

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 3529
(TO BE ANSWERED ON 02.01.2019)

NEW SYSTEM FOR PROMOTION

3529. DR. BOORA NARSAIAH GOUD:

Will the **PRIME MINISTER** be pleased to state:

- (a) whether the Government is proposing to have a new system introduced to assess the integrity and reputation of bureaucrats on the basis of which promotion is given;
- (b) if so, the services that are going to be considered and from when this is likely to be introduced;
- (c) whether there is a proposal to send these guidelines to the States; and
- (d) if so, the details thereof?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a) to (d): Promotions are given in accordance with the provisions in the Recruitment Rules / Service Rules for the respective posts. The consolidated guidelines on Departmental Promotion Committees (DPC) for making recommendations in regard to fitness of officials for promotion have been issued vide Department of Personnel & Training's OM No. 22011/5/1986-Estt.(D) dated 10.04.1989. The policy contained in this OM with regard to Benchmark, assessment of fitness, sealed cover procedure in respect of officers under cloud, zone of consideration for promotion, and other related matters has been reviewed and amended from time to time. The important amendments made in the promotion guidelines during past three years are as under:-

- i. OM No. 22011/3/2013-Estt. (D) dated 25/01/2016 regarding promotion of Government Servants exonerated after retirement-procedure and Guidelines to be followed.
- ii. OM No. 22011/4/2007-Estt. (D) dated 21/11/2016 regarding Guidelines on treatment of effect of penalties on promotion - role of Departmental Promotion Committee.
- iii. OM No. 22011/4/2013-Estt.(D) dated 08/05/2017 regarding procedure to be observed by the Departmental Promotion Committees(DPCs) - Model Calendar for DPCs - relevant year up to which APARs are to be considered and Model Calendar for conducting DPCs and crucial date for eligibility.
- iv. OM No. 22011/3/2013-Estt. (D) dated 15/11/2018 regarding promotion of Government servants found fit by review DPC after retirement — procedure and guidelines to be followed.

These instructions are applicable to all Central Government Civilian Employees and Central Services except Railways Services and services under the control of the Department of Atomic Energy, the erstwhile Department of Electronics, the Department of Space and the Scientific and Technical Services under the Department of Defence Research and Development.

The state services are under Schedule VII of Constitution and States are empowered to make rules under Article 309 in respect of services and posts under them.

No.22011/3/2013-Estt (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi
Dated- 25.01.2016

OFFICE MEMORANDUM

Subject:- Promotion of Govt. Servants exonerated after retirement – Procedure and Guidelines to be followed - Regarding.

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum No. 22011/4/91-Estt(A) dated 14th September, 1992 regarding procedure and guidelines to be followed by DPC in respect of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation. In case the Government servant is covered under any of the three conditions as mentioned in Para 2 of OM dated 14.09.1992, the recommendations of the DPC are to be kept in 'sealed cover' and subsequent action regarding opening of sealed cover will depend on the outcome of the disciplinary/criminal proceedings.

2. If on conclusion of the disciplinary/ criminal proceedings, the Government servant is exonerated, the procedure prescribed in para 3 of the OM dated 14-9-1992 is to be followed. This provides as under:-

“On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Govt. servant, 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. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceedings/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.”

....2/-

3. The applicability of above provisions in so far as it relates to cases where the Government Servant, who has retired by the time he is exonerated of all the charges has been considered in respect of the following cases:

- i. Where the promotion order pertaining to the relevant DPC has been issued and the officers empanelled have assumed charge prior to the date of superannuation of the retired Government Servant; and
- ii. The retired Government Servant would have been in service and assumed charge of the post had the disciplinary proceeding not been initiated against him/her.

4. It has been decided in consultation with the Department of Expenditure, Department of Pensions & Pensioners' Welfare and the Department of Legal Affairs that notional promotion and payment of arrears of pay, if any, for the period of notional promotion till the date of retirement, to such a retired Government servant if found fit on opening of the sealed cover is to be decided by the appointing authority in terms of Para 3 of OM No.22011/4/91-Estt.(A) dated 14/9/1992.

5. A retired Government employee who is considered for notional promotion from the date of promotion of his next junior after opening of the sealed cover would also be entitled to fixation of pension on the basis of such notional pay on his notional promotion.

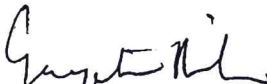
6. The provisions contained in this Office Memorandum shall become operational from the date of issue of this Office Memorandum. Past cases settled in accordance with the earlier provisions shall not be reopened.


(Gayatri Mishra)
Director (E-I)
Phone No. 23092479

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13. NIC for updation on the website.


(Gayatri Mishra)
Director (E-I)

No.22011/4/2007-Estt. (D)
Government of India
Ministry of Personnel, Public and Training
(Department of Personnel and Training)

North Block, New Delhi – 110 011

November 21, 2016

OFFICE MEMORANDUM

Sub: Guidelines on treatment of effect of penalties on promotion – role of Departmental Promotion Committee

The Department of Personnel & Training vide its OM of even number dated 28.4.2014 issued instructions on the above subject. Paragraph 7(d), 7(f) and 7(g) of the said OM provides as follows:

- 7(d) *If the official under consideration is covered under any of the three condition mentioned in paragraph 2 of OM dated 14.9.1992, the DPC will assess the suitability of Government servant along with other eligible candidates without taking into consideration the disciplinary case / criminal prosecution pending. The assessment of the DPC including 'unfit' for promotion and the grading awarded are kept in a sealed cover. [Paragraph 2.1 of DoPT OM dated 14.9.1992]*
- 7(f) *If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he / she is found guilty in the criminal prosecution against him / her, the findings of the sealed cover / covers shall not be acted upon. His / her case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him / her [paragraph 3.1 of DoPT OM dated 14.9.1992].*
- 7(g) *In assessing the suitability of the officer on whom a penalty has been imposed, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of general service record of the officer and the fact of imposition of penalty, the officer should be considered for promotion. The DPC, after due consideration, has authority to assess the officer as 'unfit' for promotion. However, where the DPC considers that despite the penalty*



the officer is suitable for promotion, the officer will be actually promoted only after the currency of the penalty is over [paragraph 13 of DoPT OM dated 10.4.1989].

2. Questions have been raised by the Ministries and Departments asking whether this is applicable in the case of 'Censure' also. In this regard, it is reiterated that paragraphs 7(d), 7(f) and 7(g) cited above are applicable in all the recognized penalties under CCS (CCA) Rules including the minor penalty of Censure as well for which no currency has been prescribed, it would mean that as per para 7(g), if the DPC considers the officer fit for promotion notwithstanding the award of censure, he / she can be promoted without referring to the currency of penalty.

G. Jayanthi

(G. Jayanthi)

Director

Tel. no. 2309 2479

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- (vii) The Controller and Auditor General of India, New Delhi
- (viii) The Secretary, Union Public Service Commission
- (ix) The Secretary, Staff Selection Commission
- (x) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions
- (xi) All Officers and Section in the Department of Personnel & Training
- (xii) Establishment (D) Section, DoP&T (10 copies)
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 - (a) OM's / Orders → Establishment → Promotion; and
 - (b) OMs / Orders → Establishment → CCS (CCA) Rules.

Rajesh Sharma

(Rajesh Sharma)

Under Secretary to the Govt. of India

Tel no. 2304 0340

No. 22011/4/2013–Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi,
8th May, 2017

OFFICE MEMORANDUM

Sub: Procedure to be observed by the Departmental Promotion Committees (DPCs) – Model Calendar for DPCs – Relevant year up to which APARs are to be considered and Model Calendar for conducting DPCs – regarding.

The undersigned is directed to invite reference to the Department of Personnel and Training OM of even number dated 8th September, 1998 prescribing a 'Model Calendar' for DPCs in order to ensure that DPCs are convened in advance and approved select panels are ready on the date of commencement of the relevant vacancy year and that the last date for sending complete proposal to the UPSC is 15 July (in ACC cases) and 31 July (in non-ACC cases) of the year preceding the vacancy year.

2. Reference is further invited to the Department of Personnel and Training OM of even number dated 16th June, 2000 wherein it was prescribed/clarified that only such ACRs (now APARs) should be considered which became available during the year immediately preceding the vacancy/panel year irrespective of the date of convening of the DPC. In other words, for the vacancy/panel year 2000-01, it was prescribed that ACRs (now APARs) up to the year 1998-99 (five years preceding T – 1st year) are required to be considered. Accordingly, for the vacancy year 2017-18, APARs up to the year 2015-16 are required to be considered.

3. Reference is also invited to the Department of Personnel and Training OM No. 22011/1/2005- Estt(A)-(Pt-II) dated 23rd July, 2009 on the subject 'Preparation and Maintenance of APARs' wherein a time schedule for preparation/completion of APAR has been prescribed. As per this schedule, entire APAR process is to be completed by 30th November of the year following the completion of time period of APAR year.

4. As per the extant instructions, say for vacancy year 2017-18, complete proposal to the UPSC has to be sent by 15 July, 2016 (in ACC cases) and 31 July, 2016 (in non-ACC cases) with APARs up to the year 2015-16. However, the entire process of recording APAR for the year 2015-16 is complete by 30th November, 2016 only. After the issue of guidelines regarding time schedule for completion of APAR, the time lines make it practically impossible to make the last APAR (the APAR of the year immediately preceding T-1th year) available for DPCs, i.e., the APAR for the year 2015-16 does not attain finality and thus may not be available before sending proposal for DPC for vacancy year 2017-18. In this background, the instructions regarding the procedure for convening DPCs have been reviewed in consultation with UPSC.

5. In order to streamline the process of timely convening of DPCs, it has been now decided that henceforth, the following changes may be effected in the DPC procedure in partial modification of this Department OM No. 22011/5/86-Estt.(D) dated 10.4.89, OM No. 22011/9/98-Estt.(D) dated 16.6.2000, OM No. 22011/9/98-Estt.(D) dated 8.9.98 and OM No. 22011/6/2013- Estt.(D) dated 28.5.2014(crucial date of eligibility):-

- (i) The vacancy year may be shifted to Calendar Year from the year 2018 onwards, wherever the financial year based vacancy year being followed now.
- (ii) The crucial date of eligibility will be 1st of January of the Vacancy year w.e.f 2019.
- (iii) The APARs for five years preceding T-2nd year may be taken as reckoning APARs, i.e. for the vacancy year 2019 (January 2019 to December, 2019), the reckoning APARs shall be 2016-17, 2015-16, 2014-15, 2013-14 and 2012-13.
- (iv) The year of 2018 being the transitional year, the vacancy period shall be from 1st April 2018 to 31st December, 2018. The reckoning APARs for this vacancy year shall be 2015-16, 2014-15, 2013-14, 2012-13 and 2011-12. The crucial date of eligibility shall be 1st April, 2018 for the transitional year.

6. Ministries/Departments are requested to give wide circulation to these instructions for guidance in the matter and also to ensure strict adherence to the time-schedule prescribed as per the 'Model Calendar' for DPCs.

Encl: as above

G. Jayanthi
(Jayanthi. G)
Director(E-I)

To

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- (x) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions
- (xi) All Officers and Section in the Department of Personnel & Training
- (xii) NIC for uploading on the website under OM's / Orders —*Establishment —*Promotion; and

**MODEL CALENDAR FOR CONDUCTING DEPARTMENTAL PROMOTION
COMMITTEES(DPCs)**

A. ACC cases:

S. No.	Events	Transitional year (01.04.2018 to 31.12.2018)	Calendar-year based	2019
1.	Vacancy year	2018-19	2018	2019
2.	Crucial date for determining eligibility	01 April, 2018	01 January, 2018	01 January, 2019
3.	Compilation of ACRs/Integrity Certificates/ Vigilance clearance/Seniority List/Penalty and Vacancy position etc., and forwarding DPC proposal to UPSC	April - 15 July 2017	January - 15 April, 2017	January - 15 April, 2018
4.	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)	15 July 2017	15 April 2017	15 April 2018
5.	DPC to be held	15 July - November, 2017	15 April - August, 2017	15 April - August, 2018
6.	On receipt of DPC minutes from the UPSC, post-DPC follow-up action by the administrative Ministry/Department.	December, 2017	September, 2017	September, 2018
7.	Approval of the ACC including communication of its approval to the administrative Ministry/ Department.	January - March, 2018	October - December, 2017	October - December, 2018
8.	Last date for getting ready the approved select panel by the	31 March, 2018	31 December, 2017	31 December, 2018

administrative Ministry/Department.			
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Note: Dates/periods suggested in the Model Calendar for DPCs 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.

B. Non-ACC cases:

S. No.	Events	Transitional year (01.04.2018 to 31.12.2018)	Calendar-year based	2019
1.	Vacancy year	2018-19	2018	2019
2.	Crucial date for determining eligibility	01 April, 2018	01 January, 2018	01 January, 2019
3.	Compilation of ACRs/Integrity Certificates/Vigilance clearance/Seniority List/Penalty and Vacancy position etc., and forwarding DPC proposal	April - July 2017	January - April, 2017	January - April, 2018
4.	Last date for sending complete proposal along with relevant Recruitment/Service Rules to the DPC. (Effort should be made to send the proposal to the DPC as soon as possible without waiting for the last date)	31 July 2017	30 April 2017	30 April 2018
5.	DPC to be held	August, 2017 - January, 2018	May - October, 2017	May - October, 2018
6.	On receipt of DPC minutes, post-DPC follow-up action(including approval of the Competent Authority) by the administrative Ministry/Department	February-March, 2018	November-December, 2017	November-December, 2018
7.	Last date for getting ready the approved select panel by the administrative Ministry/Department.	31 March, 2018	31 December, 2017	31 December, 2018

Note: Dates/periods suggested in the Model Calendar for DPCs 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.

F. No. 22011/3/2013-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training

North Block, New Delhi
Dated 15th November, 2018

OFFICE MEMORANDUM

Sub: Promotion of Government servants found fit by review DPC after retirement – procedure and guidelines to be followed

The undersigned is directed to invite reference to this Department's OM of even number dated 25.1.2016 which deals with the grant of *notional* promotion to a Government servant exonerated in a disciplinary proceedings after retirement. However, the cases of Government servants who are found fit by review DPC after their retirement on account of revision of seniority list of the feeder cadre, upgradation of below benchmark APARs etc. are not covered under the said OM. These cases have now been examined and it has been decided to lay down procedure as narrated in subsequent paragraphs for dealing with such cases.

2. A Government servant who is not recommended in the panel by the original / supplementary DPC but later on is recommended in the panel by a review DPC but has since retired may be given the benefit of *notional* promotion *w.e.f.* the date of promotion of his immediate junior in the reviewed panel and fixation of *notional* pay subject to the fulfillment of the following conditions:

- (i) That the officer who is immediate junior to the retired Government servant assumed charge of the higher post on or before the date of superannuation of the retired Government servant.
- (ii) That the said retired Government servant was clear from vigilance angle on the date of promotion of his immediate junior.
- (iii) A retired Government servant who is considered for *notional* promotion from the date of promotion of his immediate junior on the recommendation of a review DPC would also be entitled to fixation of pension on the basis of such *notional* pay.
- (iv) The *notional* promotion, *notional* pay fixation and revision of pension shall be further subject to extant rules on promotion, pay fixation and CCS (Pension) Rules, 1972. Actual increase in pension shall be given only from the date of approval of reviewed panel by the competent authority. No arrears shall be paid.

3. The provisions contained in this Office Memorandum shall become operational from the date of issue of this Office Memorandum. Past cases settled in accordance with the earlier provision shall not be reopened.

4. In so far as persons serving in the Indian Audit & Accounts Department are concerned, these orders issue after consultation with the Comptroller & Auditor General of India.

5. Hindi version will follow.

G. Jayanthi
(G. Jayanthi)
Joint Secretary (E.I)

To
All Ministries and Departments of Government of India.

OM No. 22011/3/2013-Estt.(D) dated 15th November, 2018

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9. The Secretary, Union Public Service Commission, New Delhi
10. The Chairman, Staff Selection Commission, New Delhi
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12. National Commission for Scheduled Castes / National Commission for Scheduled Tribes,
National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
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19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.


(Rajesh Sharma)

Under Secretary to the Government of India