies

4.1 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 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. 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.

Papers to be put up 4.2.1 In the case of promotions, the proposals should be placed before the DPC in the proforma given in Annexure-I. As regards cases of confirmation, the proposals should be for con-put up before the DPC in the proforma given in Annexure-II. These proformae should be completed and submitted to the DPC, consideration by whether the UPSC is associated with the DPC or not.

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4.2.2 Where a member of the UPSC has to attend a meeting of a DPC, the necessary documents should be sent to the Commission along with the references requesting the Commission to nominate one of their members to preside over the DPC. The papers should be complete as per the check List given in Annexure-III and should be sent in good time before the meeting.

4.2.3 No proposal for holding a DPC or Selection Committee should be sent to UPSC until and unless all the ACRs complete and upto date are available. In certain cases involving collection of large number of ACRs, the proposal can be sent only if at least 90% of the ACRs (upto date and complete) are available. Every effort should be made to keep the ACRs dossiers upto date, lest this aspect is advanced as the reason for not holding DPCs in time. The Officer referred in para 3.1 should also be responsible for monitoring the completion of the ACR dossiers.

4.2.4 The ACR folder should be checked to verify whether the ACRs for the individual years are available. For this purpose, the proforma enclosed (Annexure-IV) should be filled in and sent to UPSC. If the ACR 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 folder.

4.2.5 The integrity certificate on the lines indicated below should be furnished to the DPCs constituted to consider cases for promotion or confirmation:

"The records of service of the following officers who are to be considered for promotion/confirmation in the grade have been carefully scrutinised and it is certified that there is no doubt about their integrity".
If there are names of persons, in the list of eligible candidates, whose integrity is suspect or has been held in doubt at one stage or other, this fact should also be specifically recorded by the Ministry/Department/Office concerned and brought to the notice of the DPC.

4.2.6 Where the UPSC is associated with the DPC the certificate will be recorded by an officer not below the rank of a Deputy Secretary to the Government. Where UPSC is not associated the Officer-in-charge of the Administration section in the Ministry/Department/Office concerned who processes and submits names and particulars of eligible officers to the DPC should himself record the certificate.

4.2.7 It should be ensured that the information furnished to the UPSC/DPC is factually correct and complete in all respects. Cases where incorrect information has been furnished should be investigated and suitable action taken against the person responsible for it.

Consideration of Officers on deputation

4.3.1 The names of the officers who are on deputation, either on their own volition or in public interest (including foreign service), 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 office's on deputation should 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.

4.3.2. 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 purpose 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.

4.4 Consideration of officers on study leave

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 proceedings 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.

4.5 Consideration of Direct Recruits

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.

4.6 Reservation for SCs/STs

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 the appointing authorities while formulating proposals for promotion/confirmation for consideration of the DPC.

PART - IV

PROCEDURE TO BE OBSERVED BY DEPARTMENTAL PROMOTION COMMITTEES

5. Each Departmental Committee should decide its own method and procedure for objective assessment of the suitability of the candidates. 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.

Contd... 6/-

Selection Method

6.1.1 Where promotions are to be made by selection 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 under with reference to the number of clear regular vacancies proposed to be filled in the year:

<u>No. of vacancies</u>	<u>No. of officers to be considered</u>
1	5
2	8
3	10
4	3 times the number of vacancies.

Guidelines for DPCs

6.1.2 At present 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. In order to ensure greater selectivity in matters of promotions and for having uniform procedures for assessment by DPCs, fresh guidelines are being prescribed. The matter has been examined and the following broad guidelines are laid down to regulate the assessment of suitability of candidates by DPCs.

6.1.3 While merit has to be recognised and rewarded, advertisement in an officer's career should 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.

6.1.4 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 really noteworthy which should entitle an officer to recognition and suitable rewards in the matter of promotion.

Confidential Reports

6.2.1 Confidential Rolls are the basic inputs on the basis of which assessment is to be made by each DPC. The evaluation of CRs should be fair, just and non-discriminatory. Hence -

- (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 officers for promotion on the basis of their service record and with particular reference to the CRs for 5 proceeding years. However, in cases where the required qualifying service is more than 5 years, the DPC should see the record with particular reference to the CRs for the years equal to the required qualifying service. (If more than one CR has been written for a particular year, all the CRs for the relevant year shall be considered together as the CR for one year).

(c) Where one or more CRs have not been written for any reason during the relevant period, the DPC should consider the CRs of the years preceding the period in question and if in any case even these are not available the DPC should take the CRs of the lower grade into account to complete the number of CRs required to be considered as per (b) above. If this is also not possible, all the available CRs should be taken into account.

(d) Where an officer is officiating in the next higher grade and has earned CRs in that grade, his CRs 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.

(e) The DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of the entries in the CRs, because it has been noticed that sometimes the overall grading in a CR may be inconsistent with the grading under various parameters or attributes.

(f) If the Reviewing authority or the Accepting authority as the case may be has over-ruled the Reporting Officer of the Reviewing authority as the case may be, the remarks of the latter authority should be taken as the final remarks for the purposes 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 overruling the other, then the remarks should be read together and the final assessment made by the DPC.

6.2.2. In the case of each officer an overall grading should be given. The grading shall be one among (i) Outstanding (ii) Very Good (iii) Good (iv) Average (v) Unfit.

6.2.3. Before making the overall grading after considering the CRs 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.

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6.3.1. The list of candidates considered by the DPC and the overall grading assigned to each candidate, would form the basis for preparation of the panel for promotion by DPC. The following principles should be observed in the preparation of the panel.

(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 grade would be determined for each category of posts for which promotions are to be made by Selection method. For all Group 'C', Group 'B' & Group 'A' posts upto (and excluding) the level of Rs. 3700-5000 excepting promotions for induction to Group 'A' posts or services from lower groups, the bench mark would be 'Good'. All officers whose overall grading is equal to or better than the bench mark should be included in the panel for promotion to the extent of the number of vacancies. They will be arranged in the order of their inter-seniority in the lower category without reference to the overall grading obtained by each of them provided that each one of them has an overall grading equal to or better than the bench mark of 'Good'.

Wherever promotions are made for induction to Group 'A' posts or services from lower groups, the bench mark would continue to be 'Good'. However, officers graded as 'Outstanding' would rank en block senior to those who are graded as 'Very Good' and officers graded as 'Very Good' would rank en block senior to those who are graded as 'Good' and placed in the select panel accordingly upto the number of vacancies, officers with same grading maintaining their inter se seniority in the feeder post.

(ii) In respect of all posts which are in the level of Rs. 3700-5000 and above, the benchmark grade should be 'Very Good'. However, officers who are graded as 'Outstanding' would rank en block senior to those who are graded as 'Very Good' and placed in the select panel accordingly upto the number of vacancies, officers with same grading maintaining their inter se seniority in the feeder post.

(iii) Appointments from the panel shall be made in the order of names appearing in the panel for promotion.

(iv) Where sufficient number of officers with the required benchmark, grade are not available within the zone of consideration, officers with the required benchmark will be placed on the panel and for the unfilled vacancies, the appointing authority should hold a fresh D.P.C. by considering the required number of officers beyond the original zone of consideration.

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6.3.2.(i) In promotions by selections to posts/services within Group 'A' which carry an ultimate salary of Rs.5700/-p.m. in the revised scale, the SCs/STs 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 notwithstanding the prescription of 'benchmark' be included in that list provided they are not considered unfit for promotion.

(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 be made only from those SCs/STs officers, who are within normal zone of consideration prescribed vide the Department of Personnel & A.R.O.M. No.22011/3/76-Estt.(D) dated 24th December, 1980. Where adequate number of SCs/STs candidates are not available within the normal field of choice, it may be extended to five times the number of vacancies and the SCs/STs candidates coming within the extended field of choice should also be considered against the vacancies reserved for them. If candidates from SCs/STs 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 'benchmark' but who are considered fit for promotion.

(iii) As regards promotions made by selection in Group 'C' & Group 'D' 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 alongwith 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 the SCs & 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 'benchmark' 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 select candidates of these communities in the separate Select Lists for SCs and STs respectively.

Preparation of yearwise panels by DPC Where they have not met for a number of years:-

6.4.1 Where for reasons beyond control, the DPC could not be held in an year(s), even though the vacancies arose during that year (or years), the first DPC that meets there after should follow the following procedures:

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: 10 :

- (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 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 year and so on;

6.4.2. Where a DPC has already been held in a year 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 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, they were not reported to 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 an year-wise panel. In all such cases, a review DPC should be held keeping in mind the total vacancies of the year.

6.4.3. 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. For instance for preparing a panel relating to the vacancies of 1978 the latest available records of service of the officers either upto December 1977 or the period ending March, 1978 as the case may be, should be taken into account and not the subsequent ones. However, if on the date of the 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 exist in the year to which the vacancy related. The officer's name should be kept in the sealed cover till the proceedings are finalised.

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6.4.4. 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).

7. 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 the 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 6.1.4(i) should be borne in mind. The officers categorised as 'fit' should be placed in the panel in the order of their seniority in the grade from which promotions are to be made.

8. 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.

9. 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.

10. Efficiency Bar:

The DPC constituted for considering cases of Government servants for crossing the EB need not sit in a meeting but may consider such cases by circulation of papers. The DPC may consider such cases on the basis of up-to-date records of performance, results of a written test and/or trade test, if any, prescribed by the administrative Ministry. The DPC may recommend whether the officer concerned is 'Fit' or 'Not yet fit' to cross the Efficiency Bar. The review of the case of a Government servant who has been held up at the EB stage on the due date should also be done in accordance with the same procedure by the DPC.

11. Procedure to be followed by DPC in respect of Government servants under cloud:

11.1. 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:

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- (i) Government servants under suspension;
 - (ii) Government servants in respect of whom disciplinary proceedings are pending or a decision has been taken to initiate disciplinary proceedings;
 - (iii) Government servants in respect of whom prosecution for a criminal charge is pending or sanction for prosecution has been issued or a decision has been taken to accord sanction for prosecution; and
 - (iv) Government servants against whom an investigation or serious allegations of corruption, bribery or similar grave misconduct is in progress either by the C.B.I. or any other agency, departmental or otherwise.

11.2 The DPC shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned above alongwith other eligible candidate without taking into consideration the disciplinary case/criminal prosecution, pending or contemplated, against them or the investigation in progress. 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

(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.

11.3 The same procedure outlined in para 11.2 above will be followed by the subsequent Departmental Promotion Committee convened till the disciplinary case/criminal prosecution pending or contemplated against the Government servant concerned is concluded.

Adverse 12.1 Where adverse remarks in the Confidential Report of the officer concerned have not been communicated to him, this fact should be taken not of by the DPC while assessing the suitability in a case of the officer for promotion/confirmation.

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12.2 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 the representation.

13. 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

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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.

14. The DPC should record in their minutes a certificate that the Department/Ministry/Office concerned has rendered the requisite integrity certificate in respect of those recommended by the DPC for promotion/confirmation.

15. Validity of the proceedings of DPCs when one member is absent

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.

P A R T - V

PROCESSING AND IMPLEMENTATION OF THE RECOMMENDATIONS OF DEPARTMENTAL PROMOTION COMMITTEE

16. Processing of recommendations of the DPC:

16.1. 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 U.P.S.C.

16.2. 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.

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Approval 16.3. 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 when the Appointing Authority does not agree with recommendations of DPC:

16.4.1. 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.

16.4.2. 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.

16.4.3. 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 do not 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.

Appointing Authority to take decision within 3 months.

16.5.1. 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.

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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.

16.5.2. In cases where the panel prepared by the DPC requires the approval of the A.C.C., 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.

Implementation of the recommendations of DPC Vigilance Clearance :-

17.1. 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 no disciplinary proceedings are pending against the officer concerned.

Order in which promotions to be made:

17.2. Promotions of whatever duration should as far as possible be made in the order in which the names of the 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 and 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

17.3. 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.

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Promotion of officers on deputation

17.4.1. 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. Thereafter, 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.

17.4.2. In case the officer is serving on an ex-cadre post on his own volition by applying in response to an advertisement, 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 a period of two years 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 alongwith 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 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).

EB Cases:

17.5. The recommendations of the DPC in the case of Government servants for crossing the EB have to be considered by the authority competent to pass an order under FR 25. Where a Government servant who has been held up at the EB stage on the due date on account of unfitness to cross the EB is allowed to cross the EB at a later date, as a result of subsequent review of his case by the DPC, the increment next above the EB SHALL BE ALLOWED TO HIM FROM THE DATE of such order to cross EB. Where it is proposed to fix his pay at a higher stage taking into account the length of service from the due date for crossing the EB, the case should be referred to the next higher authority for a decision. Instructions regarding overruling of recommendation of DPC for promotion/confirmation would apply in this case also.

Sealed Cover cases Action after completion of disciplinary criminal prosecution

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17.6.1. If the proceedings of a DPC for promotions 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 but he will not be allowed any arrears of pay for the period preceding the date of actual promotion.

17.6.2. 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.

Six monthly Review of sealed cover cases

17.7.1. 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 following aspects:-

(i) The progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite their completion.

(ii) Scrutiny of the material/evidence collected in the investigations to take a decision as to whether there is a prima-facie case for initiating disciplinary action or sanctioning prosecution against the officer.

If, as a result of the review, the appointing authority comes to a conclusion in respect of cases covered by item (ii) above that there is no case for taking action against the Government servant concerned, the sealed cover may be opened and he may be given his due promotion with reference to the position assigned to him by the DPC.

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Sealed cover procedure for confirmation

17.7.2. The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension etc.

Procedure-17.8.1. 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 ad-hoc promotion 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.

17.8.2. 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 D.P.C. 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.

17.8.3. 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:-

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- 1) 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.

17.8.4. 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 servant 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 17.6.1. above.

17.8.5. 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 Govt. 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 before promotion:

17.9. A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 11.1 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 will be applicable in his case also.

Date from which promotions to be treated as Regular

17.10. 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.

17.11. 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

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 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 the 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 Pro-
motion

17.12. 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.

Validity of a panel 17.13.1. 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.

17.13.2. The date of commencement of the validity of panel will be the date on which the DPC meets. In case 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's the date of validity of panel would be the date (of Commission's letter) communicating their approval to the panel.

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It is important to ensure that the Commission's approval to the panel is obtained, where necessary, with the least possible delay.

Review 17.14. The 'select list' 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 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.

PART-VI

REVIEW D.P.C.S.

When 18.1 The proceedings of any DPC may be reviewed only if the DPC has not taken all material facts into consideration or if material facts have not been brought to the notice of the DPC may be or if there have been grave errors in the procedure followed held by the DPC. Thus, it may be necessary to convene Review DPCs to rectify certain unintentional mistakes, e.g.

- a) Where eligible persons were omitted to be considered; or
- b) Where ineligible persons were considered by mistake; or
- c) Where the seniority of a person is revised with retrospective effect resulting in a variance of the seniority list placed before the DPC; or
- d) Where some procedural irregularity was committed by a DPC; or
- e) Where adverse remarks in the CRs were toned down or expunged after the DPC had considered the case of the Officer.

These instances are not exhaustive but only illustrative.

Scope 18.2. 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 for the period relevant to the first DPC. The CRs written for subsequent periods should not be considered. If any adverse remarks relating to the relevant period, were toned down or expunged, the modified CRs should be considered as if the original adverse remarks did not exist at all.

18.3. 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.

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Cases 18.4.1 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 scrutinise 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 PSC have been associated with the DPC, approval of the Commission would be necessary for a review of the case by the DPC.

Where 18.4.2. 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.

adverse 18.4.3. 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 senior officer 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.

18.4.4. 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.

Proforma for referring proposals for promotion to Union Public Service Commission.

1. Name of Ministry/Department/
Office.

2. Names and designation of members of the Departmental Promotion
Committee (copy of the orders constituting the DPC to be
attached).

Name	Designation	Office	Tele. No.
1	2	3	4

3. Grade or post to which promotion is to be made.

Designation	Classification	Scale of pay	No. of posts in the grade
1	2	3	4 filled/unfilled

Total No. of posts filled on ad-hoc basis			No. of regular vacancies falling in promotion quota		Total
Pmt.	Temp.	Total	Existing	Anticipated for current year panel only)	

5 6 7

Yearwise 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 UPSC reference under which they were approved.

(b) Method of recruitment prescribed:

- (i) % direct recruitment
- (ii) % promotion
- (iii) % deputation/transfer

(c) Whether an up-to-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 posts from which promotion is to be made.

Designation	Classification	Scale of pay	Service prescribed for eligibility for promotion.
1	2	3	4

- (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 upto date?
(Character rolls should be sent only after they have been completed).

11. Integrity Certificate:

- (a) Whether an integrity certificate in terms of the instructions contained in DP & T OM No. 1/9/71-Estt(D), dated 22.1.1972 has been enclosed.
- (b) Whether there are any officers against whom Vigilance Proceedings are either pending or contemplated; if so please, indicate their names.
(If the space is insufficient please attach a separate sheet).

12. Self contained note for the DPC

- Whether a self-contained note for the DPC explaining the proposals for promotion, has been enclosed.

13. Check List

- Whether a check list in terms of the DP & T OM No. 22011/6/86-Estt(D), dated 30.5.1986 has been enclosed.

Signature _____

Designation _____

Date _____

7. UPSC reference No. under which promotion to the grade/post was 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 who are 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 (in the proforma attached).
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 upto date character rolls of all the eligible officers are required.

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Particulars of changes in the seniority list

Vide Item B (f) of the DPC Proforma

(I)

Names of the Officers which were included in the last seniority list but have been deleted in the present seniority list.	Reasons for deletion
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(II)

Name of officers added in the present seniority list.

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Seniority list of officers in the grade of _____
as on _____

Vide Item B (a) of the DPC Proforma

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.

PROFORMA FOR REFERRING PROPOSALS FOR CONFIRMATION

1. Name of Ministry/Department/Office :

2. Name and designations of Members of the Departmental Promotion Committee:-

Name	Designation	Office Telephone No.
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(Note:- Copy of orders constituting the DPC to be attached)

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 Scheduled 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 number under which confirmation to the post/grade 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 up-to-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 finalization 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 Up-to-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) Name 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. Integrity Certificate :

Whether integrity certificate in terms of M.H.A. No. 1/9/71-Estt (D) dated 22nd January, 1972 has been enclosed?

A Certificate regarding integrity should also be recorded in the DPC minutes.

10. Whether the DPC for confirmation has been convened in time? If not, state the reasons therefor.

11. 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 _____

Office Telephone number _____

NOTE: This proforma is to be suitably modified when proposal is submitted for confirmation in accordance with the procedure outlined in the Department of Personnel & Training OM No. 18011/1/86-Estt. (D) dated 28.3.1988.

ANNEXURE - III
(Para 4.2.2.)

CHECK LIST FOR PROMOTION CASES

1. RECRUITMENT RULES

- (a) Whether already notified
- (b) Whether upto date
- (c) Does it provide for promotion on selection basis.
- (d) Whether promotion is from Group B to A.
- (e) Whether promotion within Group A.

2. DPC PROFORMA

- (a) Whether in (revised) prescribed form
- (b) Whether signed by competent officer.
- (c) Whether all columns filled properly.

3. SENIORITY LIST

- (a) Whether in the prescribed proforma.
- (b) Whether complete/upto date.
- (c) Whether duly authenticated by an officer not below Under Secy. rank.
- (d) Whether there is any discrepancy.
- (e) Whether UPSC reference number given under which officers appointed.

No.36012/23/96-Estt.(Res)-Vol.II

Government of India

Govt. of India Ministry of Personnel, Public Grievances & Pensions
मानव संसाधनों विभाग/RECEIVED (DEPARTMENT OF PERSONNEL & TRAINING)

North Block, New Delhi
Dated: the 3rd October, 2000

OFFICE MEMORANDUM

Subject : Reservation in promotion – Prescription of lower qualifying marks/lesser standard of evaluation.

The undersigned is directed to refer to Department of Personnel & Training's OM No. 36012/23/96-Estt.(Res) dated 22nd July, 1997 vide which various instructions of the Government providing for lower qualifying marks/lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of the Supreme Court's judgement in the case of S. Vinod Kumar Vs. Union of India.

2. The undersigned is further directed to say that the matter has been reviewed, consequent to which the following proviso to Article 335 has been incorporated in the Constitution by the Constitution (Eighty-Second Amendment) Act, 2000:-

“Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and 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 in connection with the affairs of the Union or of a State.”

3. In pursuance of the enabling proviso of Article 335 of the Constitution, it has now been decided to restore, with immediate effect, the relaxations/concessions in matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including OM No.8/12/69-Estt.(SCT) dated 23.12.1970, No.36021/10/76-Estt.(SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training's OM No.22011/5/86-Estt.(D) dated 10.4.1989. In other words, the effect of these

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Coord. Section

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Mr. No.

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instructions would be that the Department of Personnel and Training's OM No.36012/23/96-Estt.(Res) dated 22nd July, 1997 becomes inoperative from the date of issue of this OM.

4. These orders shall take effect in respect of selections to be made on or after the date of issue of this OM and selections finalised earlier shall not be disturbed.

5. All Ministries/Departments are requested to bring these instructions also to the notice of their Attached/Subordinate Offices and Autonomous Bodies/ Public Sector Undertakings under their control for compliance.

Ritual
(J. Kumar)

Deputy Secretary to the Government of India

Tel. No. 301 1797

To

1. All Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India / Election Commission/ Lok Sabha Secretariat / Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi.
9. National Commission for SCs & STs, Lok Nayak Bhawan, New Delhi
10. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.

~~MOST IMMEDIATE~~

2
No. 22011/9/98-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
September 8, 1998

1138
OFFICE MEMORANDUM

Subject:- Procedures to be observed by the Departmental Promotion Committees (DPCs) - MODEL CALENDAR FOR DPCs and related matters -

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum No. 22011/5/86-Estt(D) dated April 10, 1989 containing consolidated instructions on DPCs. These instructions *inter alia* provide that the DPCs should be convened at regular intervals (by laying down a time-schedule for this purpose) to draw panels which could be utilised for making promotions against the vacancies occurring during the course of a year. This enjoins upon the concerned 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 seniority list, Annual Confidential Reports (ACRs), integrity certificates, etc for placing before the DPCs. The instructions further provide that the DPCs should consider ACRs for equal number of years in respect of all officers considered for promotion. The DPCs should assess the suitability of the officers for promotion on the basis of their service records and with particular reference to the ACRs for five preceding years. However, in cases where the required qualifying service is more than five years, the DPCs should see the records with particular reference to the ACRs for the years equal to the required qualifying service. Instructions further provide that no proposal for holding a DPC or Selection Committee should be sent to the UPSC until and unless all the ACRs, complete and up-to-date, are available.

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2. The importance of keeping the ACR dossiers up-to-date and of timely convening of DPCs cannot be over-emphasised. Instances have, however, come to the notice of the Department of Personnel and Training where the DPCs could not be held in time owing to non-availability of complete ACR dossiers of the officers in the zone of consideration and also for lack of prompt administrative action. This invariably delays promotions resulting in considerable frustration among the officials, thereby adversely affecting their morale and overall productivity. As such, some remedial action in this regard has become essential.

3.1 Keeping the aforesaid objective in view, it has been considered imperative to provide for a time-schedule for convening DPCs not only in time but in sufficient advance also so as to utilise the prepared panel as and when the vacancies arise during the course of the vacancy year. For practical reasons, it is also considered desirable to have separate time-schedules for cases requiring approval of the Appointments Committee of the Cabinet and cases which do not require such approval. Accordingly, in order to complete all required action, including the approval of the competent authority, well in time (before the commencement of the panel or vacancy year), the administrative action for convening DPCs, in the cases requiring approval of the ACC (ACC cases), could, as such, be initiated at least eight and a half months before the commencement of the vacancy year and, similarly, DPCs in such cases could be held at least four months before the commencement of the vacancy year. This means that there would be a clear period of the first three and a half months of the year immediately preceding the vacancy/panel year available for completion of the ACRs etc., followed by another four and a half months' time for holding of DPCs. The next one month could be devoted to the post-DPC follow-up administrative action by the administrative Ministry/Department. The final three months' period prior to the commencement of the vacancy year could be left for approval of the Competent Authority (the ACC).

3.2 In relation to the cases which do not require approval of the ACC (non-ACC cases), the aforesaid time-schedule could follow a different pattern in regard to various activities as discussed above. This is considered desirable to give sufficient time to the UPSC for holding DPCs in such cases. Accordingly, the administrative action for

convening DPCs in such cases could be initiated at least eight months before the commencement of the vacancy year and, similarly, DPCs could be held at least 12 months before the commencement of the vacancy year. This means that there would clearly be the first four months of the year immediately preceding the vacancy/panel year available for completion of ACRs, etc., followed by another six months' time for holding of DPCs. The final two months could, as such, be devoted to the post-DPC follow-up administrative action, including approval of the Competent Authority. The aforesaid time-schedule, both in 'ACC' and 'non-ACC' cases, may be sufficient by any reckoning.

Thus, the Model Calendar of events for ACC/non-ACC cases may follow the following illustrative pattern and the DPCs may ordinarily be held accordingly:-

SUGGESTED MODEL CALENDAR FOR DPCs

EVENTS (1)	FINANCIAL YEAR-BASED (2)	CALENDAR YEAR-BASED (3)
(i) Vacancy year	2000-2001	2000
(ii) Crucial date for determining eligibility	January 1, 2000	January 1, 2000
ACC CASES		
[Cases where ACC approval is required (including SAG/HAG grades/posts)]		
(A) Completion of ACRs/Integrity Certificates/Vigilance clearance/Seniority List/Penalty and Vacancy position etc. and forwarding DPC proposal to the UPSC.	April – July 15, 1999	January – April 15, 1999
(B) Last date for sending complete proposal along with relevant Recruitment/Service Rules to the UPSC.	July 15, 1999	April 15, 1999
(Effort should be made to send the proposal to the UPSC as soon as possible without waiting for the last date).		
(C) DPC to be held	July 15, – November, 1999	April 15 – August, 1999
(D) On receipt of DPC minutes from the UPSC, post-DPC follow-up action by the administrative Ministry/Department.	December, 1999	September, 1999

EVENTS (1)	FINANCIAL YEAR-BASED (2)	CALENDAR YEAR-BASED (3)
(E) Approval of the ACC including communication of its approval to the administrative Ministry/Department.	January - March, 2000	October - December, 1999
(F) Last date for getting ready the approved select panel by the administrative Ministry/Department.	March 31, 2000	December 31, 1999
NOTE: Dates/periods suggested in the Model Calendar for DPC put no bar on earlier completion of various pre/post-DPC related actions. Every effort may, as such, be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested by the Model Calendar for DPCs.		
Non-ACC CASES [Other grades/posts (with/without association of the UPSC)]		
(A) Completion of ACRs/Integrity Certificates/ Vigilance clearance/Seniority List/Penalty and Vacancy position etc. and forwarding proposal to the UPSC.	April - July, 1999 DPC	January - April, 1999
(B) Last date for sending complete proposal along with relevant Recruitment/Service Rules to the UPSC. (Effort should be made to send the proposal to the UPSC as soon as possible without waiting for the last date).	July 31, 1999	April 30, 1999
(C) DPC to be held	August, 1999 - January, 2000	May - October, 1999
(D) On receipt of DPC minutes from the UPSC, post-DPC follow-up action (including approval of the Competent Authority) by the administrative Ministry/Department.	February - March, 2000	November - December, 1999
(E) Last date for getting ready the approved select panel by the administrative Ministry/Department.	March 31, 2000	December 31, 1999
NOTE: Dates/periods suggested in the Model Calendar for DPC put no bar on earlier completion of various pre/post-DPC related actions. Every effort may, as such, be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested by the Model Calendar for DPC.		

As already pointed out in Para. 2 above, the success of the Model Calendar would depend on the Ministries/Departments furnishing the complete proposal to the UPSC with relevant ACRs, integrity certificate, copy of Recruitment/Service Rules, seniority list, penalty statement and correct vacancy position, etc. In accordance with the direction contained in Cabinet Secretary's D.O. Letter No. DOP & T/39022/7/97-Estt. (B), dated 19.11.1997, addressed to all Secretaries to Government of India, while referring the DPC proposals to the UPSC, the Joint Secretary (Administration) of the Ministry/Department concerned would certify that the information and documents have been furnished in accordance with the checklists prescribed by the Department of Personnel and Training vide its O.M. No. 22011/5/86-Estt. (D), dated 30.05.1986.

("In cases where the Joint Secretary (Administration) is not concerned with the post(s) for which reference is being made to the UPSC, the required certificate shall be granted by the Joint Secretary/Additional Secretary concerned.")

5. In terms of the Department of Personnel and Training O.M. No. 22011/9/89-Estt. (D), dated 17.10.1994 (Vide Sl. No. 197 of Swamy's Annual, 1994) for preparation of select panel, Ministries/Departments may calculate the vacancies for reporting to DPC on financial year basis where ACRs are written financial year-wise and on calendar year basis where ACRs are written calendar year-wise. The items of work relating to calculation of vacancies arising on various dates in the relevant vacancy year may be completed strictly as per schedule prescribed in the suggested Model Calendar for intimation to UPSC/DPCs.

6. If there is a need for preparing a second and subsequent panels for the same vacancy/panel year consideration of the ACRs in such a situation may be restricted to the year up to which these were taken into account while preparing the original select panel. This would ensure application of a uniform yardstick with reference to all such select panels for the same vacancy/panel year.

7. In accordance with the existing instructions, the DPC is required to take into account the existing and clear anticipated vacancies in the concerned grade only. The chain vacancies in the higher grade 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 herein the panels, for all the 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.

8. As per the Model Calendar, since the DPC would be convened in the year preceding the vacancy year, the DPC may have to consider some of the officers who are to retire in the vacancy year itself. There may be similar other eventualities. Therefore, in order to have effective panel, DPC may have to provide for an extended panel subject to the parameters prescribed vide this Department's Office Memorandum No.22011/18/87-Estt(D) dated April 9, 1996.

9. The crucial date for determining eligibility in case of financial year-based vacancy year would fall on January 1, immediately preceding such vacancy year and in case of calendar year-based vacancy year also, the first day of the vacancy year i.e. January 1 itself would be taken as the crucial date. To illustrate the point, January 1, 2000 would be the crucial date for the vacancy year 2000 (calendar year) as well as vacancy year 2000-2001 (financial year).

10. With a view to providing adequate time for circulation/general awareness of these instructions, it is considered desirable to make the aforesaid Model Calendar for DPCs operational with effect from April 1, 1999 in relation to the financial year-based vacancy year (2000-2001) commencing from April 1, 2000. In the case of calendar year-based vacancy year commencing from January 1, 2000, the Model DPC Calendar may take operational effect from January 1, 1999. In keeping with the decision noted in para 9 above to adopt, on uniform basis, January 1 as the crucial date for determining eligibility, it is provided that January 1, 2000 may be adopted as the crucial date in relation to the vacancy years commencing from January 1/April 1, 2000.

11. As for practical reasons, it may not be possible to adopt the aforesaid Model Calendar for DPC in relation to the transitory vacancy years commencing from January 1/April 1, 1999, it is considered adequate, in order to accelerate DPC-related

activities, to provide that efforts should be made by the Ministries/Departments to have the DPC meetings and preparation of panels in advance even for these transitory vacancy years without waiting for the latest ACRA. The crucial date for determining eligibility would, however, in keeping with the decision noted in para-9, fall on January 1, 1999 in relation to those transitory vacancy years commencing from January 1/April 1, 1999.

12. All Ministries/Departments are requested to take note of the above clarifications/modifications of the existing instructions for wide circulation on priority basis and strict compliance so that the desired objectives of convening of DPC meetings/preparation of the approved select panels as per the aforesaid prescribed time-frame may be achieved.

13. Hindi version will follow.

[Signature]
(K.K. JHA)

DIRECTOR(Establishment)

To

All Ministries/Departments of the Government of India

Copy to:-

- (i) Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi - 110011 with reference to their letter No.F.10/1/98-AU(C) dated August 20, 1998. - (20 copies)
- (ii) Establishment Officer's Division, Department of Personnel and Training, New Delhi - 110001
- (iii) Establishment (B) Section, Department of Personnel and Training, New Delhi - 110001 with reference to D.O. letter of the Cabinet Secretary quoted in para 4 of this Office Memorandum.
- (iv) Establishment (D) Section, Department of Personnel and Training, New Delhi - 110001 - 550 copies.

EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN KOTLA ROAD NEW DELHI

No. A-33(13)-1/86-EIA

Dated 19/4/2001

To,

Shri D.N. Pegoo,
 Regional Director
 ESI Corporation
 Regional Office,
Guwahati (Assam).

Sub:- Promotion (Adhoc)/ Seniority in the grade of Director/ Regional Director Gr. 'A'.

Sir,

With reference to your D.O. letter No.43-RD/PA Cell/99/Misc. dated 30/3/2001 on the above subject. I am directed to inform that your representation under reference has been examined and action taken in this regard found to be in order.

Yours faithfully,

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 (G. C. JENA) 94
 JOINT DIRECTOR-I(A) 2001
For ADDL. COMMISSIONER(P&A)

CHAPTER 20

AD HOC APPOINTMENTS/PROMOTIONS

(1) Revision of instructions on ad hoc appointments.— 1. It has been noted that appointments continue to be made on an *ad hoc* basis and proposals are being received for regularization of these appointments on the grounds that the persons concerned have been working against these posts for a long time. This has led to instances where Courts and Tribunals have directed the Government to fix seniority after taking into consideration the period of service rendered on an *ad hoc* basis. This unintended benefit of *ad hoc* services has, therefore, been bestowed on a number of persons whose *ad hoc* promotions have been made on seniority-cum-fitness, even though the Recruitment Rules for the posts may have prescribed promotion by selection.

2. In view of the position explained above, it has been decided that the Ministries/Departments may not make any appointment on an *ad hoc* basis including appointments by direct recruitment, promotion, transfer on deputation, etc. The procedure to be followed in circumstances when *ad hoc* appointments are presently frequently being resorted to, is explained below—

(i) Absence of Recruitment Rules.— *Ad hoc* appointments are frequently resorted to on the grounds that Recruitment Rules for the post are in the process of being framed. In Department of Personnel and Administrative Reforms, O.M. No. 39021/5/83-Estt. (B), dated the 9th July, 1985, all Ministries/Departments have been 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 a reference to the Union Public Service Commission (UPSC) for deciding the mode of recruitment to that post. Further action to fill the post may be taken according to the advice tendered by the UPSC. All such appointments will be treated as regular appointments. In the case of Groups 'C' and 'D' posts which are outside the purview of UPSC, powers to frame Recruitment Rules without consulting the Department of Personnel and Training have already been delegated to the Administrative Ministries *vide* this Department's O.M. No. CD-14017/10/85-Estt. (RR), dated the 21st March, 1985. Therefore, no appointment may be made to any post on an *ad hoc* basis on the ground that no Recruitment Rules exist for the same.

(ii) Revision of Recruitment Rules.— *Ad hoc* appointments are also frequently resorted to on the ground that proposals are under consideration to amend the existing Recruitment Rules. The legal position in this regard is that, posts are to be filled as per eligibility conditions prescribed in the rules in force at the time of occurrence of the vacancies unless amended Recruitment Rules are brought into force with retrospective effect. In fact, the

practice has been to give effect to amendments in the Recruitment Rules only prospectively, except in rare cases. Hence, regular appointments/promotions may be made in all such cases in accordance with the Recruitment Rules in force at the time when the vacancy arises. No *ad hoc* appointments/promotions may be made on the grounds that the Recruitment Rules are being revised or amended.

(iii) Revision of Seniority List.— Another reason for making *ad hoc* arrangements and delaying regular promotions is that, the seniority position of the officer holding the post in the feeder grade is disputed. In all such cases, regular DPCs may be held based on the existing seniority list. In case such disputes are pending before a Court/Tribunal, unless there is an injunction/stay order against making regular promotions, the appointing authority may convene the DPC and make promotions on the basis of the existing seniority list. However, while issuing the orders in such cases, it should be stipulated that these promotions are provisional and subject to the final decision of the Court/Tribunal. Subsequently, when the directions of the Court/Tribunal become available, a review DPC may be held and the necessary adjustments made in the promotions of officers based upon the revised seniority list. In case any of the officers provisionally promoted do not figure in the list approved by the Review DPC, they may be reverted to the posts held by them earlier.

(iv) Shortage in Direct Recruitment Quota.— *Ad hoc* appointments are also made on the consideration that adequate number of qualified candidates are not available for filling the vacancies through the direct recruitment quota prescribed in the Recruitment Rules. In some cases, even though the required number of candidates are recommended by the Union Public Service Commission/Staff Selection Commission, some of them do not join or they join to resign thereafter.

According to the instructions contained in this Department's O.M. No. 24012/34/80-Estt. (B), dated the 20th February, 1981, while notifying vacancies to recruiting agencies especially the SSC, the appointing authority is expected to compute the total number of vacancies taking into consideration the likely vacancies during the period beginning from the date of announcement of the examination in question up to the date of announcement of the subsequent examination so that the total number of posts to be kept vacant may be very few.

In spite of this, if some vacancies still remain unfilled, the following measures may be adopted:—

- Wherever feasible, the posts may be allowed to remain vacant until qualified candidates become available at the next examination.
- Wherever the Recruitment Rules for the posts provide alternative methods of recruitment, i.e., not only by the direct method but also by transfer on deputation, efforts may be made to fill those vacancies which cannot be held over (until candidates of next examination

become available), by the alternative methods, i.e., by transfer on deputation, etc.

- (c) However, in cases where direct recruitment is the only method provided in the Recruitment Rules, Ministries/Departments have been advised *vide* O.M. No. 14017/8/84-Estt. (RR), dated the 19th June, 1986, that the Rules may be amended to provide for transfer on deputation as an alternative method to fill short-term vacancies in the direct recruitment quota. In case the rules have not been amended, the Ministries/Departments may take steps to do so immediately so that the shortage of qualified candidates against the DR quota, may be met by filling the vacancies through transfer on deputation for short periods.

(v) *Filling up of short-term vacancies.*— Whenever short-term vacancies are caused by the regular incumbents proceeding on leave for 45 days or more, study leave, deputation, etc., of less than one year duration, they may be filled by officers available on an approved panel. Such a panel may be maintained taking into account not only the actual but also the vacancies anticipated over a period of 12 months in accordance with the existing instructions/holding DPCs. Wherever an officer is not available on an approved panel the post may be kept vacant, as far as possible.

3. *Cases where ad hoc appointments can be made.*— If the prescribed instructions and procedures are strictly adhered to, it may be seen that there will be very few cases where appointments need to be made on an *ad hoc* basis. Such circumstances may be—

- (a) Where there is an injunction by a Court/Tribunal directing that the post may not be filled on a regular basis and if the final judgment of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- (b) Where the DR quota has not been filled and the Recruitment Rules also do not provide for filling it up on transfer or deputation temporarily and the post cannot also be kept vacant.
- (c) In short-term vacancies due to regular incumbents being on leave/deputation, etc., and where the posts cannot be filled as per Para. (v) above and cannot also be kept vacant.

4. *Conditions for making ad hoc appointments.*— In such exceptional circumstances, ad hoc appointments may be resorted to subject to the following conditions:—

- (i) The total period for which the appointment/promotion may be made on an *ad hoc* basis, will be limited to one year only. The practice of giving a break periodically and appointing the same person on *ad hoc* basis may not be permitted. In case there are compulsions for extending any *ad hoc* appointment/promotion beyond one year, the approval of the Department of Personnel and Training may be sought for at least two months in advance before

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the expiry of the one year period. If the approval of the Department of Personnel and Training to the continuance of the *ad hoc* arrangements 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.

- (ii) If the appointment proposed to be made on an *ad hoc* basis involves the approval of the Appointments Committee of the Cabinet, this may be obtained prior to the appointment/promotion being actually made.
- (iii) Where *ad hoc* appointment is by promotion of the officer in the feeder grade, it may be done on the basis of seniority-cum-fitness basis even where promotion is by selection method as under—
 - (a) *Ad hoc* promotions may be made only after proper screening by the appointing authority of the records of the officer.
 - (b) Only those officers who fulfil the eligibility conditions prescribed in the Recruitment Rules should be considered for *ad hoc* appointments. If, however, there are no eligible officers, necessary relaxation should be obtained from the competent authority in exceptional circumstances.
 - (c) The claims of Scheduled Castes and Scheduled Tribes in *ad hoc* promotions shall be considered in accordance with the guidelines contained in the Department of Personnel and A.R., Office Memorandum No. 36011/14/83-Estt. (SCT), dated 30-4-1983 and 30-9-1983.
- (iv) Where *ad hoc* appointment by direct recruitment (which as explained above should be very rare) is being done as a last resort, it should be ensured that the persons appointed are those nominated by the Employment Exchanges-concerned-and they also fulfil the stipulations as to the educational qualifications/experience and the upper age-limit prescribed in the Recruitment Rules. Where the normal procedure for recruitment to a post is through the Employment Exchange only, there is no justification for resorting to *ad hoc* appointment.
- (v) Where the appointing authority is not the Ministry, the Authority competent to approve *ad hoc* appointments may be decided by the Administrative Ministries themselves. The competent authority so authorized by the Ministry should be one level higher than the appointing authority prescribed for that post.

5. *Ad hoc promotions of officers whose cases are kept in sealed covers.*— *Ad hoc* promotions with respect to officers whose cases are kept in a sealed cover in accordance with O.M. No. 22011/2/86-Estt. (A), dated 12-1-1988, will however, continue to be governed by these special instructions (*Order 3 below*). Similarly, *ad hoc* promotions of officers belonging to the Central Secretariat Service (CSS) to posts of Under Secretary/Deputy

Secretary under the Central Staffing Scheme, will continue to be regulated by special instructions contained in O.M. No. 31/16/82-EO (MM), dated 28-8-1983.

6. *Review of ad hoc appointments/promotions.*—All *ad hoc* appointments including *ad hoc* promotions shall be reviewed on the basis of the above guidelines. In exceptional circumstances, wherever such appointments are required to be continued beyond the present term, the decision thereon may be taken by the authority prescribed in Para. (4) (v). However, it may be noted that the continuance of such *ad hoc* appointments, including *ad hoc* promotions, will be subject to the overall restrictions of one year from the date of issue of these instructions.

All Ministries/Departments are requested to take action in accordance with the above-mentioned instructions in respect of both Secretariat as well as non-Secretariat offices under them.

[G.I., Dept. of Per. & Trg., O.M. No. 28036/8/87-Estt. (D), dated the 30th March, 1988.]

(2) *Action to fill up posts to be taken well before vacancies occur.*—Prime Minister has noticed that in a number of cases, appointments are made *ad hoc* either because Recruitment Rules have not been finalized or there has been delay in the filling up of the posts in a regular manner. Prime Minister has, therefore, desired that Ministries/Departments should take action to fill up the posts in good time before vacancies actually occur in order to avoid *ad hoc* appointments. In case where there is unjustifiable delay, responsibility for the delay should be assigned and those responsible should be suitably dealt with.

[G.I., D.P. & A.R., O.M. No. 28036/2/77-Estt. (D), dated the 7th October, 1977.]

(3) *Ad hoc appointment of Section Officers of the CSS as Under Secretaries and equivalent posts.*—Keeping in view the pressing requirements of various Ministries/Departments and the exigencies of public service, it has been decided, in partial modification of the instructions contained in OM, dated 28-9-1983, to permit the Ministries/Departments to make *ad hoc* appointments to the posts of Under Secretaries/equivalent from among the Section Officers of the Central Secretariat Service subject to the following conditions:—

- (i) The *ad hoc* appointments would be ordered on the basis strictly of existing cadrewise seniority by the Ministries/Departments controlling the Section Officers cadres.
- (ii) No officer who has not completed the requisite approved service of 8 years as Section Officers as on 1st July, 1989, would be appointed as *ad hoc* Under Secretary.
- (iii) The *ad hoc* appointments would be made purely as a temporary measure for a period not exceeding 3 months or until further

orders, whichever is earlier. In case it is proposed to continue the *ad hoc* appointments beyond the initial period of 3 months, prior approval of this Department should be obtained well in advance.

(iv) These appointments would be subject to the outcome of the SLP pending before the Supreme Court in the *Union of India and others v. Shri Amrit Lal and others*.

(v) The *ad hoc* appointments will not confer any right for regularization of the same or for benefit such as seniority, etc., on a future date. Government reserves the right to terminate the *ad hoc* appointments without assigning any reason or giving notice, etc., to the officers concerned.

(vi) Officers appointed on *ad hoc* basis should be cleared from vigilance angle.

2. The conditions mentioned above may be strictly adhered/suitably incorporated while issuing orders of *ad hoc* appointment and copies of all the orders in this regard may be endorsed to this Department for record.

[G.I., Dept. of Per. & Trg., O.M. No. 31/6/90-EO (MM), dated the 25th January, 1990.]

(4) *Procedure to be followed when disciplinary proceeding is initiated against a Government servant officiating in a higher post on *ad hoc* basis.*—The question whether a Government servant appointed to a higher post on *ad hoc* basis should be allowed to continue in the *ad hoc* appointment when a disciplinary proceeding is initiated against him has been considered by this Department and it has been decided that the procedure outlined below shall be followed in such cases—

(i) Where an appointment has been made purely on *ad hoc* basis against a short-term vacancy or a leave vacancy or if the Government servant appointed to officiate until further orders in any other circumstances has held the appointment for a period less than one year, the Government servant shall be reverted to the post held by him substantively or on a regular basis, when a disciplinary proceeding is initiated against him.

(ii) Where the appointment was required to be made on *ad hoc* basis purely for administrative reasons (other than against a short-term vacancy or a leave vacancy) and the Government servant has held the appointment for more than one year, if any disciplinary proceeding is initiated against the Government servant, he need not be reverted to the post held by him only on the ground that disciplinary proceeding has been initiated against him.

Appropriate action in such cases will be taken depending on the outcome of the disciplinary case.

[G.I., D.P.T., O.M. No. 11012/9/86-Estt. (A), dated the 24th December, 1986.]

(5) *Special instructions in respect of *ad hoc* promotions of officers whose cases are kept in sealed covers.*—See Chapter on Promotion.

(6) **Instructions on reporting *ad hoc* appointments to the Union Public Service Commission.**— 1. There is no provision for approval by UPSC for any appointment initially made without consulting them. The objective behind reporting of *ad hoc* appointments to UPSC under Regulation 4 is not to secure their concurrence to continuance of *ad hoc* appointment beyond one year but to enable the Commission to discharge their constitutional responsibility to bring to the notice of the Parliament, through their Annual Report, the cases in which the Government have not followed the constitutional provision of making regular appointment through UPSC.

2. In cases in which Recruitment Rules already exist, after a temporary or officiating appointment has been made under the provisions of Regulation 4, the appointing authority must forward to the Commission within a period of six months of such appointment, a requisition for recruitment to the post or for regular promotion thereto or take such other action as may be required under the Recruitment Rules (including the convening of their own DPC in cases in which the Commission are not to be associated). In cases in which Recruitment Rules do not exist, the appointing authority should finalize the Recruitment Rules for the post in consultation with the Department of Personnel and the Commission within, say, a maximum period of six months from the date the post is sanctioned.

[G.I., M.H.A., O.M. No. 23/27/68-Ests. (B) dated the 26th December, 1968, read with Dept. of Per., O.M. No. 23/51/71-Ests. (B), dated the 25th September, 1972.]

3. It is irregular to make temporary officiating appointments up to one year without consultation with the Commission even though the appointments are likely to be continued beyond a period of one year and to initiate action for regular appointments only when the officer has completed or is about to complete one year in that appointment. When it is known at the time of the initial consideration of the case itself that a particular appointment would last for more than one year, steps should be taken without delay for making a regular appointment in accordance with the Recruitment Rules where such rules exist; and where no such rules exist, the appointing authorities should ensure that the Recruitment Rules are finalized in consultation with the Commission within a maximum period of six months from the date the appointment is made and action initiated soon thereafter to fill the post in accordance with the Recruitment Rules so finalized.

[G.I., M.H.A., O.M. No. 23/27/68-Ests. (B), dated the 26th December, 1968, read with Dept. of Per., O.M. No. 23/51/71-Ests. (B), dated the 25th September, 1972.]

4. In order to enable the Commission to exercise a close check on *ad hoc* appointments, the Ministries/Departments are requested to comply strictly with the following instructions:—

(a) A monthly report of all *ad hoc* appointments in the pro forma prescribed for the purpose.

(b) A six-monthly review of all *ad hoc* appointments in terms of Regulation 4 should be made by all the Ministries/Departments and the results thereof reported every month to the Commission.

The returns are to be submitted to the Commission by the 20th of every month, in respect of the appointments made during the previous month. The Attached and Subordinate Offices are required to send their returns to the Ministry concerned in the first week of every month to enable the latter to send a consolidated return to the Commission by the due date. If there are no such appointments in a particular month, a NIL report should be sent for that month by the prescribed date to the Commission.

5. If the Commission find that any *ad hoc* appointment was not included in the Statement, a special mention of all such cases will be made by the Commission in their Annual Report; the Ministry concerned will be required to fix responsibility on the officer concerned for not reporting such cases.

6. The situations in which the *ad hoc* appointments are made, may be of two types,—

- (a) where the Recruitment Rules exist for the posts; and
- (b) where the Recruitment Rules for the posts do not exist.

In cases falling in the first category in respect of anticipated vacancies on account of factors like superannuation or promotion to the higher rank, the Ministries/Departments concerned should be able to make reference to the Commission at least 4 months prior to the date on which vacancies are expected to arise. Where Recruitment Rules are available and an unanticipated vacancy occurs on account of factors like death, resignation or compulsory/voluntary retirement, and the vacancy cannot be allowed to remain unfilled even for a period of 3 to 4 months, then *ad hoc* promotions/appointments can be made by the Ministries/Departments, strictly in-accordance with the Recruitment Rules and after observing the procedure for promotion/appointment laid down in the rules, but without consulting the UPSC. Simultaneously with such *ad hoc* appointment, an indent will have to be forwarded to UPSC for regular appointment. It is only then that it can be ensured that *ad hoc* appointments are, in fact *ad hoc* in nature, for a purely temporary period, till regular appointment is advised by the Commission.

7. In so far as the appointments in the second category are concerned, hitherto a view had been taken that in the absence of Recruitment Rules laying down definite mode of recruitment for a post, the normal procedure should be that the post is filled up by competitive selection through the Commission. It has been provided that when for some unavoidable reasons, delay is anticipated in finalizing the Recruitment Rules for a post, recruitment for that post should be entrusted to the Commission as soon as the post is sanctioned and it is decided to fill it, to enable the Commission to take necessary action for filling it up by competitive selection. In accordance with this procedure, in the absence of Recruitment Rules, the only type of regular

appointment made was by open advertisement and selection through the Commission. In the absence of Recruitment Rules, appointment by promotion or transfer on deputation was not being considered and the posts were continued to be filled on *ad hoc* basis and with the delay in finalizing the Recruitment Rules such *ad hoc* appointments continued beyond the period of one year.

8. It should be possible to fill such posts by transfer on deputation or by promotion also in consultation with the Commission, even if the Recruitment Rules are yet to be framed. In such cases, the Ministries/Departments should make an immediate reference to the Commission for deciding the mode of recruitment to the post along with their suggestions. On receipt of such a reference, the Commission will advise on the mode of recruitment. Where the Commission advise direct recruitment, the post will be advertised by the Commission; where the Commission advise the filling of the post by transfer on deputation or by promotion from lower grade or short-term contract, the Ministry will take further action as per advice of the Commission and fill the post in consultation with the Commission accordingly. Since the appointment by transfer/deputation/short-term contract/promotion will be made in accordance with the advice given by the Commission, it will be treated as regular appointment. In other words, where Recruitment Rules have not been framed, there shall not be any *ad hoc* appointment and there will only be regular appointment in consultation with the UPSC. However, simultaneously, steps to frame Recruitment Rules should be taken by the Ministry and the rules finalized in consultation with the Department of Personnel and the Commission as expeditiously as possible so that they could be made applicable to the future vacancies. Where the Recruitment Rules provide for re-employment as a method of recruitment, the proposal should be made to the Commission for selecting an officer for appointment on re-employment basis in accordance with the provisions of the Recruitment Rules. Re-employment made under Regulation may be dealt with on the lines of *ad hoc* appointment. When new posts are created and no Recruitment Rules have been framed, consultation with the Commission is all the more necessary before appointments are made and the Ministries always should consult the Commission before making such appointment.

9. When the UPSC are addressed for their concurrence in upgrading a Group 'C' post to Group 'B' to which recruitment has already been made without consulting the Commission, reference should simultaneously be made to them for the assessment of the suitability of the incumbent(s) of the Group 'C' post(s) for appointment to the upgraded Group 'B' post(s) and such reference should be accompanied by the seniority list(s) and up-to-date Character Roll(s) of the incumbent(s) of the Group 'C' post(s) to enable the Commission to tender their advice.

10. (a) Administrative Ministries/Departments should furnish the Commission with monthly returns of all appointments made by them without consulting the Commission, in the pro forma, by the 20th of the month following the month to which the returns relate. The returns should be sent in a consolidated form and should indicate all appointments made in the

Ministry/Department including its Attached/Subordinate Offices and other organizations, appointments in which are within the purview of the Commission. Even if there are no such appointments in a month, NIL report should be sent.

(b) A list of all appointments made from time to time in the Ministry/Department (including Attached and Subordinate Offices) without reference to the Commission should be kept in the co-ordinating section on the basis of the returns sent to the Commission and this list should be reviewed by an officer not lower in rank than that of a Joint Secretary, by the 25th of every month and action to consult the Commission should be taken immediately thereafter wherever necessary under the rules. The Ministries/Departments should also intimate to the Commission the name of the officer appointed for the above purpose to enable the Commission to bring to his notice any irregularity observed by them in the matter.

(c) Files relating to such appointments should not be closed, but should be entered in the Call Book and reviewed periodically according to the instructions in the Manual of Office Procedure.

(d) In cases of delay and irregularities in the procedure mentioned above, responsibility for such delays and irregularities should be fixed and suitable action taken against officer(s) concerned.

11. Each Ministry/Department should undertake a review of all appointments made under Regulation 4 (1) of the UPSC (Exemption from Consultation) Regulations, 1958, immediately after three months from the date of appointment; complete the review within a period of six months and make a reference to the Commission under the proviso to the said regulation if the appointment continues or is likely to continue beyond a period of six months.

[H.D., O.M. No. 12/9/46 Ests., dated the 24th July, 1946; G.I., M.J.A., O.M. No. 23/24/63-Ests. (B), dated the 10th April, 1964; No. 23/27/68-Ests. (B), dated the 26th December, 1968; D.P., O.M. No. 23/51/7-Ests. (B), dated the 25th September, 1972 and Dept. of Per. & Trg., O.M. No. 39021/5/83-Est. (B), dated the 9th July, 1985.]

(7) Submission of returns to UPSC regarding *ad hoc* appointments in Groups 'A' and 'B'.—According to O.M. Nos. 39021/5/83-Est. (B); dated 9-7-1985 and No. 39021/5/83-Est. (G) dated 5-2-1986, information about appointments made against Group 'A' and Group 'B' posts (other than those services/posts which are specifically exempted from purview of UPSC) on purely *ad hoc* basis in terms of Regulation 4 of UPSC (Exemption from Consultation Regulations), 1958, are required to be reported to the Commission in the formats prescribed in this regard on monthly/half-yearly basis as under—

- (i) Information regarding *ad hoc* appointments made during the month
— Report to be submitted each month.
- (ii) Information regarding assessment of all *ad hoc* appointments made at the end of six months from initial appointment about the further

SWAMY'S — ESTABLISHMENT AND ADMINISTRATION

period for which such *ad hoc* appointments may continue — Reports to be submitted each month.

(iii) Information about *ad hoc* appointments continuing beyond one year — a six-monthly report as at the end of 30th June and 31st December, so as to reach the Commission not later than 15th of the month following the half-year to which the return relates.

2. The Commission have reported in their Annual Reports that Ministries/Departments have not been sending the prescribed returns regularly as a result of which the Commission is finding it difficult to monitor the full extent to which the *ad hoc* appointments are being made by various Ministries/Departments without consulting UPSC and the period for which they are continued.

All Ministries/Departments are accordingly advised to ensure that the returns prescribed in this regard are sent to the Commission regularly with a copy being endorsed to this Department.

[G.L. Dept. of Per. & Trg., O.M. No. 39021/1/94-Estt. (B), dated the 22nd July, 1994.]

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CHAPTER 21

OATH OF ALLEGIANCE

All Government servants are required to take an oath of allegiance to the Constitution of India in the prescribed form and the oath is also to be taken by all new entrants to Government service. Conscientious objectors to oath-taking may make a solemn affirmation in the prescribed form given below (Form I).

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.

3. Full time Government servants who are foreign nationals, are also required to take/make an oath/affirmation in the prescribed form given below (Form II).

4. The taking of oath should be included in the terms of appointment of persons to Government service.

5. A record should be maintained of full time Government servants who have taken/made the prescribed oath/affirmation. Such a record should be maintained in a separate register for each different grade of Government servants. The cover and the first page of the register should show the grade of Government servants in respect of whom the record of oath/affirmation is kept in the register. A copy of the form, oath/affirmation should be pasted on the next page, and thereafter entries may be made in the register in the form given below (Form III).

6. The oath/affirmation should be taken/made before the Head of Department or Office as may be appropriate, or a Gazetted Officer who may be authorized in this behalf.

[G.L. M.H.A., O.M. Nos. 139/52-Estt., dated the 31st July, 1952 and the 28th August, 1954 and 31/1/63-Estt. (A), dated the 26th December, 1963 and the 23rd March, 1964.]

FORM I

"I, AB, 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 office loyally, honestly, and with impartiality.

(So help me God)"

Shri P. K. Chopra, Officer JMGSI took over as
Branch Manager, C.R.I. Surat Branch w.e.f.
20-1-84.

SD/- ILLINOIS
Regional Manager (I).

THE INSTITUTE OF CHARTERED ACCOUNTANTS
OF INDIA

NOTICE NO. 110002, the 23rd February 1984
No. 28-RC(4) 11/84.—In pursuance of Regulation 136(1) of the Chartered Accountants Regulations, 1964, the Council of the Institute of Chartered Accountants of India is pleased to notify the setting up a branch of the Central India Regional Council at Udaipur with effect from 20th January, 1984.

The branch shall be known as Udaipur Branch of the Central India Regional Council.

As prescribed under Regulation 136(3) the branch shall function subject to the control, supervision and direction of the Council through the Regional Council and shall carry out the such direction as may from time to time be issued by the Council.

S. GOPALAKRISHNAN
Secretary

EMPLOYEES STATE INSURANCE CORPORATION

New Delhi, the 27th February 1984

No. A-38/80-INS.IV.—It is notified for general information that the Employees' State Insurance Corporation at its meeting held on 23rd August, 1983 passed the following resolution:

In supersession of the Resolution passed by the Corporation at its meetings held on 14-8-1958 and 25-10-1977, it is—

resolved that the Director General, the Medical Commissioner, the Insurance Commissioner, the Director (Administration), the Director (Medical) Delhi, all Joint Insurance Commissioners, Deputy Insurance Commissioners, Regional Directors, Deputy Regional Directors, Assistant Regional Directors, Deputy Medical Commissioners, Administrative Officers, Joint Regional Directors, Director-Incharge of Sub-Regional Offices, Deputy Regional Directors, Director-Incharge of Sub-Regional Offices, Managers, Insurance Inspectors and the Superintendents are authorized to—

(i) Institute in the name of the Corporation, suits and other legal proceedings necessary in the interest of the Corporation and to defend any such proceedings instituted against the Corporation in all courts or tribunals (including those established under the Employees' State Insurance Act, 1948); and
(ii) represent the Corporation in all courts or tribunals in cases to which Corporation is a party and to appear, make application and plead on behalf of the Corporation.

Yours very truly,
S. S. SPANI MURTHY
Insurance Commissioner

PRINTED BY THE MANAGER, GOVERNMENT PRINTING AND PUBLISHING OFFICE, NEW DELHI
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, 1984

REGIONAL OFFICE MAHARASHTRA

Bombay-13, the 18th February 1984

No. SI-V-34-11(25)AO.III.—It is hereby notified that Local Committee set up vide this Office Notification No. B/B-A-11-18(21), dated 5-10-1979, for the area under Regulation 10-A-1 of the E.S.I. (General), Regulation 1950 has been re-constituted with the following members with effect from the date of Notification.

1. Chairman
Under Regulation 10-A-1(a)

2. Dy. Commissioner of Labour
Bombay-13

Under Regulation 10-10-1(b)

3. Administrative Medical Officer
E.S.I. Scheme, 1329, 'Gamco' House
Senapati Bapat Marg, Dadar
Bombay-400024

Under Regulation 10-A-1(c)

3. Medical Officer I/C
Specialist Centre, E.S.I.S.
S. K. Patil, Arogyadham
Malad, Bombay-64

Under Regulation 10-A-1(d)

4. Shri A. V. Bhadkamkar
Personnel Officer
M/s. Cable Corporation of India Ltd.
Dattapada Road, Borivali (E),
Bombay.

5. Shri Francis Arakkal,
Hon. General Secretary,
Kandivali Industrial Estate (Association)
2-CD, Govt. Industrial Estate,
Kandivali (W), Bombay-67

6. Shri M. S. Jambothkar,
Labour & Welfare Officer,
Mahindra & Mahindra Ltd.,
Automation Division,
Central Jeep Plant,
Kandivali (E), Bombay-67

Under Regulation 10-A-1(e)

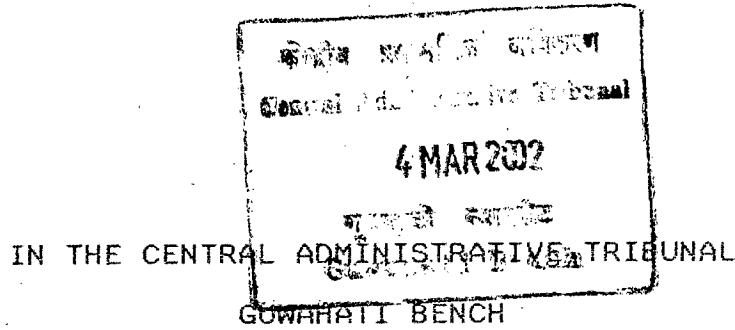
7. Shri N. V. Bhosle,
President,
Mahindra & Mahindra Workers' Union,
Panchawati Building S.V. Road,
Kandivali (W), Bombay-67

8. Shri B. Damodar,
President,
Suburban General Workers' Union
Mazdoor Kartalya,
Borivali (E), Bombay-66

Shri R. M. Suryawanshi,
Secretary
Engineering & Metal Workers' Union
Ghanshyam Patil Building
S.V. Road,
Aidheri, Bombay-38

Under Regulation 10-A-1(f)

9. The Manager,
Local Office, Borivali
E.S.I.C. Corporation



In the matter of :

O.A. No. 314 of 2001

Shri D.N. Pegoo

-vs-

Union of India & Ors.

-And-

In the matter of

Rejoinder submitted by
the applicant in reply
to the written
statement submitted by
the Respondents.

The applicant above named most humbly and respectfully
begs to state as under :

That the applicant has gone through the written
statements and has understood the contents thereof.

That applicant categorically denies the statements made
in paragraph 5 and 6 of the written statement and begs
to state that the Screening Committee which sat on
19.7.2000 as stated was meant for selecting the
candidates for Ad-hoc promotion only and as per settled
position of law, even for ad-hoc promotion, the
seniority remains to be a criterion and the Applicant is
senior to all those promotees i.e. Respondent No.3,4,5,6
since the name of the Applicant appears at Sl. No.2 in
the seniority list of the Regional Director

Filed before applicant
through Ad-hoc committee
G. D. Chakraborty on
4.3.2002

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Grade 'B' / Joint Director as on 01.01.2002 as circulated by Memorandum dated 25.01.2001.

As regards the grading of the applicant in the ACR as "Average" by the Screening Committee, the same was done in an unfair and unlawful manner. It is relevant to mention here that all the Respondents who were panelled/promoted to the post of Regional Director Grade 'A' / Director by the said Screening Committee were only Branch officers whereas the applicant was the sole candidate working as Regional Director and as such was holding a post of superior status and higher responsibilities compared to that of others although the scale of pay was same. As per the decision of the Apex Court in Shiv Kumar Sharma Vs. Union of India, 1998(7) SLR (Supreme Court) 444, in respect of officials who shouldered higher responsibilities the gradation in the ACRs should be treated as one level higher than the grading awarded. As per this decision, the applicant in the instant case was also entitled to get one level higher grading since he was shouldering higher responsibilities as Regional Director and in that event, he is entitled to be graded as "Good" (not average). Further, as per DOPT guidelines, for the purpose of promotion to all group 'C', Group 'B' and Group 'A' posts, the Bench mark would be "Good" and all officers whose overall grading is equal to or better than the bench mark (i.e. "Good") should be included in the panel for promotion to the extent of the number of vacancies. The Screening Committee, by taking "Very Good" instead of "Good" as Bench mark, violated the directives of the DOPT and excluded the applicant from zone of consideration for promotion although he holds

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second position in the seniority list and was entitled to be graded as "Good" for shouldering higher responsibilities and as such was very much within the zone of consideration, even on better footing than others.

Further, the statement of the respondents that the DOPT instruction dated 3.10.2000 prescribed for relaxation in Bench mark to only those SC/ST officials who were senior enough in the zone of consideration to be within the number of vacancies is not factual and there is no such direction in the DOPT instruction dated 3.10.2000. As per the said DOPT order dated 3.10.2000, the relaxation/concession of lesser evaluation standard in the matter of promotion to SC/ST officials was restored to the position existing prior to 22.7.1997. Therefore, by the date when DPC met on 21.6.2001 for consideration of regular promotion to 5 vacancies it was mandatory for the DPC to act in accordance with the instructions dated 3.10.2000 according to which, even with the "Average" grading the applicant was very much entitled to get the promotion under relaxation granted i.e. before Shri K.K.Saha, Shri R.K.Mehta and others all of whom were junior to him in the seniority list dated 25.01.2002. Surprisingly the DPC held on 21.6.2001 recommended for regular promotion of Shri R.K.Mehta, K.K.Saha to the post of Director at a time when the DOPT instruction dated 3.10.2000 was very much in force and the applicant being senior to Sri Mehta and Saha, had better entitlement as per the said instruction dated 3.10.2000 even with "Average" grading which was ignored by the DPC in clear violation of the instructions. This apart the Respondent Nos. 4, 5, and 6.

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were also given Ad-hoc promotions much after the issuance of the DOPT instruction dated 3.10.2000 without considering the case of the Applicant and flouting the said instructions.

Copy of Seniority list dated 25.01.202 and DOPT instructions dated 3.10.2000 are annexed herewith as Annexure-IX and X respectively).

3. That the applicant categorically denies the statements made in paragraph 7 of the written statements and begs to state that even with "Average" grading of the applicant during the year 1994-95 to 1998-99, the applicant was promoted to the post of Jt. Director/Regional director Gr. "B" in the year 1996 and as such the plea taken now by the Respondents is not tenable in law.

4. That with regard to the statements made in paragraphs 8 and 9 of the written statement, the applicant begs to reiterate that there was clear discrimination and violation of law by the Screening Committee/DPC which deprived the applicant of his legitimate and lawful promotion and as such he is entitled to all the rights as prayed for and the grounds taken thereof are all as per law.

5. That with reference to para 11 of the written statement 6 and in the facts and circumstances stated above, the O.A deserves to be allowed with costs.

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VERIFICATION

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I, Sri D.N.Pegoo, Son of Sri L.K. Pegoo, aged about 53 years, working as Regional Director GMB", Employees, State Insurance Corporation, North Eastern Regional Office, Guwahati, resident of ESIC Colony, Baimunimaidam, Guwahati, do hereby verify that the statements made in paragraphs 1 to 5 in this rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this the 4th day of March, 2002.

D.Baninda Pegoo

Annexure - IX

EMPLOYEES' STATE INSURANCE CORPORATION
"PANCHDEEP" BHAWAN, KOTLA ROAD : NEW DELHI

No. A-24(J.4)-2/2002-E.I(A)

Dated: 25.01.2002

MEMORANDUM

Subject: Gradation/Seniority List of Officers in the Grade of Regional Director Grade 'B'/Joint Director in the pay scale of Rs. 10,000-325-15,200/- as on 01.01.2002

The Gradation/Seniority List of Regional Director Grade 'B'/Joint Director as on 01.01.2002 is circulated for information of concerned Officers. Seniority of Officers against Sl. No. 1 to 42 has already been finalised and seniority of the Officers from Sl. No. 43 to 46 are provisional. The errors and objections, if any, may please be intimated to Hqrs. Office within 30 days from the date of issue of this Memo. after which no representation will be entertained and the Seniority List will be treated as final.

Encls: As above.

ST C-7-71
(G.C. JENA) 25-602

JOINT DIRECTOR-I(A)

For DIRECTOR GENERAL

To,

1. All the Officers concerned.
2. All the Regional Directors.
3. Guard file/Spare copy.
4. Hindi Cell for Hindi version.

*After Jena
for Sowcar*

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GRADATION/SENIORITY LIST OF OFFICERS IN THE CADRE OF R.D. GRADE
'B'/JOINT DIRECTOR IN THE PAY SCALE OF Rs. 10,000-325-15,200/- AS ON
01.01.2002.

S. NO.	NAME OF THE OFFICER S/SIRI	QUALIFICATION	DATE OF BIRTH	DATE OF ENTRY ESIC	DATE OF PROMOTION	PRESENT POSTING
SENIORITY (FINALISED)						
1.	N.R.DHINWAR (ST)	B.A	10.10.42	28.03.62	01.03.91	Dir.(P&D),(Adhoc)
2.	D.N.PEGOO (ST)	B.A.,B.I	01.10.48	17.06.78	01.08.91	J.D., West Bengal
3.	S.THOMAS	M.Sc.	05.02.49	27.10.83	27.07.92	R.D., Delhi (Adhoc)
4.	JOSE CHERIAN	B.Sc.,LLB	19.03.55	02.02.87	27.07.92	R.D. Kerala (Adhoc)
5.	T.K. BHATTACHARJEE	B.Sc.	01.12.52	02.02.87	27.07.92	R.D., U.P. (Adhoc)
6.	A.CHOCKALINGAM	B.Sc.	24.12.52	20.01.82	01.10.92	J.D., HQRS.
7.	B.K.VENKATESH	B.Sc.	16.01.48	10.10.74	01.11.92	J.D., Karnataka
8.	C.R.NAIYA	B.A.,LLB	23.10.47	07.08.69	01.02.93	J.D.(DE), W.BENGAL
9.	M.A.ELIKOTTIL	M.A.	15.06.50	01.03.88	10.05.93	J.D. NAGPUR
10.	V.VIJAYAN	M.Com.	01.01.49	30.08.68	21.05.93	J.D.(V)WZ. MUMBAI
11.	K.N.MISHRA	B.Sc.,LLB	15.05.49	10.02.87	14.06.93	J.D., HQRS. OFFICE
12.	M.RAMA RAO	M.A.	12.02.46	03.04.87	18.08.93	R.D Gr.'B' ORISSA
13.	P.K.SRIVASTAVA	M.Sc.	28.11.54	15.11.83	23.02.94	R.D. Gr.'B' BIHAR
14.	S.C.CHAKRABORTY	B.Sc. (Hons)	01.04.54	25.10.83	23.02.94	J.DIR., W.B
15.	D.GIRI	B.Sc.	01.07.50	02.02.87	23.02.94	J.DIR. HQRS.
16.	U.HANUMANTHA RAO	B.Com., B.(Jor.)	08.01.52	03.04.87	23.02.94	R.D. Gr.'B' GOA
17.	R.K.SHIUKLA	M.Sc.	05.10.48	05.04.80	23.02.94	J.DIR. U.P.
18.	K.N.GOVINDAN	M.A.(Pol.)	21.06.49	24.10.83	01.03.94	R.D., Gr. B, M.P.
19.	A.K.VERMA	M.Com., LLB.	03.04.52	14.04.80	06.07.94	J.DIR. HQRS.
20.	K.PADMAJA NAMBIAR	B.Sc.	31.05.55	03.09.83	06.07.94	J.D., K.K. NAGAR, ESIC HOSPITAL
21.	BABU VERGHESE P.	M.A.	01.08.47	29.01.87	01.10.94	J.D., Incharge, SRO, COIMBATORE
22.	S.JAIPRakash	M.Sc.	01.05.50	06.02.84	01.11.94	J.D., Incharge, SRO, THANE
23.	M.SUNDARARAMAN	B.Sc.,Dip. Lab.& Adm.,Law	24.12.50	10.03.72	27.06.97	J.DIR.(V) (SZ), CHENNAI
24.	K.F.JANVEKAR	B.Sc.	01.06.53	16.07.73	27.06.97	Incharge, SRO, DELHI
25.	R.P.GAJBHIIYE (SC)	M.Sc.	03.07.49	23.03.84	27.06.97	HQRS.
26.	C.S.BALAKRISHNAN	M.A.(Eco)	28.05.52	19.01.81	27.06.97	HQRS.
27.	L.K.PATTANAIK	M.A.	09.02.53	27.01.87	27.06.97	HQRS.
28.	D.LAHIRI	B.Sc.,Dip. (Jor.)	01.01.57	09.01.87	27.06.97	HQRS.
29.	P.K.N.NAMOODIRI	M.A.	27.02.49	30.01.83	27.06.97	HQRS.
30.	G.C.JENA	B.Sc., DCOM	20.03.54	21.01.83	27.06.97	HQRS.
31.	SUBRATA MAITRA	B.Sc.	12.08.47	07.01.83	28.02.2000	Incharge, SRO, ACKPUR
32.	ROMIJU SAIKIA (ST)	B.A.	01.10.50	11.11.83	28.02.2000	Gr. B, AM
33.	RAM PERSHAD (SC)	M.A.,LLB	28.10.46	29.11.83	28.02.2000	HQRS.

34.	K.D.VAGHELA (SC)	B.Com.	07.03.45	24.06.64	28.02.2000	J.D. AHMEDABAD
35.	K.VISWANATHAN ASARI	Dip. Comm. SAS(Def.)	21.06.45	19.05.87	28.02.2000	J.D., Incharge, SRO, MAROL
36.	T.NAGESWARA RAO	B.Com.	01.02.45	31.12.86	28.02.2000	J.D.(F) HQRS.
37.	GOPAL PRASAD (SC)	M.Sc.	26.10.47	13.07.81	28.02.2000	J.D. HQRS.
38.	A.K.CHAKRABORTY	M.Com.	14.07.42	23.05.77	28.02.2000	J.D.(F) W.B
39.	B.D.SHARMA	M.Sc., LLB.	17.01.52	29.01.88	28.02.2000	J.D. HQRS.
40.	P.VASUNNI NAIR	B.Sc.,SAS	01.09.42	16.06.78	28.02.2000	J.D (F), CHENNAI
41.	P. GURUSWAMY	M.A.B.L. Dip. Lab.& Admn. Law,	15.12.44	01.08.63	28.02.2000	J.D., CHENNAI
42.	Y.M.PARATE (ST)	M.A.	22.10.46	28.06.79	28.02.2000	J.D. HQRS.

SENIORITY (PROVISIONAL)

43.	S.K.GARG	M.Com., C.A.	15.04.58	15.04.88	24.08.2001	J.D.(F), Hqrs.
44.	D.D.SHARMA	B.A.	17.11.44	03.05.89	24.08.2001	J.D.(F), Hqrs.
45.	S.MOHD. MOHIDEEN	B.A., SAS, ICWA	10.12.52	26.03.90	24.08.2001	J.D.(F), (DMD)
46.	S.P.SINGH (SC)	B.A.,	04.01.50	01.12.89	24.08.2001	J.D., (DMD)

*Subjeted
Date
Advocate*

EMPLOYEES' STATE INSURANCE CORPORATION
PANCHDEEP BHAWAN, KOTLA ROAD, NEW DELHI-2.

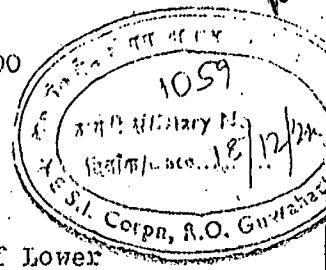
ANNEXURE-X

No. 4-14/11/1/97-E. I(B)

Date: 4.12.2000

OFFICE MEMORANDUM

Subject: Reservation in promotion prescription of Lower qualifying marks/lesser standards of evaluation in favour of candidates belonging to SC/ST categories - regarding.



I am directed to invite your kind attention to the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training OM No. 8712/69-Ett.(Sect) dated 23.12.1970, No. 36021/10/76-Ett.(SCT) dated 31.1.1977 and para 6.3.2. of the DPC Guidelines contained in DOPT's OM No. 2201/5/86-Ett.(D) dated 10.4.1989 on the above subject and to inform you that it has now been decided to require with immediate effect the relaxations/concessions in the matter of promotion for candidates belonging to SCs/STS by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.1997.

A copy of Govt. of India, Ministry of Personnel, Public Grievance & Pensions, DOPT Office Memorandum No. 36012/23/96-Ett.(Sec) Vol. II dated 3.10.2000 relating to the above subject forwarded by Ministry of Labour Letter No. Z-11016/1/77/2000-Corrd. dated 3.11.2000 is forwarded herewith for information, guidance and further necessary action.

Yours faithfully,

(D.K. CHOPRA)
SECTION OFFICER

Encl.: As above

Copy to:-

1. All Regional Directors/Joint Directors of Sub Regional Offices.
2. Joint Director-I(A)/Joint Director-II(A)/Joint Director(Exam) Hqrs. Office.
3. Dir(Medical) Delhi/Medical Superintendent, ESI Hospital Basaidarapur/Jhilmil/Noida/Okhla/K.K.Nagar, Chennai/ESI Hospital, Nagda.
4. Concerned Dealing Assistants, E-I(B), Hqrs. Office.
5. Spare Copy.
6. Guard File.

*After Ed
After Jee
After Adu*

7. गार्ड फाइल/आतिरिक्त प्राप्ति ।

No.36012/23/96-Estt.(Res)-Vol.II

Government of India

Ministry of Personnel, Public Grievances & Pensions
RECEIVED (DEPARTMENT OF PERSONNEL & TRAINING)

6 ACT 1997

Ministry of Labour
Dated 20th Oct.
C. R. Dy. No. 12/10/2000North Block, New Delhi
Dated: the 3rd October, 2000

OFFICE MEMORANDUM

Subject: Reservation in promotion - Prescription of lower qualifying marks/lesser standard of evaluation.

1. The undersigned is directed to refer to Department of Personnel & Training's OM No.36012/23/96-Estt.(Res) dated 22nd July, 1997 vide which various instructions of the Government providing for lower qualifying marks/lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of the Supreme Court's judgement in the case of S. Vinod Kumar Vs. Union of India.

2. The undersigned is further directed to say that the matter has been reviewed, consequent to which the following proviso to Article 335 has been incorporated in the Constitution by the Constitution (Eighty-Second Amendment) Act, 2000:-

"Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and 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 in connection with the affairs of the Union or of a State."

3. In pursuance of the enabling proviso of Article 335 of the Constitution, it has now been decided to restore, with immediate effect, the relaxations/concessions in matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including OM No.8/12/69-Estt.(SCT) dated 23.12.1970, No.36021/10/76-Estt.(SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training's OM No.22011/5/86-Estt.(D) dated 10.4.1989. In other words, the effect of these

6. ग्राम पंचायत समिति
Dy. No. Coor. Section
दिनांक
Date 16/10/2000

*Revised
Bhagat Singh*

6. ग्राम पंचायत समिति
7. गांधी काल/अतिरिक्त प्राप्ति

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instructions would be that the Department of Personnel and Training's OM No.36012/23/96-Estt.(Res) dated 22nd July, 1997 becomes inoperative from the date of issue of this OM.

4. These orders shall take effect in respect of selections to be made on or after the date of issue of this OM and selections finalised earlier shall not be disturbed.
5. All Ministries/Departments are requested to bring these instructions also to the notice of their Attached/Subordinate Offices and Autonomous Bodies/ Public Sector Undertakings under their control for compliance.

Armenia
(J. Kumar)

Deputy Secretary to the Government of India

Tel. No. 301 1797

To

1. All Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India / Election Commission/ Lok Sabha Secretariat / Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Ministry of Social Justice & Empowerment, Shashi Bhawan, New Delhi.
9. National Commission for SCs & STs, Lok Nayak Bhawan, New Delhi
10. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.