

No. 35034/7/97-Estt (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

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New Delhi-110 001
September 15, 2005

OFFICE MEMORANDUM

Subject: - No supersession in promotion- Review of Recruitment Rules.

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The undersigned is directed to invite attention to the provisions of DoPT O.M. of even number dated 16th February, 2005 (copy enclosed) on the above noted subject and to say that the status report sought by 31st May, 2005 regarding review of the existing Service Rules/Recruitment Rules to bring them in conformity with the provisions of DoPT O.M. of even number dated 8th February, 2002 has not been received from most of the Ministries/Departments. Therefore, possibility of some of the Service Rules/Recruitment Rules not being reviewed as required persists.

2. Lok Sabha Sectt have separately informed DoPT that scrutiny of some of the Recruitment/Service Rules notified in 2003 and 2004, reveals that old entries viz. 'selection by merit' and 'selection-cum-seniority' have been used ignoring the provisions of DoPT O.M. dated 8th February, 2002. Lok Sabha Sectt have pointed out that non-observance of the guidelines of DoPT on the subject will lead to lack of uniformity in framing of Service Rules/Recruitment Rules and provide scope of different interpretations of the Rules. In this regard, some of the Recruitment Rules referred to by them are: -

- (1) The Ministry of Shipping, Road Transport and Highways, Department of Shipping, Accountant (Group 'B' Non-Gazetted posts) Recruitment Rules, 2004 (GSR 354 of 2004)
- (2) The Indian Air Force Group 'C' & 'D' Industrial Posts Recruitment (Amendment) Rules, 2003 (SRO 50 of 2003)
- (3) The National Cadet Corps Directorate Packers Recruitment Rules, 2003(SRO 64 of 2003)

- (4) Army Ordnance Corps (Group 'B' Gazetted) Ordnance Officer Civilian (Stores) Recruitment Rules, 2003 (SRO 71 of 2003)
- (5) The Navy Group 'C' (Instructional Staff) Posts Recruitment Rules, 2003 (SRO 62 of 2003).
- (6) The Ministry of Labour, Directorate General of Employment and Training (Group- 'C' and 'D') Recruitment Rules, 2004(GSR 344 of 2004)

3. It is, therefore, observed that the Rules notified by certain Ministries/Departments after issue of O.M. dated 8.2.2002 are not fully in conformity with the provisions of the said Office Memorandum.

4. All Ministries/Departments are again requested to immediately review the existing Service Rules/Recruitment Rules, including those notified after 8th February 2002, in respect of all Posts/Services in the Ministry/Department, and their attached and subordinate offices, to bring the provisions of the relevant Rules in conformity with the provisions of DoPT O.M. dated 8.2.2002.

5. A certificate to the effect that all the Service Rules/Recruitment Rules in respect of all Services/posts in the Ministry/Department concerned, including in the attached/subordinate offices, have been reviewed and action has been initiated/completed to bring the provisions of the relevant Service Rules /Recruitment Rules in conformity with the requirements of DoPT O.M. dated 8.2.2002, may please be furnished to DoPT latest by **31st December, 2005.**


(Alok Saxena)
Director

To

All Ministries/Departments of Govt. of India

Copy to:-

Lok Sabha Sectt, Parliament House Annexe, New Delhi. (Ref their O.M. No. 38/273)/CII/2005 dated 12th April, 2005).

Copy also to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi
3. Cabinet Secretariat, New Delhi.
4. Lok Sabha Sectt /Rajya Sabha Sectt
5. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. Secretary, Union Public Service Commission, New Delhi..
8. Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for SCs, New Delhi.
11. National Commission for STs, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council(JCM), 13, Ferozeshah Road, New Delhi
14. All Officers and Sections in the Department of Personnel and Training.
15. Facilitation Center, DoP&T(20 copies).
16. Establishment (D) Section (200 copies)
17. North Eastern Council Sectt

No. 35035/7/97-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions.
(Department of Personnel and Training)

New Delhi-110001
February 16, 2005

OFFICE MEMORANDUM

Subject:- DPC Guidelines – No supersession in promotions – regarding.

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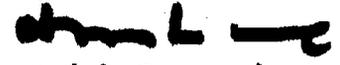
The undersigned is directed to refer to DoPT OM No. 35034/7/97-Estt (D) dated 8.2.2002 on the above noted subject and to say that in accordance with the decision of the Government not to permit supersessions in promotions, all Ministries/Departments were requested to take immediate steps to amend the Service/Recruitment Rules of various services/posts/grades so as to appropriately incorporate the mode of promotion as 'selection' in place of 'selection by merit' and 'selection-cum-seniority', as the case may be, to bring them in conformity with the above decision of the Government and to make promotions accordingly. To facilitate the amendments to the relevant Service Rules/Recruitment Rules, consultation with DoPT before carrying out the required amendments was dispensed with.

2. It has been brought to the notice of this Department by the UPSC that the Ministries/Departments have not initiated action to amend the Service Rules/Recruitment Rules and the Commission is being requested to hold DPCs in accordance with existing Service Rules/Recruitment Rules which provide for supersessions. Accordingly, the Commission has decided that any proposal for DPC, which is received and is found to be against the revised policy instructions, will be returned to the Ministries/Departments. A proposal would be considered only when the relevant Service Rules/Recruitment Rules were amended as envisaged in the DoPT OM dated 8.2.2002.

4. As orders in the matter were issued almost 3 years back, a situation where the Rules have still not been amended in conformity with the above decision of the Government cannot be justified or allowed to continue. All Ministries/Departments are, accordingly, requested to ensure that they review all Recruitment/Service Rules and carry out amendments in conformity with the decision contained in DoPT O.M. dated 8.2.2002 through a time bound exercise.

Contd..2/-

5. A status report in this regard may be furnished to this Department latest by 31st May 2005. The decision of the UPSC may also be noted.



(Alok Saxena)

Director

To

All Ministries/Departments of the Government of India.

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. Cabinet Secretariat, New Delhi.
4. Rajya Sabha Secretariat/ Lok Sabha Secretariat, New Delhi.
5. The Registrar General, Supreme Court of India.
6. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. Secretary, Union Public Service Commission w.r.t. his D.O No. F.10/7/2001-AUC dated 4.1.2005.
9. Staff Selection Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. National Commission for Scheduled Castes, New Delhi.
12. National Commission for Scheduled Tribes, New Delhi.
13. National Commission for OBCs, New Delhi.
14. Secretary, National Council(JCM), 13, Ferozeshah Road, New Delhi
15. Establishment Officer & A.S.
16. All Officers and Sections in the Department of Personnel and Training.
17. Director(CS), Lok Nayak Bhawan, Khan Market, New Delhi.
18. Facilitation Center, DoP&T(**20 copies**).
19. NIC (DoP&T) for placing this Office Memorandum on the Website of DoP&T
20. Establishment (D) Section (**200 copies**).

F.No.35034/7/97-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

New Delhi - 110 001
February 8, 2002

OFFICE MEMORANDUM

Subject:-Procedure to be observed by Departmental Promotion Committees (DPCs) - No supersession in 'selection' promotion - Revised Guidelines regarding.

The undersigned is directed to invite reference to the Department of Personnel and Training (DoP&T) Office Memorandum (O.M.) No.22011/5/86-Estt(D) dated March 10, 1989 and O.M. of even number dated April 10, 1989 [as amended by O.M.No.22011/5/91-Estt(D) dated March 27, 1997] which contain the instructions on the Departmental Promotion Committees (DPCs) and related matters. In regard to the 'selection' mode of promotion ('selection-cum-seniority' and 'selection by merit'), the aforesaid instructions prescribe the guidelines (as briefly discussed in paragraph 2 below) for overall 'grading' to be given by the DPC, 'bench-mark' for assessment of performance and the manner in which the 'select panel' has to be arranged for promotions to various levels of post/grade.

2. Existing Guidelines

2.1 As per the existing (aforementioned) instructions, in promotions *up to and excluding* the level in the pay-scale of Rs.12,000-16,500 (excepting promotions to Group 'A' posts/services from the lower group), if the mode happens to be 'selection-cum-seniority', then the bench-mark prescribed is 'good' and officers obtaining the said bench-mark are arranged in the select panel in the order of their seniority in the lower (feeder) grade. Thus, there is no supersession among those who meet the said bench-mark. Officers getting a grading lower than the prescribed bench-mark ('good') are not empanelled for promotion.

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| (i) DoP&T O.M.No.
22011/5/86-
Estt(D) dated
10.3.1989 |
| (ii) DoP&T O.M.No.
22011/5/86-
Estt(D) dated
10.4.1989 |
| (iii) DoP&T O.M.No.
22011/5/91-
Estt(D) dated
27.3.1997 |

2.2 In the case of promotions from lower Groups to Group 'A', while the mode of promotion happens to be 'selection by merit', the bench-mark prescribed is 'good' and only those officers who obtain the said bench-mark are promoted in the order of merit as per grading obtained. Thus, officers getting a superior grading supersede those getting lower grading. In other words, an officer graded as 'outstanding' supercedes those graded as 'very good' and an officer graded as 'very good' supercedes officers graded as 'good'. Officers obtaining the same grading are arranged in the select panel in the order of their seniority in the lower grade. Those who get a grading lower than the prescribed bench-mark ('good') are not empanelled for promotion.

2.3 In promotions to the level in the pay-scale of Rs.12,000-16,500/- and above, while the mode of promotion is 'selection by merit', the bench-mark prescribed is 'very good' and only those officers who obtain the said bench-mark are promoted in the order of merit as per the grading obtained, officers getting superior grading supersede those getting lower grading as explained in paragraph 2.2 above. Officers obtaining the same grading are arranged in the select panel in the order of their seniority in the lower grade. Those who get a grading lower than the prescribed bench-mark ('very good') are not empanelled for promotion

3. Revised Guidelines

The aforementioned guidelines which permit supersession in 'selection' promotion ('selection by merit') have been reviewed by the Government and after comprehensive/extensive examination of relevant issues it has been decided that there should be no supersession in matter of 'selection' (merit) promotion at any level. In keeping with the said decision, the following revised promotion norms/ guidelines, in partial modification (to the extent relevant for the purpose of these instructions) of all existing instructions on the subject (as referred to in paragraph 1 above) are prescribed in the succeeding paragraphs for providing guidance to the Departmental Promotion Committees (DPCs).

3.1 Mode of Promotion

In the case of 'selection' (merit) promotion, the hitherto existing distinction in the nomenclature ('selection by merit' and 'selection-cum-seniority') is dispensed with and the mode of promotion in all such cases is rechristened as 'selection' only. The element of selectivity (higher or lower) shall be determined with reference to the relevant bench-mark ("Very Good" or "Good") prescribed for promotion.

3.2 'Bench-mark' for promotion

The DPC shall determine the merit of those being assessed for promotion with reference to the prescribed bench-mark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded 'fit' (i.e. who meet the prescribed bench-mark) by the DPC shall be included and arranged in the select panel in order to their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed bench-mark) by the DPC shall not be included in the select panel. Thus, there shall be no supersession in promotion among those who are graded 'fit' (in terms of the prescribed bench-mark) by the DPC.

3.2.1 Although among those who meet the prescribed bench-mark, inter-se seniority of the feeder grade shall remain intact, eligibility for promotion will no doubt be subject to fulfilment of all the conditions laid down in the relevant Recruitment/Service Rules, including the conditions that one should be the holder of the relevant feeder post on regular basis and that he should have rendered the prescribed eligibility service in the feeder post.

3.3 Promotion to the revised pay-scale (grade) of Rs.12,000-16,500 and above

- (i) The mode of promotion, as indicated in paragraph 3.1 above, shall be 'selection'.
- (ii) The bench-mark for promotion, as it is now, shall continue to be 'very good'. This will ensure element of higher selectivity in comparison to selection promotions to the grades lower than the aforesaid level where the bench-mark, as indicated in the following paragraphs, shall be 'good' only.
- (iii) The DPC shall for promotions to said pay-scale (grade) and above, grade officers as 'fit' or 'unfit' only with reference to the bench-mark of 'very good'. Only those who are graded as 'fit' shall be included in the select panel prepared by the DPC in order of their inter-se seniority in the feeder grade. Thus, as already explained in paragraph 3.2 above, there shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed bench-mark of 'very good'

3.4 Promotion to grades below the revised pay-scale (grade) of Rs.12,000-16,500 (including promotions from lower Groups to Group 'A' posts/grades/services)

- (i) The mode of promotion, as indicated in paragraph 3.1 above, shall be 'selection'.
- (ii) The bench-mark for promotion, as it is now, shall continue to be 'good'.
- (ii) The DPC shall for promotion to posts/grades/services in the aforesaid categories, grade officers as 'fit' or 'unfit' only with reference to the bench-mark of 'good'. Only those who are graded as 'fit' shall be included in the select panel prepared by the DPC in order of their inter-se seniority in the feeder grade. Thus, as already explained in paragraph 3.2 above, there shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed bench-mark of 'good'.

3.5 Zone of consideration

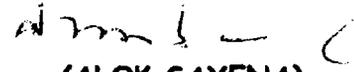
The guidelines relating to the 'zone of consideration' in its existing form (twice the number of vacancies plus four) shall continue to have general application. However, in view of the modifications in promotion norms indicated in paragraph 3.3 above, the following stipulation [as is already applicable in the case of promotions below the revised pay-scale (grade) of Rs.12,000-16,500/- vide DoP&T O.M.no.22011/8/98-Estt(D) dated November 6, 1998] is also made in the regard to the zone of consideration for promotion to the revised pay-scale (grade) of Rs.12,000-16,500/- and above:

"While the zone of consideration would remain as already prescribed, the DPC, in the aforesaid category of cases, may assess the suitability of eligible employees in the zone of consideration (in the descending order) for inclusion in the panel for promotion up to a number which is considered sufficient against the number of vacancies. With regard to the number of employees to be included in the panel, the DPC may also be required to keep in view the instructions issued vide Department of Personnel and Training Office Memorandum No. 22011/18/87-Estt(D) dated April 9, 1996 relating to norms for preparing extended panel for promotion. In respect of the remaining employees, the DPC may put a note in the minutes that "the assessment of the remaining employees in the zone of consideration is considered not necessary as sufficient number of employees with prescribed bench-mark have become available."

4. Provisions of the paragraph 1 (vii) of the DoP&T O.M.No.AB-14017/2/97-Estt(RR) dated May 25, 1998 stand modified in accordance with these revised instructions. In addition to this, if the guidelines contained in this Office Memorandum come in conflict with the provisions of any other executive instructions (O.M.) issued by DoP&T on this subject, the same shall be taken to be modified to the extent provided herein.

5. The instructions contained in this Office Memorandum shall come into force from the date of its issue.

6. **Ministries/Departments** are requested to give wide circulation to these revised instructions for general guidance in the matter so that immediate steps are taken to amend the Service Rules/Recruitment Rules of various services/posts/grades so as to appropriately incorporate the mode of promotion as 'selection' (in accordance with these instructions) in place of 'selection by merit' and 'selection-cum-seniority' (as was hitherto prescribed by the aforementioned O.M. dated March 27, 1997) as the case may be. The powers to amend Service Rules/Recruitment Rules in this regard are delegated to the Ministries/Departments. DoP&T need not be consulted to carry out the required amendments.


(ALOK SAXENA)

Deputy Secretary to the Government of India

To

All Ministries/Departments of the Government of India

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Cabinet Secretariat, New Delhi.
4. The Rajya Sabha Secretariat, New Delhi.
5. The Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Audit General of India, New Delhi.
7. The Union Public Service Commission, New Delhi with reference to their letter No.10/7/2001-AU(C) dated 30.10.2001 (20 copies).
8. The Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
10. Establishment Officer & Secretary, ACC (10 copies) (Smt Chitra Chopra)
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment (RR) Section, DoP&T (10 copies). They may also issue separate instructions in terms of the position indicated in paragraph 4 above.
13. Facilitation Centre, DoP&T - 20 spare copies
14. NIC (DOP&T Branch) for placing this Office Memorandum on the website of DoP&T.
15. Establishment (D) Section, DoP&T (500 copies)