

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./T.A No. 395/01.....

R.A./C.P No.....

E.P/M.A No.....

1. Orders Sheet..... O.A. 395/01 Pg. 1 to 5 Dismissed/29/11/02
2. Judgment/Order dtd. 22/11/02 Pg. No Separate order to
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A. 395/01 Pg. 1 to 26
5. E.P/M.P..... Pg..... to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 396

OF 1999 2001.

Applicant(s) Panimol Ghosh

Respondent(s) U.O. 1. & Oms.

Advocate for Applicant(s) B. K. Sharma, S. Sharma, Miss U. Das.

Advocate for Respondent(s) K. N. Chaudhry.
B. C. Das.
Mrs. R. S. Chaudhry.

| Notes of the Registry | Date | Order of the Tribunal |
|---|----------------|--|
| <p>This application is in form but not in the form of a Petition. It is a declaration for the purpose of the IPC. 69788391. Dated... 20.9.2001.</p> <p>By Registrar</p> <p>1/5 27/9/01</p> <p>pt comply order dated 27/9/2001.</p> <p>1/5 28/9/01</p> <p>Notice prepared and sent to D/S for issuing the Respondent No. 1 to 4 by Regd. A.D. 5/10/01</p> <p>DINo 3907 W 3910 Dtd 11/10/01</p> | <p>27.9.01</p> | <p>Heard counsel for the parties.</p> <p>The application is admitted. Call for the records.</p> <p>Mr. B. C. Das, learned counsel, accepts notice on behalf of the respondent Nos. 1 and 2. The applicant may take steps for the other respondents.</p> <p>Any promotion and appointment, shall be subject to the outcome of this application. The applicant may also apply for the post without prejudice to his right claimed in the application.</p> <p>List on 19/11/01 for further order.</p> <p>1/5 (Sharma) Member</p> <p>1/5 Vice-Chairman</p> |

Notes of the Registry

Date

Order of the Tribunal

No. written statement
has been filed.

20
19.12.01

19.11.01

List after four weeks to enable
the respondents to file written
statement.

List on 20.12.01 for written
statement and further orders.

ICU Shau
Member

[Signature]
Vice-Chairman

No. written statement has
been filed.

20
21.1.02

20.12.01

List on 22.1.2002 to enable the
respondents to file written statement.

ICU Shau
Member

[Signature]
Vice-Chairman

mb

22.1.02

List on 19.2.2002 to enable the
respondents to file written statement.

ICU Shau
Member

[Signature]
Vice-Chairman

mb

19.2.02

No. written statement
has been filed.

20
20.3.02

No. written statement so far filed.
Respondents are allowed further three
weeks time to file written statement, if
any.

List on 21.3.2002 for order.

ICU Shau
Member

[Signature]
Vice-Chairman

mb

21.3.02

No. written statement so far is filed
though time was granted nor any represe-
ntation made on behalf of the Respondents.
List on 29.4.2002 to enable the Respond-
ents to file written statement, if any.

No. written statement has
been filed.

20
26.4.02

ICU Shau
Member

[Signature]
Vice-Chairman

mb

O.A. No. 395/2001

| Notes of the Registry | Date | Order of the Tribunal |
|--|-------------------|--|
| No. written statement has been filed. <u>24.5.02</u> | 29.4.02 mb | List on 27/5/2002 to enable the Respondents to file written statement. Member Vice-Chairman |
| NO reply has been filed till to-day. <u>21/6/02</u> | 27.5.02 mb | List on 24.6.2002 to enable the Respondents to file written statement as prayed by Mr. B.C. Das learned counsel for the Respondents Vice-Chairman |
| | 24.6.02 mb | No written statement so far filed by the respondents though time granted. List on 30.7.2002 to enable the responde- nts to file written statement, if any. Member Vice-Chairman |
| No. reply has been filed. <u>26.8.02</u> | 30.7.02 mb | No written statement so far filed by the Respondents though time granted. List the matter for hearing on 27.8.2002. The Respondents may file written statement, if any, within three weeks from today. Member Vice-Chairman |
| | | Member Vice-Chairman |

27.8.02

On the prayer of learned counsel for the Respondents the case is adjourned. List again on 26.9.2002 for hearing.

Member

Vice-Chairman

mb

26.9. Standant. List on 30/9/2002

Mo
A.L. 26.9.

30.9.2002

Heard Mr.B.K.Sharma, learned Sr.counsel for the applicant and also Mr.Indraneel Chowdhury, learned counsel appearing on behalf of the respondents.

On the prayer made by the respondents, the case is adjourned and may be listed on 13.11.2002 to enable the parties to obtain necessary instruction on the matter.

Member

Vice-Chairman

bb

13.11.2002

Heard Mr.S.Sarma, learned counsel for the applicant at length. Mr Sarma has stated that there are some possibility of resolving the situation departmentally. In the circumstances the case is adjourned.

List it for hearing on 29.11.02. In the meantime the learned counsel for the applicant may obtain instructions.

Member

Vice-Chairman

bb

No written statement
has been filed

11.11.02

Note of the Registry

Date

Order of the Tribunal

29.11.02

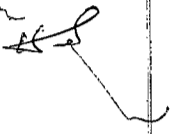
Heard Mr. S.Sarma, learned counsel for the applicant and also Mrs. R.S. Choudhury, learned counsel for the respondents. Mr.S.Sarma, learned counsel for the applicant stated that he has been instructed by the applicant not to press the application at this stage. Accordingly, the application is dismissed withdrawal.


Vice-Chairman

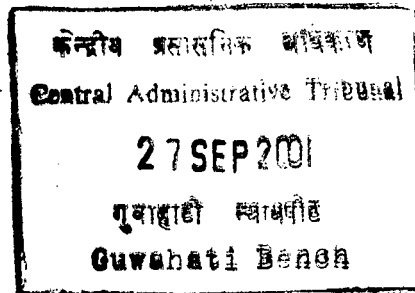
mb

12.12.2002

Copy of the order
has been sent to
the D/Sec. for issue
the fine of THE L/Adm
for the parties.



| Note of the Registry | Date | Order of the Tribunal |
|----------------------|------|-----------------------|
| | | |



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

O.A. No. 395 of 2001

BETWEEN

Shri Parimal Ghosh.

..... Applicant.

AND

Union of India & ors.

..... Respondents.

I N D E X

| Sl.No. | Particulars | Page No. |
|--------|--------------|----------|
| 1. | Application | 1 to 9 |
| 2. | Verification | 10 |
| 3. | Annexure-1 | 11 |
| 4. | Annexure-2 | 13 |
| 5. | Annexure-3 | 16 |
| 6. | Annexure-4 | 20 |
| 7. | Annexure-5 | 21 |
| 8. | Annexure-6 | 25 |
| 9. | Annexure-7 | 26 |

Filed by : Miss U.Das, Advocate.

Regn.No.:

File : C:\WS7\PARIMAL

Date : 27.9.2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

O.A.No. 395 of 2001

BETWEEN

Shri Parimal Ghosh.
Asstt, ICAR.
Research Complex, for NEH Region.
Umroi Road, Umium.
Meghalaya.

VERSUS

1. Union of India,
Represented by the Secretary to the Indian Council of
Agriculture Research.
Krishi Bhawan, New Delhi.
2. The Director, ICAR.
Research Complex for NEH Region.
Umroi Road, Umium.
Meghalaya.
3. Dr. N.D.Verma.
Director, ICAR.
Research Complex for NEH Region.
Umroi Road, Umium.
Meghalaya.
4. Dr. K.K.Pathak.
Sr. Scientist and over all in charge,
(Recruitment Cell), ICAR, Research Complex for NEH
Region, Umium.

..... Respondents.

PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION
IS MADE:

This application is directed against the circular
bearing No. RC(R) 19/99 dated 16.7.2001 by which proposal
has been made for filling up two unreserved Post of Asstt.
Administrative Officer Under the Respondents by conducting
limited Departmental Competitive Examination.

Filed by 9
Siddhartha Samu
Advocate
27-9-2001

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

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, privileges and protection guaranteed by the Constitution of India and laws framed thereunder.

4.2. That the applicant is presently holding the post of Asstt.,under the Respondent No.2 and he has got all the required qualification to hold the post of Asstt. Administrative Officer on promotion. The Respondents have issued a circular bearing No.RC(R) 19/99 dated 16.7.2001 for filling up of 2 vacant Posts of Asstt. Administrative Officer through Limited Departmental Competitive Examination.

A copy of the said circular dated 16.7.2001 is annexed herewith and marked as ANNEXURE- 1.

4.3. That the applicant begs to state that in the said ANNEXURE-1 Circular the Respondents have mentioned the letter dated 27.7.2000 and 27.6.2001 issued by the Head Quarter. It is noteworthy to mention here that by the aforesaid letter dated 27.7.2000 the Recruitment Rules of

2000 have been circulated. Again by the aforesaid letter dated 27.6.2001 the scheme and syllabus for Limited Departmental Examination for the post of Asstt. Administrative Officer has been circulated. By the said order dated 27.7.2000 the method recruitment has been changed. Prior to commencement of Recruitment Rules of 2000, 100% of the Post were under the promotional quota but now by the aforesaid 2 letters it has been reformulated as 75% by promotion and 25% by Limited Departmental Competitive Examination from the Feeder Cadre like Superintendent, Sr. Stenographers, Asstt. and Supt. (Administration) etc.

Copies of the aforesaid letter dated 27.7.2000 and 27.6.2001 are annexed herewith and marked as ANNEXURE-2&3.

4.4 That the applicant begs to state that the one of the posts advertised through ANNEXURE-1 circular fell vacant on 28.2.97, consequent upon the retirement of Shri K. Bora, Asstt. Administrative Officer and the other fell vacant on 5.3.97 when one Smti. M. J. Kharmawphlong, got her promotion to the next higher cadre of Administrative Office. As such it is clear that both the vacancies occurred during 1997 when the old Recruitment Rule was in force. As per the old Recruitment Rule the method of recruitment was 100% by promotion, failing which by deputation from the institutes or the Head Quarters of the Council or state Govt. or Union Territories.

A copy of the extract of the Recruitment Rule is annexed herewith and marked as ANNEXURE-4.

4.5. That the applicant begs to state that as per

various Govt. guidelines emphasis has been made regarding frequency of constitution of DPC and determination of regular vacancies . It has been categorically mentioned in these guidelines that Department should constitute DPC each year for filling up the vacant Posts available for the year concerned and the said DPC should also take into consideration the vacancies arising in a cadre due to death, retirement , promotion etc. each year so that the posts can be filled up accordingly. But in the instant case the Respondents have kept the posts unfilled since 1997 when it occurred and now the Respondents are seeking to fill up those posts by applying the provisions of the new Recruitment Rule to the detriment of the applicant and other similarly situated persons.

Copies of the extract of the aforesaid guidelines are annexed herewith and marked as ANNEXURE-5(colly).

4.6 That the applicant begs to state that as per the aforesaid guidelines the Respondents ought to have filled up the said posts as per the Recruitment Rule prevailing at that point of time. However, the Respondents with a malafide intention to promote/appoint persons close to them to the said Post of Asstt. Administrative Officer now have issued the Annexure-1 impugned circular dated 16.7.2001.

4.7 That the applicant begs to state that as stated above the aforesaid 2 posts of Asstt. Administrative Officer were kept unfilled since 1997. It is noteworthy to mention here that during 1999 the Head Quarter issued an order dated 20.5.99 whereby 8 posts of AAO were sanctioned and all those posts have been filled by applying the provisions of the old

Recruitment Rules i.e on promotion. To that effect the Respondents have issued an order dated 3.8.2000 promoting 7 officers to the Grade of AAO.

Copies of the aforesaid orders dated 20.5.99 and 3.8.2000 are annexed herewith and marked as ANNEXURE-6&7 respectively.

4.8 That the applicant begs to state that the respondents by the Annexure-7 order dated 3.8.2000, filled up 7 posts of AAO, which were sanctioned by the Head Quarter vide Annexure-6 order dated 20.5.99. The remaining one post have been filled up by promoting one Supdt. namely M.P.Rajak and he joined the post on 28.6.99. For promoting the aforementioned Supdt. Respondents have violated all the Rules even no DPC was held for that purpose. It is further stated that the posts sanctioned in the year 1999 have been filled up by invoking Old Recruitment Rule. However, the posts occurred in the year 1997 were kept unfilled and now by issuing the Annexure-1 impugned circular dated 16.7.2001 the Respondents propose to fill up those two posts by invoking the provisions of the new Recruitment rule which is not permissible under the law. The said 2 vacancies having arose prior to the coming into force of the new Recruitment Rules, the provisions therein cannot be made available for filling up the said posts.

4.9 That the applicant begs to state that apparently the 2 posts mentioned in impugned Annexure-1 circular dated 16.7.2001 are of the period prior to the coming into force of the new Recruitment Rule of 2000 i.e. of 1997 and taking into consideration the aforementioned guidelines (Ann-

5(colly)) the Respondents ought to have convene DPC during 1998-99. Having not done so the Respondents have acted illegally and arbitrarily. The law is well settled that vacancy occurring should be filled up through the Recruitment Rule prevailing at that point of time not by the amended Rules. But in the instant case the Respondents have acted arbitrarily in not adhering to the aforesaid settled law in issuing the aforesaid circular dated 16.7.2001.

4.10 That the applicant begs to state that Respondent No.3 & 4, i.e., the Director and the over all in charge of the Recruitment cell have acted illegally and with a malafide intention in issuing the Annexure-1 impugned circular dated 16.7.2001 to provide undue advantage to persons close to them. If the aforesaid illegalities are allowed to be materialised, the applicant being an eligible candidate, within the zone of consideration would be deprived of his right for consideration of his case for promotion to the post of Asstt. Administrative Officer, which is otherwise available to him in the event the authorities apply the appropriate rules i.e the old recruitment rule holding the field, when the vacancies in question arose.

4.11 That the applicant begs to state that after issuance of the Annexure-1 impugned circular dated 16.7.2001 the applicant has preferred a representation dated 10.9.2001 highlighting his grievance with a prayer to cancel the same. It is pertinent to mention here that the Respondent No.3 taking into consideration the aforesaid representation preferred a letter bearing No.RC(R)19/99 dated 13.9.2001 which was despatched on 19.9.2001 seeking clarification in

the matter from the Headquarter. However, till date no clarification has been issued by the council Head Quarter regarding the matter. On the other hand instead of suspending the recruitment process the Respondents have issued an order dated 24.9.2001 by which Hall Permits and Admit Card were distributed taking into consideration Annexure-1 impugned circular dated 16.7.2001. Apparently, the procedure followed by the respondents are contrary to Rules and guidelines and if the same is allowed to be materialised the seniority of the applicant would adversely be affected and his further claim for promotion would be frustrated. Therefore the present applicant prays before Hon'ble Tribunal for an appropriate order suspending the operation of the impugned circular dated 16.7.2001 directing the Respondents not to proceed with the matter of promotion during the pendency of this OA.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the Respondents in issuing the impugned circular dated 16.7.2001 violating the various Rules, Provisions and guidelines are illegal, arbitrary and violating of principles of Natural Justice and same is liable to be set aside and quashed.

5.2. For that the action of the Respondents in issuing the impugned Annexure-1 circular dated 16.7.2001 invoking new Recruitment rule is not sustainable in the eye of law since the posts occurred prior to can not be filled up invoking new Recruitment Rule.

5.3. For that the Respondents have acted illegally and arbitrarily in not convening year wise DPC and not utilising the aforementioned posts in year 1997 itself.

5.4. For that Respondents have acted illegally and with a malafide intention to give under advantage to their nearer and dearer which is not permissible in the eye of law and on this score alone the impugned order is liable to be set aside and quashed.

5.5. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

The applicant craves leave of the Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to

the applicant:-

8.1. To set aside and quashed the impugned Annexure-1 circular dated 16.7.2001 and to direct the Respondents to fill up the said posts by invoking the Recruitment Rule prevailing at that time .

8.2. To direct the Respondents to promote the applicant to the post of AAO against any of the aforesaid 2 vacant posts with retrospective effect from the date on which the vacancy occurred with all consequential benefits.

8.3. Cost of the application.

8.5. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

During the pendency of this OA the applicant prays for an interim order directing the Respondents not to fill up the aforesaid 2 posts of AAO by suspending the operation of Annexure-1 circular dated 16.7.2001.

.....

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 69 788391
2. Date : 26-9-2001
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

19

VERIFICATION

I, Shri Parimal Ghosh, son of P.C. Ghosh aged about 37 years, at present working as Assistant in the office of the Directorate ICAR, Umiam, Meghalaya, do hereby solemnly affirm and verify that the statements made in paragraphs 1-3, 41, 46 and 48 to 411..... are true to my knowledge and those made in paragraphs 42-45 and 47..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 26th day of Sept.. of 2001.

Signature.

Parimal Ghosh.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION.
UMIAM-793 103.

Dt. The 16th July 2001.

No.RC(R)19/99

C I R C U L A R

In pursuance of the Council's instruction vide F.No.14-2/98-Estt.I(Vol.II) dt.27.7.2000 and F.No.33(5)/2001-Estt.I dt. 27.6.2001, a Limited Departmental Competitive Examination of the Institute will be held in the month of October, 2001 to fill in 2 (two) unreserved posts of Assistant Administrative Officer falling under DLE quota, as per the Programme given below :

| Date | Time | Subject | Time | Subject |
|------------------------------|---------------------------|---|--------------------------|---|
| 4 th Oct. 2001 | 10.30 a.m.to 1.00 p.m. | Noting Drafting and Precis writing | 1.30p.m. to 4.00 p.m. | Office procedure & practice |
| 5 th Oct. 2001 | 10.30 a.m.to 1.00 p.m. | Gen. Knowledge of constitution of India/ Practice & procedure in Parliament. | 1.30p.m. to 4.00 p.m. | General Financial and Service Rules. |
| 6 th Oct. 2001 | 10.30.m. to 1.00 p.m. | General Studies | | |

Assistants/PA/Stenographers of the Institute who have completed minimum 5 years regular service in the grade of Assistant/PA /Stenographer in the scale of Rs. 5500-9000 and are willing to appear in the examination may apply for the same in the proforma given overleaf and should reach this office on or before 1st September, 2001.

The Scheme for the examinations with details of syllabus etc. are enclosed herewith.

Sd/-
(N. D. Verma)
Director.

Dt the 16th July 2001.

Memo No. No.RC(R)19/99

Copy to :

1. All the Joint Directors of Centres/KVK In-charges.
2. All Heads of Divisions of Hqs.
3. Finance & Accounts Officer
4. All A.A.Os of Hqs.

They are requested to bring the same to the notice of the concerned staff in their Centre/Division/Section.

(G Sinha)
Asstt. Admn Officer (Admn)

Encl. As above.

Attested

Advocate.

Syllabus of the Examination

Where knowledge of the rules, orders, instructions etc. is required, candidates will be expected to be conversant with amendments issued upto the date of notification of this examination.

1. Noting, Drafting and Precise writing

In addition to questions requiring candidates to prepare notes and drafts on specific problems, passages may also be set for summary or precis.

2. Office Procedure and Practice

This is intended to be an intensive and detailed test in methods and procedure of work in the I.C.A.R. specifically and also in the Government of India Secretariat and attached offices generally. Some guidance on the subject can be obtained from:-

- (i) Manual of Office Procedure current at the time of Notification.
- (ii) Notes on Office Procedure issued by the Institute of Secretariat Training and Management.
- (iii) Manual of Administrative Instructions compiled by Shri P.V. Hariharasankaran.

3. General Knowledge of the Constitution of India and Machinery of Government; Practice and Procedure in Parliament.

Note: Knowledge of the following will be expected:

- (i) The main Principles of the Constitution of India.
- (ii) Rules of procedure and conduct of business in the Lok Sabha and the Rajya Sabha and
- (iii) The organisation of the machinery of Government of India - designation and allocation of subjects between Ministries and Departments and Attached and Subordinate Offices and their relation inter-se.

4. General Financial and Service Rules

The following books are recommended:-

- (i) Fundamental and Supplementary Rules.
 - (ii) The Central Civil Services Pension Rules, 1972.
 - (iii) The Central Civil Services (Conduct) Rules, 1961.
 - (iv) The Central Civil Services (Classification, Control and Appeal) Rules, 1965.
 - (v) Compilation of the General Financial Rules.
 - (vi) Delegation of Powers in I.C.A.R.
 - (vii) Rules and Bye-laws of the I.C.A.R.
 - (viii) A.R.S. Booklet brought out by I.C.A.R.
 - (ix) Handbook of Technical Services brought out by Indian Council of Agricultural Research
 - (x) CCS (Leave) Rules, 1972.
- ### 5. General Studies

The paper will cover subjects of interest and importance in the present day. Questions will be set to test knowledge of broad and salient features of the Five Year Plans and Community Development Schemes, as also intelligent awareness of current affairs both national and international which an educated person may be expected to have. Candidates' answers are expected to show their intelligent understanding of the questions and not detailed knowledge of any text books, report etc.

.....

Attested

Advocate.

21

1. The examination shall be conducted according to the following Plan:-

- Part I Written examination carrying a maximum of 500 marks in the subjects as shown in para 2 below.
- Part II Evaluation of record of service of such of the candidates as may be decided by the Agricultural Scientists Recruitment Board / concerned Institute at their discretion carrying a maximum of 150 marks.

2. The subjects in which the candidates will be required to take the written examination, will be as follows:-

| Paper No. | Subject |
|-----------|---|
| 1. | Noting, Drafting and Precise Writing. |
| 2. | Office procedure and practice generally and also specifically with reference to the ICAR. |
| 3. | General knowledge of the Constitution of India and Machinery of Government, Practice and Procedure in Parliament. |
| 4. | General Financial and Service Rules. |
| 5. | General Studies. (Objective Type) |

Each paper will carry a maximum of 100 marks and will be of 2 hours and 30 minutes duration.

Note:- The paper on General Studies will consist of objective type questions only.

3. Syllabus for the examination will be as shown in the Schedule.

4. Candidates are allowed the option to answer papers (2), (3) and (5) either in English or Hindi (Devanagiri). Papers (1) and (4) must be answered in English. Question papers will be set both in English and Hindi.

Note 1. The option will be the same for all the three papers mentioned above and not for different papers or different questions in the same paper.

Note 2. Candidates desirous of exercising the option to answer the aforesaid papers in Hindi (Devanagiri) should indicate their intention to do so in the application form otherwise it would be assumed that they would answer all papers in English. The option once exercised shall be treated as final and no request for alteration in the said column shall be entertained.

Note 3. Candidates exercising the option to answer the paper in Hindi (Devanagiri) may, if they so desire, give English version within brackets of the description of the technical terms, if any, in addition to the Hindi version.

5. Candidates must write the papers in their own hand. In no circumstances they will be allowed the help of a scribe to write the answers for them.

6. The Agricultural Scientists Recruitment Board / ICAR have the discretion to fix qualifying marks in any or all the subjects of the examination.

7. Marks will not be allotted for mere superficial knowledge.

8. If a candidate's handwriting is not easily legible, a deduction will be made on this account from the total marks otherwise accruing to him.

9. Credit will be given for orderly, effective and exact expression combined with due economy of words in all subjects of examination.

**INDIAN COUNCIL OF AGRICULTURAL RESEARCH**
Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi- 110 001

F.No.14-2/98-Estt.I (Vol.II)

Dated : July 27, 2000

To

The Directors of all the ICAR Research Institutes/Bureaux/PDs/NRCs.

Subject: Revision of Recruitment Rules for the administrative posts reg.

Sir,

The revised/updated Recruitment Rules in respect of following sixteen number of administrative posts under ICAR as approved by the Governing Body in its meeting held at New Delhi on 28.4.2000 and by President, ICAR are hereby notified for the information, guidance and necessary action of all concerned:

1. Senior Administrative Officer
2. Administrative Officer
3. Assistant Administrative Officer
4. Section Officer
5. Assistant
6. Upper Division Clerk
7. Senior Finance & Accounts Officer
8. Finance & Accounts Officer
9. Assistant Finance & Accounts Officer
10. Junior Accounts Officer
11. Private Secretary
12. Personal Assistant
13. Stenographer Grade III
14. Legal Adviser
15. Assistant Legal Advisor
16. Junior Law Officer

In terms of the Vth Central Pay Commission recommendations as implemented by the GOI and adopted by ICAR, the pay scales for the posts of Senior Personal Assistant (Rs.2000-3200) and Private Secretary (Rs.2000-3500) have been merged into a common pay scale of Rs.4500-10500. Thus these two separate grades with hitherto separate recruitment rules are hereby

...contd..2

Attested

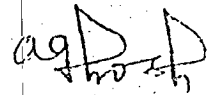
Advocate.

-: 2 :-

merged into a single designation, post and grade viz. Private Secretary in the pay scale of Rs.6500-10500 under the ICAR system. The recruitment rules for the post of Private Secretary under ICAR system existing in this grade and pay scale have, therefore, been revised accordingly and as such with the notification of the revised recruitment rules for the post of Private Secretary, there ceases to be any separate post with the designation as Senior Personal Assistant and all existing Senior Personal Assistants will henceforth be designated as Private Secretary.

3. This comes into force with immediate effect.

Yours faithfully,



(A.C. Ghosh)
Under Secretary (Admn.)

Pc

Encl: As stated above.

Copy to :-

1. All Directors/ Deputy Secretaries/ Deputy Directors/ Secretary, ASRB / COE, ASRB/Under Secretaries, ICAR at Krishi Bhawan/ Krishi Anusandhan Bhawan.
2. Sr.PPS to DG, ICAR/ S.A. to Chairman, ASRB/ PS to Secretary, ICAR/ PS to FA (DARE/ ICAR).
3. All SMDs, ICAR.
4. All Sections, ICAR at Krishi Bhawan/ Krishi Anusandhan Bhawan.
5. Secretary (Staff Side), CJSC, ICAR.
6. Secretary (Staff Side), HJSC, ICAR.
7. Guard file / Spare Copies (25).

-14- 7X

RECRUITMENT RULES FOR THE POST OF
ASSISTANT ADMINISTRATIVE OFFICER UNDER ICAR

- | | | |
|----|---|---|
| 1. | Name of the post | Assistant Administrative Officer |
| 2. | Classification | Administrative Group 'B' |
| 3. | Scale of Pay | Rs. 6500-200-10500 |
| 4. | Whether Selection Post or non-selection post | Non-selection |
| 5. | Age limit for direct recruits | 21 to 30 years (The upper age is relaxable for SC/ST/OBC as per the Government of India rules. The upper age is also relaxable upto 45 years in the case of serving regular employees of ICAR in the administrative (ministerial) category) |
| 6. | Educational & other qualifications required for direct recruits | <u>Essential</u> Post Graduate in any discipline from a recognized university with first division/class (60% marks in aggregate) <u>Desirable</u> 1. Experience of administrative work in Central or State Government Deptt./ Autonomous Bodies/Public Sector Undertakings. 2. MBA Degree and knowledge of Computers. |
| 7. | Whether age and educational qualification prescribed for direct recruits will apply in case of promotees. | No |
| 8. | Period of Probation, if any. | 2 Years only in case of Direct Recruits. |

....contd.

(a)

Attested

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Advocate.

Method of recruitment whether by Direct recruitment or by promotion, or by deputation/absorption and percentage of posts to be filled by various modes.

a) 75% by promotion.

b) 25% by Limited Departmental competitive examination confined to Supd. (Admin./Sr. Steno. having three years regular service or 5 years combined regular service in the grade of Assistant & Supd. (Admin.) / P.A. & Sr. Steno. or 5 years regular service in the grade of Assistant/P.A. in the scale of Rs. 5500-9000 as on the closing date notified for receipt of application for examination, at the respective Instt.

c) Rating (a) and (b) above by deputation from the ICAR Institutes/Hqrs. from amongst the officials eligible as per 10 (a) below. The deputation will be for a period not exceeding 3 years.

d) Rating (a), (b) and (c) above by Direct recruitment in accordance to the qualifications prescribed under Col. 6 above by interview at the concerned Institute level.

Promotion of Assistants (Rs. 5500-9000) at the respective Institute having completed eight years of regular service in the grade provided that any official holding the post of Superintendent (Admin.) under the Institute shall be given seniority in the order of their seniority in Superintendent (Admin.) grade above the Assistants with any length of service for consideration for promotion.

10. In case of recruitment by promotion /deputation/ absorption ; grades from which promotion/deputation/ absorption is to be made.

11. If a Departmental Promotion Committee exists what is its composition.

| | |
|---|------------------|
| CAO (in absence of such officer, an officer of equivalent status nominated by Director) | Chairman |
| SAO (in absence of such officer, an officer of equivalent status nominated by Director) | Member |
| An outside expert not lower in status than AO nominated by Director | Member |
| An Officer not lower in status than AO belonging to SC/ST community nominated by Director | Member |
| AO (in the absence of such officers, an officer of equivalent status nominated by Director) | Member Secretary |

12. Remarks

Attested
Advocate.

ENo. 144/2001-Est.I

Dated: June 27, 2001

To

The Directors of all the ICAR Research Institutes/Bureaux/PDs/NRCs.

Subject: Scheme and Syllabus for the Limited Departmental Competitive Examination for the posts of Section-Officer/Assistant Administrative Officer.

The rules for the Limited Departmental Competitive Examination to be held by the Agricultural Scientists Recruitment Board / concerned Institute for drawing up a select panel for filling up the posts of Section Officers / Assistant Administrative Officer in the pay scale of Rs.6500-200-10500 falling under "Limited Departmental Competitive Examination Quota" are notified herewith.

1. The number of persons to be selected for inclusion in the Select Panel/List will be specified in the Notice issued by the Agricultural Scientists Recruitment Board / concerned Institute. Reservations shall be made for candidates belonging to the Scheduled Castes and the Scheduled Tribes in respect of posts as per practice in the Government of India / ICAR.
2. The examination will be conducted by the Agricultural Scientists Recruitment Board / concerned Institute in the manner prescribed in Appendix to these rules.
3. The dates on which and the place at which the examination will be held shall be fixed by the Agricultural Scientists Recruitment Board / concerned Institute.
4. The examination will be confined to:-
 - (i) For the post of SO at ICAR Hqrs. : Assistants and Personal Assistants at the ICAR Headquarters having not less than five years regular service in the Grades as on the closing date notified for receipt of applications for the examination.
 - (ii) For the post of AAO at ICAR Research Institutes: Supdt.(Admn.) / Sr. Steno. having three years regular service or 5 years combined regular service in the grade of Assistant & Supdt.(Admn.) / P.A. & Sr. Steno. or 5 years regular service in the grade of Assistant/P.A. in the scale of Rs.5500-9000 as on the closing date notified for receipt of application for examination, at the respective Institute.
5. The decision of the Agricultural Scientists Recruitment Board / Director of the concerned Institute as to the eligibility or otherwise of a candidate for admission to the examination shall be final.
6. No candidate will be admitted to the examination unless he holds a certificate of admission from the Agricultural Scientists Recruitment Board / concerned Institute.
7. A candidate who is declared by the Agricultural Scientists Recruitment Board / concerned Institute as ineligible.

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Advocate.

After the examination, candidates will be arranged by the Agricultural Scientists Recruitment Board / concerned Institute in the order of merit as disclosed by the aggregate marks finally awarded to each candidate in the select panel/list and in that order equal to the number of posts to be filled. Apart from the select panel/list, a reserve panel/list may also be prepared in accordance with the relevant instructions/guidelines in force. Provided that candidates belonging to the Scheduled Castes or the Scheduled Tribes may, to the extent the number of vacancies reserved for the Scheduled Castes and the Scheduled Tribes cannot be filled on the basis of the general standard, be recommended by the Agricultural Scientists Recruitment Board / concerned Institute by a relaxed standard, to make up the deficiency in the reserved quota, subject to the fitness of these candidates for inclusion in the Select List irrespective of their ranks in the order of merit at the examination and in this connection, relevant Government instructions/guidelines in force may be followed.

(c) to disciplinary action under the appropriate rules.

- and
- (ii) by the Indian Council of Agricultural Research, from any employment under them; examination or selection held by them;
- (i) by the Agricultural Scientists Recruitment Board / the concerned Institute from any
- (b) to be debarred either permanently or for a specific period;
- (a) to be disqualified by the Agricultural Scientists Recruitment Board / the concerned Institute from the examination for which he is a candidate and/or

to be liable to criminal prosecution, be liable:-

- (xii) attempting to commit or as the case may be abetting the ASRB / Institute of all or any of the acts specified in the foregoing clauses; may in addition to rendering himself
- (xi) violating any of the instructions issued to candidates alongwith their admission
- (x) harassing or doing bodily harm to the staff employed by the Agricultural Scientists Recruitment Board / by the concerned Institute for the conduct of their examination, or
- (ix) misbehaving in the examination hall including learing of the scripts, or
- (viii) writing obscene matter or drawing obscene sketches in the scripts, or
- (vii) using unfair means during the examination, or

- (b) finding out the particulars of the persons connected with secret work relating to the examination, or
- (a) obtaining copy of question paper through improper means, namely
- (vi) resorting to the following means in connection with his candidature for the examination, namely
- (v) making statements which are incorrect or false or suppressing material information, or
- (iv) submitting fabricated document or documents which have been tampered with, or
- (iii) procuring impersonation by any person, or
- (ii) impersonating, or
- (c) blackmailing, or threatening to blackmail any person connected with the conduct of the examination, or
- (b) applying pressure on, or
- (a) offering illegal gratification to, or
- (i) obtaining support for his candidature by the following means, namely:-

-17-

29

Appendix

1. The examination shall be conducted according to the following Plan:-

Part I Written examination carrying a maximum of 500 marks in the subjects as shown in para 2 below.

Part II Evaluation of record of service of such of the candidates as may be decided by the Agricultural Scientists Recruitment Board / concerned Institute at their discretion carrying a maximum of 150 marks.

2. The subjects in which the candidates will be required to take the written examination, will be as follows:-

| Paper No. | Subject |
|-----------|---|
| 1. | Noting, Drafting and Precis Writing. |
| 2. | Office procedure and practice generally and also specifically with reference to the ICAR. |
| 3. | General knowledge of the Constitution of India and Machinery of Government, Practice and Procedure in Parliament. |
| 4. | General Financial and Service Rules. |
| 5. | General Studies. (Objective Type) |

Each paper will carry a maximum of 100 marks and will be of 2 hours and 30 minutes duration.

Note:- The paper on General Studies will consist of objective type questions only.

3. Syllabus for the examination will be as shown in the Schedule.

4. Candidates are allowed the option to answer papers (2), (3) and (5) either in English or Hindi (Devanagari). Papers (1) and (4) must be answered in English. Question papers will be set both in English and Hindi.

Note 1. The option will be the same for all the three papers mentioned above and not for different papers or different questions in the same paper.

Note 2. Candidates desirous of exercising the option to answer the aforesaid papers in Hindi (Devanagari) should indicate their intention to do so in the application form otherwise it would be assumed that they would answer all papers in English. The option once exercised shall be treated as final and no request for alteration in the said column shall be entertained.

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Advocate.

Note: Candidates should clearly understand that this is a competitive and not a qualifying examination. The number of persons to be included in the Select List on the results of the examination is entirely within the competence of I.C.A.R. to decide. No candidate will, therefore, have any claim for inclusion in the Select List on the basis of his performance in this examination, as a matter of right.

9. The form and manner of communication of the result of the examination to individual candidates shall be decided by the Agricultural Scientists Recruitment Board / concerned Institute in their discretion and the Agricultural Scientists Recruitment Board / concerned Institute will not enter into correspondence with them regarding the result.

10. Success in the examination confers no right to selection unless Indian Council of Agricultural Research are satisfied after such enquiry as may be considered necessary, that the candidate, having regard to his conduct in service, is eligible and suitable in all respects for selection.

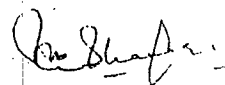
Provided that the decision as to eligibility for selection in the case of any candidate recommended for selection by the Agricultural Scientists Recruitment Board / concerned Institute shall be taken in consultation with the Agricultural Scientists Recruitment Board / concerned Institute.

11. A candidate who after applying for admission to the examination or after appearing at it, resigns his appointment or otherwise quits the service or severs his connection with it or whose services are terminated by his Department or who is appointed to an ex-cadre post or another service or transferred and does not have a lien in the Assistants' Grade/Supdt.(Admn.) or the Personal Assistants' Grade/Sr. Steno of the Indian Council of Agricultural Research/ ICAR Institutes, will not be eligible for appointment on the result of this examination.

This, however, does not apply to a person who has been appointed on deputation to an ex-cadre post with the approval of the competent authority.

Yours faithfully,

Encl: As above


(N.S. Randhawa)
Deputy Secretary (Admn.)

- 18 -

31

SCHEDULE

Syllabus of the Examination

Where knowledge of the rules, orders, instructions etc. is required, candidates will be expected to be conversant with amendments issued upto the date of notification of this examination.

1. Noting, Drafting and Precise writing

In addition to questions requiring candidates to prepare notes and drafts on specific problems, passages may also be set for summary or precise.

2. Office Procedure and Practice

This is intended to be an intensive and detailed test in methods and procedure of work in the ICAR specifically and also in the Government of India Secretariat and attached offices generally. Some guidance on the subject can be obtained from:-

- (i) Manual of Office Procedure current at the time of Notification.
- (ii) Notes on Office Procedure issued by the Institute of Secretariat Training and Management.
- (iii) Manual of Administrative Instructions compiled by Shri P.V. Hariharasankaran.

3. General Knowledge of the Constitution of India and Machinery of Government; Practice and Procedure in Parliament.

Note: Knowledge of the following will be expected:

- (i) The main Principles of the Constitution of India.
- (ii) Rules of procedure and conduct of business in the Lok Sabha and the Rajya Sabha and
- (iii) The organisation of the machinery of Government of India - designation and allocation of subjects between Ministries and Departments and Attached and Subordinate Offices and their relation inter-se.

4. General Financial and Service Rules

The following books are recommended:-

- (i) Fundamental and Supplementary Rules.
- (ii) The Central Civil Services Pension Rules, 1972.
- (iii) The Central Civil Services (Conduct) Rules, 1964.
- (iv) The Central Civil Services (Classification, Control and Appeal) Rules, 1965.
- (v) Compilation of the General Financial Rules.

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Attested

Advocate.

Note 3. Candidates exercising the option to answer the paper in Hindi (Devanagiri) may, if they so desire, give English version within brackets of the description of the technical terms, if any, in addition to the Hindi version.

5. Candidates must write the papers in their own hand. In no circumstances they will be allowed the help of a scribe to write the answers for them.
6. The Agricultural Scientists Recruitment Board / ICAR have the discretion to fix qualifying marks in any or all the subjects of the examination.
7. Marks will not be allotted for mere superficial knowledge.
8. If a candidate's handwriting is not easily legible, a deduction will be made on this account from the total marks otherwise accruing to him.
9. Credit will be given for orderly, effective and exact expression combined with due economy of words in all subjects of examination.

- (vi) Delegation of Powers in I.C.A.R.
- (vii) Rules and Bye-laws of the I.C.A.R.
- (viii) A.R.S. Booklet brought out by I.C.A.R.
- (ix) Handbook of Technical Services brought out by Indian Council of Agricultural Research.
- (x) CCS (Leave) Rules, 1972.

5. General Studies

The paper will cover subjects of interest and importance at the present day. Questions will be set to test knowledge of broad and salient features of the Five Year Plans and Community Development Schemes, as also intelligent awareness of current affairs both national and international which an educated person may be expected to have. Candidates' answers are expected to show their intelligent understanding of the questions and not detailed knowledge of any text books, report etc.

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Advocate.

1. Name of the post : Assistant Administrative Officer
2. Classification : Administrative post.
3. Scale of pay : Rs. 650-30-740-35-810-35-880-40-1000-40-1200.
4. Whether selection post or non-selection post : Selection.
5. Age for direct recruits : Not applicable.
6. Educational and other qualifications required for direct recruits : Not applicable.
7. Whether age and educational qualifications prescribed for direct recruits : Not applicable.
8. Period of probation, if any : 2 years.
9. Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer : 100% by promotion, failing which by deputation from Institutes or the Headquarters of the Council/or State Governments/Union Territories.*
10. In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made :
 - (a) Promotion of Superintendent/Superintendent (Accounts) in the grade of Rs. 550-900, Rs. 500-900 and Rs. 500-750 with 3 years of service in the grade.
 - (b) Failing the above, by deputation from amongst superintendents/Superintendent (Accounts) with 3 years of service in the grade working in all other Institutes.
 - (c) Failing either (a) or (b) above, by deputation from amongst Section Officers at the ICAR Headquarters.
 - *(d) Failing either (a), (b) & (c) by deputation of Superintendents in the scale of Rs. 550-900 from the State Govts./Union Territories, having 3 years service in the grade. (The period of deputation in all the above cases would be 3 years extendable by one more year with the approval of the Director General, ICAR).

.....2/-

Approved by Secy General to Institute No. 7(40)/81-Dr. III dated 20.9.1982.

Attested

Advocate

-21-

ANNEXURE—5

WITH AND RECRUITMENT THROUGH THE U.P.S.C. 1967

It is not necessary to consult the Commission in regard to:

(i) the initial appointment to the Delhi, H.P. and Andaman and Nicobar Islands Civil Service of any person who was previously a permanent member of the Punjab Civil Service (Executive Branch) and who has been finally allotted to H.P. under sub-section (2) of section 82 of the Punjab Reorganisation Act, 1966 (31 of 1966); and

(ii) the initial appointment to the Delhi, H.P. and Andaman and Nicobar Islands Police Service of any person who was previously a permanent Deputy Superintendent of Police or a permanent Prosecuting Dy. Superintendent of Police of the Punjab Police and who has been finally allotted to H.P. under sub-section (2) of Section 82 of the Punjab Reorganisation Act, 1966 (31 of 1966).

[U.P.S.C. (Exemption from Consultation) Supplementary Regulations, 1969, M.H.A. No. 18/7/67-Ests. (B), dated the 15th March, 1969.]

5.4.7. It is not necessary to consult the Commission in regard to the appointment of honorary workers in Civil Posts provided that they are not made in any but the most exceptional cases and that they would be confined to obtaining the services of highly qualified persons in clearly advisory posts and not in any "cadre" post or other existing post.

[M.H.A. O.M. No. 18/15/54-Ests (B), dated 26th February, 1955.]

5.5. Direct Recruitment by Competitive Examination

5.5.1. The examination rules laying down *inter alia* the conditions of eligibility and the scheme of examinations for direct recruitment are required to be notified by Government; and the drafting of the rules of an examination is primarily the concern of the Government. It is essential that the draft rules/comments on the draft rules for the examination are referred to the Commission for their advice in time. Proposals, if any, for making changes in the conditions of eligibility, etc. in respect of any particular examination should also be referred to the Commission for their consideration well in time. Before doing so, such proposals should invariably be discussed with the Commission's Secretariat, with a view to ascertaining whether it would be feasible to consider those proposals for the examination concerned, without delaying the scheduled date for the notification of the rules.

The above procedural matters should be strictly observed as failure to do so is liable to upset the schedule of the examination, with repercussions on the schedule of other examinations.

[M.H.A. O.M. No. 23/11/67-Ests. (B), dated the 14th July, 1967 read with O.M. No. 23/38/69-Ests (B), dated the 13th March, 1969 and O.M. No. 9,21/58-RPS, dated the 10th June, 1959.]

5.5.2. (a) Estimate of Vacancies.—The Ministries/Departments should assess carefully, on an annual basis, the number of vacancies required to be filled during a particular recruitment year, with due regard

Attested

Advocate.

4. It is also impressed upon the Ministries/Departments that they should ensure that *ad hoc* appointments are not continued for an indefinite period and that early steps are taken, so that the persons appointed on *ad hoc* basis are replaced by persons approved for regular appointment in accordance with the provisions of the relevant recruitment rules, after following the prescribed procedure for making such regular appointments as early as possible. It is also requested that Ministries/Departments should take urgent steps to review all *ad hoc* appointments continuing as such on the date of issue of these instructions and bring the position to the notice of higher authorities in the Ministries/Departments indicating the date from which such *ad hoc* appointments are continuing and the reasons why regular appointments could not be made as also the steps being taken to make regular appointments to the posts.

[Cabinet Sectt., (Dept. of Personnel and Adm. Reforms) Memo. No. 22011/3/75-Estt. (D) dated the 29th October, 1975.]

Ad hoc promotions not to be continued for long periods.—As the Ministries/Departments are aware, no *ad hoc* appointments should be made except in short-term vacancies. Resorting to *ad hoc* promotions/appointments on a long term basis, deprives the rightful persons of their promotions for long periods and also tends to create a vested interest for the *ad hoc* promotees to continue. It is, therefore, suggested that if there are any difficulties in preparing a regular panel, they should be sorted out in inter-departmental meetings at appropriate levels in which, if need be, the Union Public Service Commission should also be associated. Where cases are pending in courts, the administrative Ministries may have to move the courts to expedite the disposal. In other words, all possible steps should be taken to ensure that as far as possible no appointments are made at all except in short term vacancies.

[D.P. & A.R., O.M. No. 15034/2/76-Estt. (D), dated the 15th July, 1976.]

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 finalised 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.

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

Consultation with UPSC.—Some Ministries/Departments appear to be under the erroneous impression that they can make any *ad hoc* appointment initially for one year without consulting the Commission (where recruitment is to be made in consultation with the Commission), and that reference need be made to the Commission only on the expiry of this

Attested

Advocate.

Decision (1).—Procedure when a SC/ST officer is not available on the DPC.—With reference to para. (6) above, as the composition of the DPCs has to be indicated in the Recruitment Rules, a doubt was raised whether for Group A and Group B services/posts, if there is no provision for association of an external member or if none of the officer 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 co-opt a member belonging to the SC's or ST's.

The matter has been considered carefully and it has been decided that in such cases another officer belonging to SC or ST of appropriate level if available within the Ministry/Department concerned or of another Ministry/Department, if no such SC/ST officer is available within the Ministry/Department, may be co-opted by the appointing authority to take part in the Departmental Promotion Committee meeting. If, in any case, it is not possible to include an SC/ST officer in a DPC whether by nomination or co-option the reasons for such non-co-option should be recorded in writing. The provisions of Para. II (6) stands modified accordingly.

[D.P. & A.R., O.M. No. 22012/4/78-Estt. (D), dated the 16th January, 1980.]

III. Frequency at which DPC should meet

The DPC should be convened at regular annual intervals to draw panels which could be utilized for making promotion against the vacancies occurring during the course of a year. It has been observed that Ministries/Departments do not convene meetings of the DPCs annually for various reasons even though eligible officers of the lower grade were available and the vacancies in the higher grade were also available for their promotion. This is often due to non-finalisation of the seniority list of officers of the lower grade which forms the field of consideration. Sometimes, meetings of the DPC are also not convened annually under the impression that a panel, prepared by a DPC for filling "selection" posts, could be kept operative for a period of one year and six months and that, therefore, action to convene the next meeting of the DPC could be initiated only after the expiry of that period. As delay in convening the DPC meeting results not only in financial loss to the concerned officers due to delay in their promotion to the higher grade, but also affects them adversely in their future career inasmuch as their promotion to the next higher grade is also delayed, it is necessary that the DPC meeting should be convened at regular intervals as indicated above. 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.

Decision (1).—Avoidance of delays in convening DPCs.—Instructions have been issued from time to time impressing upon the Ministries/

Attested

Advocate.

Departments the need to convene meetings of DPCs at regular annual intervals for making promotions/confirmations.

These were followed up by a demi-official letter from Secretary (Personnel) addressed to Secretaries of all Ministries/Departments on 13-10-1980 impressing upon them the need to take prompt action for conversion of temporary posts into permanent vacancies and to undertake a review of the position so as to complete the pending work of conversion of temporary post into permanent ones as well as confirmation of officers within a couple of months.

In spite of these instructions it is seen that DPC meetings are not being convened at regular annual intervals as it should be, and delays still continue to occur. This has drawn adverse criticism from various quarters such as the Committee on Subordinate Legislation, Union Public Service Commission etc. In fact, the UPSC in their latest report have drawn attention to innumerable cases of delays in holding DPCs for confirmation of officers.

Ministries/Departments are already aware that convening of meetings of DPCs at regular annual intervals should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled up by promotion and or no officers are due for confirmation during the year in question. It is hoped that the Ministries/Departments are following the above procedure. It is also once again emphasised that DPC meetings should be convened expeditiously at regular intervals so that promotions/confirmations as the case may be are not delayed. For this purpose they should keep all relevant data available and up-to-date so that the DPC meetings are not delayed for want of complete information.

Further it is hoped that the review contemplated in the Secretary (Personnel's) demi-official letter dated 13-10-1980 would have been completed by now. In any case, it is again emphasised on all the Ministries/Departments the need for convening the DPC meetings without delay so that promotions/confirmations are not delayed/postponed purely due to administrative delay.

[D.P. & A.R., O.M. No. 22011/3/82-Estt. (D), dated the 23rd June, 1982.]

IV. Determination of regular vacancies

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 of incumbents of one post/grade to higher post/grade and vacancies arising from creation of additional posts on a long term basis and those arising out of deputation. As regards vacancies arising out of deputation, it is clarified that for the

purpose of drawing up a select list for promotion, vacancies arising out of deputation for periods more than a year should be taken into account. 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 arising as a result of officers proceeding on leave, on deputation for a shorter period, training etc., should not be taken into account for the purpose of preparation of a panel.

Decision (1).—Field of choice for consideration by D.P.C.—M.H.A., O.M. No. 1/4-55 RPS, dated 16-5-1957 lays down certain principles for promotion. In the operation of these principles it has been observed that the absence of clearly defined limits on the extent of the field of choice has led to lack of uniformity in the practices being followed by the DPC. Similarly, it is felt that a large field of choice might result in excessive supersessions. Again, despite repeated instructions of the Government to hold DPCs annually there have been quite a few cases of delays resulting in vacancies being bunched. This would enlarge the field of choice and upset the relative seniority positions in the higher posts with reference to the positions which would not have resulted had the DPCs met at the appropriate time. In view of these considerations it has been decided in consultation with the UPSC as under in supersession of this Department's O.M. No. 1/4-55-RPS, dated 16-5-1957 and all other memoranda having any bearing on the matter herein dealt with:—

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

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

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

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

Attested

Advocate.

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

[D.P. & A.R., O.M. No. 22011/3-76-Estt (D), dated the 24th December, 1980.]

NOTE.—In promotions by selection in Group 'C' and 'D', the earlier instructions contained in O.M. No. 1/12/67-Estt. (C), dated the 11th July, 1968 would continue to apply in the case of SC/ST employees as these are not superseded by the above decision. However, the procedure for identifying yearwise vacancies and preparation of yearwise panels as contained in the above decision will be applied for preparation of separate panels for SCs/STs.

2. As regards promotions by selection from Group 'C' to Group 'B' and from Group 'B' to the lowest rung of Group 'A', the principles enunciated in the above decision will apply to SC/ST employees subject to the modification that meritorious SC/ST employees even in the extended field of choice should not be made to lose the advantage earned by virtue of their superior merit in comparison to others in the normal zone. It has, therefore, been decided that such of the meritorious SC/ST candidates who are in the extended field and get selected should retain their position in the panel in accordance with their gradation by the DPC. To this extent para. (3) of the above decision may be deemed to have been amended.

[M.H.A. (D.P. & A.R.), O.M. No. 3601/13/83-Estt. (SC/ST), dated the 2nd May, 1983.]

Decision (2).—When DPC has not met for a number of years.—(a) Instructions already exist that DPCs should meet at regular annual intervals for the preparation of select lists and where no such meeting is held in any year, the appointing authority should record a certificate that there were no vacancies to be filled during the year. Administrative Ministries should obtain periodical information/certificates on the regular holding of DPCs.

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

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

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

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39

101-276-V^m To You

(of FICAC)

Indian Council of Agricultural Research
Rajend Bhawan, Dr. Rajendra Prasad Road, New Delhi-110001

ANNEXURE-6

Dated the May 20, 1999

F.No. 15.1092/1999

To, The Director, ICAR Res. Complex for Hill Regions, Shimla

Subject: Implementation of entire review recommendations in respect of Group 'B' & 'C' posts of administration with matching savings - Reporting.

This has reference to your Letter No. ICAR/Adm./Hilly (1999) dated 15.01.1999 and ICAR/Adm./Hilly (1998) 99 dated 05.04.1999.

2. On the basis of the recommendations of the Cost Review Committee and proposal received from your Institute, the approval of the Competent Authority is hereby conveyed for upgradation of posts in the grades mentioned hereunder and subject to the abolition/surrender of posts as indicated to meet the matching savings in your Institute:

| Up gradations approved | | | | | | Surrender/abolition of posts approved to meet matching savings | |
|------------------------|--------------------|------------------|--------------|---------------------------------|------------------------|--|---------------|
| E.D.C. to Sr. Clerk | Sr. Clerk to Asst. | Sr. Asst. to AAO | AAO to AF&AO | Jr. Steno. to Sr. Steno. Gr. II | Sr. Steno. to Sr. P.A. | Lower Division Clerk | Junior Steno. |
| 14 | 10 | 08 | | 74 | 01 | | |

3. The implementation in accordance with the rules laid in respect of the upgradations and the abolition/surrender of posts approved in lieu as above will take simultaneous effect.

4. The new positions in respect of the 'continuing activities' would be set off in the Exh Plan III C of Institutes.

5. Compliance action with regard to these orders may be taken expeditiously and reported to the Council.

Yours faithfully,

(A.C. GHOSH)

UNDER SECRETARY (ADMIN.)

(Signature)

UNDER SECRETARY (ADMIN.)

Copy to :-

1. DDO (Hilly)/IA-II Section
2. Director (Finance), ICAR.
3. Sr. PPS to DDO, ICAR/OPS to Secretary, ICAR.
4. SO's General file.

Attested

Advocate.

O R D E R

In pursuance of Council's letter F.No.15-16/98.Estt.I dt. 20.5.99 and on the recommendation of the Departmental Promotion Committee of the Institute held on 10.12.99, the following administrative staff of the Institute are promoted to their next higher grades as shown against each with effect from the date of holding the DPC, i.e. 10.12.99 :-

| Sl No | Name of the incumbent | Name of Centre | Present grade/post | Promoted to The grade | Scale of pay | Place of posting in the promoted grade |
|-------|-----------------------|----------------|--------------------|-----------------------|----------------|--|
| 1 | Sh. D.C.Bhuyan | KVK, Tura | Supdt. | Asstt. Admn. Officer | 6500-200-10500 | Jharnapahi, (Nagaland Centre) |
| 2 | Smt. D.S.Dkhar | Hqs. (Umi am) | Supdt. | Asstt. Admn. Officer | 6500-200-10500 | Hqs. (Umi am) |
| 3 | Smt. June Dkhar | Hqs. (Umi am) | Supdt. | Asstt. Admn. Officer | 6500-200-10500 | Hqs. (Umi am) |
| 4 | Sh. H.S. Chakraborty | Hqs. (Umi am) | Supdt. | Asstt. Admn. Officer | 6500-200-10500 | Lembucherra (Tripura Centre) |
| 5 | Sh. S.Das Biswas | Tripura | Supdt. | Asstt. Admn. Officer | 6500-200-10500 | Basar (A.P. Centre) |
| 6 | Sh. Devis Joseph | Sikkim | Supdt. | Asstt. Admn. Officer | 6500-200-10500 | Tadong (Sikkim Centre) |
| 7 | Smt. G.A.I. Devi | Manipur | Supdt. | Asstt. Admn. Officer | 6500-200-10500 | Lamphepat (Manipur Centre) |

The incumbents are to move to their new place of posting at the earliest.

Sd/-

(N. D. Verma)
Director.

Memo No. RC(R)15/94

Dt. August 3, 2000.

Copy to :-

1. All the Joint Directors of Centres/KVK In-charge, Tura
2. All Heads of Divisions /Sr. Farm Manager of Hqs./ All A.A.Os of Hqs.
3. Finance & Accounts Officer, ICAR Res. Complex, Umi am.
4. Asstt. Admn. Officer(Estt.), , ICAR Res. Complex, Umi am.
5. Under Secretary(Admn.), ICAR, Krishi Bhavan, New Delhi in compliance of Council's instruction vide letter F.No.15-16/98.Estt.I dt. 20.5.99.
6. Personal file/Service Book
7. All the persons concerned by name

(G. Sinha)
Asstt. Admn. Officer(Admn.)

Attested
Advocate.

Original