

Annexure - I

No. 22011/5/86-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances
and Pensions
Department of Personnel and Training

*** **

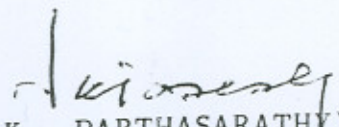
New Delhi, dated the 10th April, 1989

OFFICE MEMORANDUM

Subject : Departmental Promotion Committees and related matters - Consolidated instructions on -

...

The undersigned is directed to say that instructions on the constitution and functioning of Departmental Promotion Committees and the procedure to be followed in processing and implementing the recommendations of D.P.Cs. were issued in a consolidated form, vide this Department's OM No. 22011/6/75-Estt.(D), dated 30th December, 1976. Instructions have also been issued subsequently clarifying/modifying certain aspects of the procedure. The various instructions have been updated and consolidated in the form of "Guide Lines on Departmental Promotion Committees", a copy of which is forwarded herewith.


(S.K. PARTHASARATHY)
JOINT SECRETARY TO THE GOVT.
OF INDIA

To

All the Ministries/Departments of the Govt. of India.

/TS/

G U I D E L I N E S

O N

DEPARTMENTAL PROMOTION COMMITTEES

GUIDELINES ON DEPARTMENTAL PROMOTION COMMITTEES

CONTENTS INDEX

Page No.

PART - I	FUNCTIONS AND COMPOSITION OF DEPARTMENTAL PROMOTION COMMITTEES	1
	• Functions of DPCs ..	1
	• Composition of DPCs ..	1
PART - II	FREQUENCY OF DEPARTMENTAL PROMOTION COMMITTEE MEETINGS	3
	• Frequency at which DPC should meet ..	3
PART - III	PREPARATORY ACTION FOR HOLDING DEPARTMENTAL PROMOTION COMMITTEES	4
	• Determination of regular vacancies ..	4
	• Papers to be put for consideration by DPCs ..	5
	• Consideration of officers on deputation ..	6
	• Consideration of officers on study leave ..	6
	• Consideration of direct recruits ..	6
	• Reservation for SCs/STs ..	6

PART - IV

PROCEDURE TO BE OBSERVED BY
DEPARTMENTAL PROMOTION COMMITTEES

• Selection Method ..	7
• Confidential Reports ..	7
• Preparation of yearwise panels by DPC where they have not met for a number of years ..	11
• Non-Selection Method ..	12
• Confirmation ..	13
• Probation ..	13
• Efficiency Bar ..	13
• Procedure to be followed by DPC in respect of Government servants under cloud ..	13
• Adverse remarks in a CR ..	14
• Validity of the proceedings of DPCs when one member is absent ..	15

PART - V

PROCESSING AND IMPLEMENTATION OF
THE RECOMMENDATION OF DEPARTMENTAL
PROMOTION COMMITTEES

• Processing of recommendations of DPC ..	15
• Consultation with UPSC ..	15
• Approval of ACC ..	15
• Procedure to be followed when the Appointing Authority does not agree with Recommendations of DPC ..	16
• Appointing Authority to take decision within 3 months ..	16
• Implementation of the recommendations of DPC - Vigilance clearance ..	17
• Order in which promotions to be made ..	17
• Where eligible by direct recruitment and promotion ..	17
• Promotion of Officers on deputation ..	17
• EB cases ..	18

(iii)

Page No.

• Sealed cover cases- Action after completion of disciplinary/ criminal prosecution ..	18
• Six monthly Review of sealed cover cases ..	19
• Sealed cover procedure for confirmation ..	19
• Procedure for ad-hoc promotion ..	20
• Sealed cover procedure applicable to officers coming under cloud before promotion ..	21
• Date from which promotions are to be treated as Regular ..	22
• Refusal of Promotion ..	22
• Validity of a panel ..	23
• Review of Panels ..	23

PART - VI

REVIEW OF DEPARTMENTAL PROMOTION COMMITTEES

• When Review DFCs may be held ..	23
• Scope and Procedure ..	24
• Cases where adverse remarks have been expunged or turned down ..	24

ANNEXURES

I. Proforma for referring proposals for promotion to Union Public Service Commission ..	26
II. Proforma for referring proposals.. for confirmation ..	32
III. Check list for promotion cases ..	36
IV. Position regarding year-wise availability of ACRs. ..	38

GUIDELINES ON DEPARTMENTAL PROMOTION COMMITTEES

PART - I

FUNCTIONS AND COMPOSITION OF DEPARTMENTAL PROMOTION COMMITTEES

Functions of DPCs

A post is filled by promotion where the Recruitment Rules so provide. In making promotions, it should be ensured that suitability of the candidates for promotion is considered in an objective and impartial manner. For this purpose, Departmental Promotion Committee should be formed in each Ministry/Department/Office whenever an occasion arises for making promotions/confirmations etc. The DPCs so constituted shall judge the suitability of officers for :-

- (a) promotions to 'selection' as well as 'non-selection' posts;
- (b) confirmation in their respective grades/posts;
- (c) assessment of the work and conduct of probationers for the purpose of determining their suitability for retention in service or their discharge from it or extending their probation; and
- (d) consideration of cases of Government servants for crossing the Efficiency Bar.

Composition of DPCs

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

Pay scale (revised) of the post in which confirmation or to which promotion is to be considered by the DPC	Minimum status of officers who should be members of the DPC
1. Rs.2200-4000 or equivalent Rs.3000-4500 or equivalent	Officers of the rank of Deputy Secretary to the Government of India or above.
2. Rs.3000-5000 or equivalent	Officers of the rank of Director or above.
3. Rs.3700-5000 or equivalent Rs.4100-5300 or equivalent Rs.4500-5700 or equivalent	Officers of the rank of Joint Secretary to the Govt. of India or above. In such case the Secretary/Additional Secy. of the Department/Ministry should invariably be one of the members of the DPCs.
4. Rs.5100-5700 or equivalent Rs.5900-6700 or equivalent	Secretary/Additional Secy. to the Govt. of India

2.2 The Union Public Service Commission (UPSC) should be associated with DPCs in respect of all Central Civil Services/ posts belonging to Group A where promotion is based on the principles of selection unless it has been decided by the Government not to associate the UPSC with a Group A DPC. The UPSC need not be associated in respect of posts belonging to Group A, if the promotion is based not on the principles of selection but on seniority-cum-fitness.

2.3 The Commission need not be associated with a DPC constituted for considering the cases of confirmation of officers. The proceedings of the DPC which considered the confirmation of Group A officers should, however, be sent to the Commission for their approval. While doing so, the cases of officers not considered fit for confirmation along with their records should be specifically referred to the Commission for their approval.

2.4 Whenever the UPSC is associated with a DPC, the Chairman or a Member of the Commission will preside at the meeting of the DPC.

2.5 In respect of a DPC for Group C & D posts the Chairman of the DPC should be an officer of a sufficiently high level and one of the members of the DPC should be an officer from a Department not connected with the one in which promotions are considered. The other member(s) should be an officer of the Department familiar with the work of the persons whose suitability is to be assessed. The officer of another Department appointed as a member of the DPC should also be of an appropriate level keeping in view the level of the other members of the DPC and the post to which promotion is to be made. In the case of a DPC constituted for promotions to a technical post it may also be ensured that the officer nominated by another Department has also the requisite technical competence to advise on the suitability of the candidates under consideration.

2.6 Endeavour should also be made to nominate an SC/ST officer on the DPC constituted for various posts/services particularly where a DPC has to make bulk selection for a large number of vacancies, say 30 or more at a time. Where an outside member has to be associated with the DPC for Group C or Group D posts, there would be no objection to nominate on such a DPC, a SC/ST officer from such other Ministry/Department in the event of such officer not being available in the Ministry/Department itself.

2.7 In Group A and Group B Services/posts if none of the officers included in the DPC as per the composition given in the recruitment rules is a SC or ST officer, it would be in order to coopt a member belonging to the SC or ST if available within the Ministry/Department. If no such officer is available within the Ministry/Department, he may be taken from another Ministry/Department.

2.8 The composition of the DPC for considering the cases of Government servants for crossing the EB in a time scale of pay should be the same as the DPC constituted for the purpose of considering the cases of confirmation of the Government servants concerned with the only change that the UPSC need not be associated for considering EB cases.

P A R T - II

FREQUENCY OF DEPARTMENTAL PROMOTION COMMITTEE MEETINGS

Frequency at which DPC should meet

L e.g.,

3.1 The DPCs should be convened at regular annual intervals to draw panels which could be utilised on making promotions against the vacancies occurring during the course of a year. For this purpose it is essential for the concerned appointing authorities to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like CRs, integrity certificates, seniority list etc. for placing before the DPC. DPCs could be convened every year if necessary on a fixed date/1st April or May. The Ministries/Departments should lay down a time schedule for holding DPCs under their control and after laying down such a schedule the same should be monitored by making one of their officers responsible for keeping a watch over the various cadre authorities to ensure that they are held regularly. Holding of DPC meetings need not be delayed or postponed on the ground that recruitment rules for a post are being reviewed/amended. A vacancy shall be filled in accordance with the recruitment rules in force on the date of vacancy, unless rules made subsequently have been expressly given retrospective effect. Since Amendments to recruitment rules normally have only prospective application, the existing vacancies should be filled as per the recruitment rules in force.

3.2 The requirement of convening annual meetings of the DPC should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled by promotion or no officers are due for confirmation during the year in question.

P A R T - III

PREPARATORY ACTION FOR HOLDING DEPARTMENTAL
PROMOTION COMMITTEES

Determina-
tion of
regular
vacancies

4.1 It is essential that the number of vacancies in respect of which a panel is to be prepared by a DPC should be estimated as accurately as possible. For this purpose the vacancies to be taken into account should be the clear vacancies arising in a post/grade/service due to death, retirement, resignation, regular long term promotion and deputation or from creation of additional posts on a long term. As regards vacancies arising out of deputation, only those cases of deputation for periods exceeding one year should be taken into account, due note, however, being kept also of the number of the deputationists likely to return to the cadre and who have to be provided for. Purely short term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training etc., should not be taken into account for the purpose of preparation of a panel. In cases where there has been delay in holding DPCs for a year or more, vacancies should be indicated year-wise separately.

Papers to
be put up
for con-
sideration
by DPCs.

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

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

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

4.2.4. The ACR folder should be checked to verify whether the ACRs for the individual years are available. For this purpose, the proforma enclosed (Annexure-IV) should be filled in and sent to UPSC. If the ACR for a particular year is not available and for valid/justifiable reasons it cannot be made available, a certificate should be recorded to that effect and placed in the ACR folder.

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

"The records of service of the following officers who are to be considered for promotion/confirmation in the grade have been carefully scrutinised and it is certified that there is no doubt about their integrity".

If there are names of persons, in the list of eligible candidates, whose integrity is suspect or has been held in doubt at one stage or other, this fact should also be specifically recorded by the Ministry/Department/office concerned and brought to the notice of the DPC.

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

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

Consideration
of officers
on deputation

4.3.1. The names of the officers who are on deputation, either on their own volition or in public interest (including foreign service), should also be included in the list submitted to the DPC for consideration for promotion in case they come within the field of choice for promotion and fulfil the prescribed eligibility conditions. Similarly, the names of the officers on deputation should also be included in the list of names to be considered by the DPC for confirmation, in case they are eligible for confirmation and come within the range of seniority.

4.3.2. Very often a certain number of years of service in the lower grade is prescribed as a condition for becoming eligible for consideration for promotion to a higher post/grade. In such cases, the period of service rendered by an officer on deputation/foreign service, should be treated as comparable service in his parent department for purposes of promotion

as well as confirmation. This is subject to the condition that the deputation/foreign service, is with the approval of the competent authority and it is certified by the competent authority that but for deputation/foreign service, the officer would have continued to hold the relevant post in his parent department. Such a certificate would not be necessary if he was holding the departmental post in a substantive capacity.

Consideration
of officers on
Study Leave

4.4. An officer proceeding on study leave should be treated on the same basis as an officer proceeding on deputation if the study leave was duly sanctioned by the competent authority and the competent authority certified that he would have continued to officiate but for his proceeding on study leave. Such a certificate would not be necessary if he was holding the said departmental post substantively. These instructions would also apply in the cases of Government servants who are granted special leave for training abroad under the various training schemes.

Consideration
of Direct
Recruits

4.5 It may happen that a Government servant who is recommended for appointment to a post as a direct recruit may also be among those eligible for consideration for promotion to the same post. An officer does not lose his right of consideration for such promotion merely because he has been recommended for appointment against the direct recruitment quota. Therefore, such officers, if they are within the field of eligibility, should be included in the list of officers for consideration by the DPC, excepting where an officer was holding the lower post in a temporary capacity and has been appointed to the higher post as a direct recruit before the date of the meeting of the DPC.

Reservation
for SCs/STs

4.6 Instructions have been issued from time to time by the Department of Personnel and Training regarding reservations and concessions to SCs and STs in the matter of promotions and confirmations. These instructions should be duly taken into account by the appointing authorities while formulating proposals for promotion/confirmation for consideration of the DPC.

P A R T - IV

PROCEDURE TO BE OBSERVED BY
DEPARTMENTAL PROMOTION COMMITTEES

5. Each Departmental Committee should decide its own method and procedure for objective assessment of the suitability of the candidates. No interviews should be held unless it has been specifically provided for in the recruitment rules for the post/service. Whenever promotions are to be made by the method of 'Selection' by DPC and the administrative ministry desires that an interview should form part of the selection process, necessary provision should be made in the recruitment rules.

Selection Method

6.1.1 Where promotions are to be made by selection method as prescribed in the recruitment rules, the DPC shall, for the purpose of determining the number of officers who will be considered from out of those eligible officers in the feeder grade(s), restrict the field of choice as under with reference to the number of clear regular vacancies proposed to be filled in the year;

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

Guidelines for DPCs

6.1.2. At present DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them. In order to ensure greater selectivity in matters of promotions and for having uniform procedures for assessment by DPCs, fresh guidelines are being prescribed. The matter has been examined and the following broad guidelines are laid down to regulate the assessment of suitability of candidates by DPCs.

6.1.3. While merit has to be recognised and rewarded, advancement in an officer's career should not be regarded as a matter of course, but should be earned by dint of hard work, good conduct and result oriented performance as reflected in the annual confidential reports and based on strict and rigorous selection process.

6.1.4. Government also desires to clear the misconception about "Average" performance. While "Average" may not be taken as adverse remark in respect of an officer, at the same time, it cannot be regarded as complimentary to the officer, as "Average" performance should be regarded as routine and undistinguished. It is only performance that is above average and performance that is really noteworthy which should entitle an officer to recognition and suitable rewards in the matter of promotion.

Confiden- tial Reports

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

- (a) The DPC should consider CRs for equal number of years in respect of all officers considered for promotion subject to (c) below.

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

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

(d) Where an officer is officiating in the next higher grade and has earned CRs in that grade, his CRs in that grade may be considered by the DPC in order to assess his work, conduct and performance, but no extra weightage may be given merely on the ground that he has been officiating in the higher grade.

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

(f) If the Reviewing authority or the Accepting authority as the case may be has over-ruled the Reporting Officer or the Reviewing authority as the case may be, the remarks of the latter authority should be taken as the final remarks for the purposes of relevant entries that the higher authority has come to a different assessment consciously after due application of mind. If the remarks of the Reporting Officer, Reviewing authority and Accepting authority are complementary to each other and one does not have the effect of over-ruling the other, then the remarks should be read together and the final assessment made by the DPC.

Assessment provided it is apparent from the

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

6.2.3. Before making the overall grading after considering the CRs for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the ACRs. The DPC should also have regard to the remarks against the column on integrity.

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

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

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

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

- (iii) Appointments from the panel shall be made in the order of names appearing in the panel for promotion.
- (iv) Where sufficient number of officers with the required benchmark grade are not available within the zone of consideration, officers with the required benchmark will be placed on the panel and for the unfilled vacancies, the appointing authority should hold a fresh D.P.C. by considering the required number of officers beyond the original zone of consideration.

6.3.2.(i) In promotions by selections to posts/services within Group 'A' which carry an ultimate salary of Rs.5700/- p.m. in the revised scale, the SCs/STs officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would notwithstanding the prescription of 'benchmark' be included in that list provided they are not considered unfit for promotion.

(ii) In promotion by selection to posts/services in Group 'B' within Group 'B' and from Group 'B' to the lowest rung in Group 'A', selection against vacancies reserved for SCs and STs will be made only from those SCs/STs officers, who are within normal zone of consideration prescribed vide the Department of Personnel and A.R. O.M. No. 22011/3/76-Estt.(D) dated 24th December, 1980. Where adequate number of SCs/STs candidates are not available within the normal field of choice, it may be extended to five times the number of vacancies and the SCs/STs candidates coming within the extended field of choice should also be considered against the vacancies reserved for them. If candidates from SCs/STs obtain on the basis of merit with due regard to seniority, on the same basis as others, lesser number of vacancies than the number reserved for them, the difference should be made up by selecting candidates of these communities, who are in the zone of consideration, irrespective of merit and 'bench mark' but who are considered fit for promotion.

(iii) As regards promotions made by selection in Group 'C' and Group 'D' posts/services, Select Lists of SCs/STs officers should be drawn up separately in addition to the general select list, to fill up the reserved vacancies. SCs/STs officers who are within the normal zone of consideration, should be considered for promotion alongwith and adjudged on the same basis as others and those SCs and STs amongst them, who are selected on that basis may be included in the general Select List in addition to their being considered for inclusion in the separate Select Lists for SCs and STs respectively. In the separate Select Lists drawn up respectively for SCs and STs, officers belonging to the SCs and STs will be adjudged separately amongst themselves and not alongwith others and, if selected, they should be included in the concerned separate list,

irrespective of their merit as compared to other officers and the 'bench mark' determined by the cadre authorities. If candidates from SCs/STs obtain on the basis of their position in the aforesaid general list, lesser number of vacancies than are reserved for them, the difference should be made up by selected candidates of these communities in the separate Select Lists for SCs and STs respectively.

Preparation of
Yearwise panels
by DPC where
they have not
met for a
number of
years

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

- (i) Determine the actual number of regular vacancies that arose in each of the previous year(s) immediately preceding and the actual number of regular vacancies proposed to be filled in the current year separately.
- (ii) Consider in respect of each of the years those officers only who would be within the field of choice with reference to the vacancies of each year starting with the earliest year onwards.
- (iii) Prepare a 'Select List' by placing the select list of the earlier year above the one for the next year and so on;

6.4.2. Where a DPC has already been held in a year further vacancies arise during the same year due to death, resignation, voluntary retirement etc. or because the vacancies were not intimated to the DPC due to error or omission on the part of the Department concerned, the following procedure should be followed:-

- (i) Vacancies due to death, voluntary retirement, new creations, etc., clearly belonging to the category which could not be foreseen at the time of placing facts and material before the DPC. In such cases, another meeting of the DPC should be held for drawing up a panel for these vacancies as these vacancies could not be anticipated at the time of holding the earlier DPC. If, for any reason, the DPC cannot meet for the second time, the procedure of drawing up of year-wise panels may be followed when it meets next for preparing panels in respect of vacancies that arise in subsequent year(s).
- (ii) In the second type of cases of non-reporting of vacancies due to error or omission (i.e. though the vacancies were there at the time of holding of DPC meeting they were not reported to it) results in injustice to the officers concerned by artificially restricting the zone of consideration. The wrong done cannot be rectified by holding a second DPC or preparing an year-wise panel. In all such cases, a review DPC should be held keeping in mind the total vacancies of the year.

6.4.3. For the purpose of evaluating the merit of the officers while preparing year-wise panels, the scrutiny of the record of service of the officers should be limited to the records that would have been available had the DPC met at the appropriate time. For instance for preparing a panel relating to the vacancies of 1978 the latest available records of service of the officers either upto December 1977 or the period ending March, 1978 as the case may be, should be taken into account and not the subsequent ones. However, if on the date of the meeting of the DPC, departmental proceedings are in progress and under the existing instructions sealed cover procedure is to be followed, such procedure should be observed even if departmental proceedings were not in existence in the year to which the vacancy related. The officer's name should be kept in the sealed cover till the proceedings are finalised.

6.4.4. While promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies relate to earlier year(s).

7. Non- Selection Method:

Where the promotions are to be made on 'non-selection' basis according to Recruitment Rules, the DPC need not make a comparative assessment of the records of officers and it should categorise the officers as 'fit' or 'not yet fit' for promotion on the basis of assessment of their record of service. While considering an officer 'fit', guidelines in para 6.1.4. should be borne in mind. The officers categorised as 'fit' should be placed in the panel in the order of their seniority in the grade from which promotions are to be made.

8. Confirmation :

In the case of confirmation, the DPC should not determine the relative merit of officers but it should assess the officers as 'Fit' or 'Not yet fit' for confirmation in their turn on the basis of their performance in the post as assessed with reference to their record of service.

9. Probation :

In the case of probation, the DPC should not determine the relative grading of officers but only decide whether they should be declared to have completed the probation satisfactorily. If the performance of any probationer is not satisfactory, the DPC may advise whether the period of probation should be extended or whether he should be discharged from service.

10. Efficiency Bar :

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

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

11.1 At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee:-

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

11.2 The D.P.C. shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned above alongwith other eligible candidate without taking into consideration the disciplinary case/criminal prosecution, pending or contemplated, against them or the investigation in progress. The assessment of the DPC, including "Unfit for Promotion", and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed 'Findings regarding suitability for promotion to the grade/post of _____ in respect of Shri _____ (name of the Government servant). Not to be opened till the termination of the disciplinary case/criminal prosecution against Shri _____. The proceedings of the DPC need only contain the note "The findings are contained in the attached sealed cover". The authority competent to fill the vacancy should be separately advised to fill the vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of a Government servant for his promotion are kept in a sealed cover.

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

Adverse
remarks
in a C.R.

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

12.2 In a case where a decision on the representation of an officer against adverse remarks has not been taken or the time allowed for submission of representation is not over, the DPC may in their discretion defer the consideration of the case until a decision on the representation.

13. An officer whose increments have been withheld or who has been reduced to a lower stage in the time scale, cannot be considered on that account to be ineligible for promotion to the higher grade as the specific penalty of withholding promotion has not been imposed on him. The suitability of the officer for promotion should be assessed by the DPC as and when occasions arise for such assessment. In assessing the suitability, the DPC will take into account the circumstances leading to the imposition of the penalty

and decide whether in the light of the general service record of the officer and the fact of the imposition of the penalty he should be considered suitable for promotion. However, even where the DPC considers that despite the penalty the officer is suitable for promotion, the officer should not be actually promoted during the currency of the penalty.

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

Validity of the proceedings of DPCs when one member is absent

15. The proceedings of the Departmental Promotion Committee shall be legally valid and can be acted upon notwithstanding the absence of any of its members other than the Chairman provided that the member was duly invited but he absented himself for one reason or the other and there was no deliberate attempt to exclude him from the deliberation of the DPC and provided further that the majority of the members constituting the Departmental Promotion Committee are present in the meeting.

P A R T - V

PROCESSING AND IMPLEMENTATION OF THE RECOMMENDATIONS OF DEPARTMENTAL PROMOTION COMMITTEE

Processing of recommendations of D.P.C.

16.1 The recommendations of the DPC are advisory in nature and should be duly approved by the appointing authority. Before the recommendations are so approved the appointing authority shall consult all concerned as indicated below, without undue delay.

Consultation with U.P.S.C.

16.2 The recommendations of the DPC whether it included a Member of the UPSC or not should be referred to the Commission for approval, if -

(i) Consultation with the Commission is mandatory under Article 320(3) of the Constitution, read with UPSC (Exemption from Consultation) Regulations, 1958. However, a reference may be made to the Regulations, as and when necessary.

(ii) The Member of the Commission who presides over the DPC specifically desires that the Commission should be consulted.

Approval of ACC

16.3 Where the posts fall within the purview of the Appointments Committee of the Cabinet, the approval of ACC should also be obtained.

Procedure to be followed when the Appointing Authority does not agree with Recommendations of DPC

16.4.1. There may be certain occasions when the appointing authority may find it necessary to disagree with the recommendations of the DPC. The procedure to be followed in such cases is indicated below.

16.4.2. Where UPSC is associated with the DPC the recommendations of the DPC should be treated as recommendations of UPSC. If it is so considered necessary by the appointing authority to vary or disagree with the recommendations of the DPC the prescribed procedure for over-ruling the recommendations of UPSC (not incorporated in these guidelines) should be followed.

16.4.3. The recommendations of the DPC on which UPSC is not represented should be dealt with as under:-

(a) Where the appointing authority, being lower than the President of India, does not agree with the recommendations of the DPC, such appointing authority should indicate the reasons for disagreeing and refer the entire matter to the DPC for reconsideration of its earlier recommendations. In case the DPC reiterates its earlier recommendations, giving also reasons in support thereof, the appointing authority may accept the recommendations, if the reasons adduced by the DPC are convincing; if that authority does not accept the recommendations of the DPC it shall submit the papers to the next higher authority with its own recommendations. The decision of the next higher authority shall be final.

(b) Where the appointing authority is the President of India, the recommendations of the DPC should be submitted to the Minister in Charge of the Department concerned for acceptance or otherwise of the recommendations. In case the circumstances do necessitate, the Minister may refer the matter again to the DPC for reconsideration of its earlier recommendations. If the DPC reiterates its earlier recommendations giving also reasons in support thereof, the matter should be placed before the Minister for his decision. The decision taken by the Minister either to accept or to vary the recommendations of the DPC shall be final.

Appointing Authority to take decision within 3 months.

16.5.1. In cases excepting those which require the approval of the Appointments Committee of the Cabinet the appointing authority should take a decision either to accept or disagree with the recommendations of the DPC within a time-limit of three months (from the date of the DPC meeting or the date of communication of the UPSC's approval to the panel, where such approval is required). Where the appointing authority proposes to disagree with the recommendations, the relevant papers should be submitted by the appointing authority to the next higher authority with its own recommendations/cases in which the UPSC is associated with the DPC and the appointing authority proposes to disagree with the recommendations of the DPC, the case should be forwarded

[by the expiry of the period of three months. In those

to the Establishment Officer in the Department of Personnel and Training for placing the matter before the Appointments Committee of the Cabinet as soon as possible and, in any case, not later than three months from the date on which the validity of the panel commences.

16.5.2. In cases where the panel prepared by the DPC requires the approval of the A.C.C, proposals therefor along-with the recommendations of the Minister-in-Charge should be sent to the Establishment Officer before expiry of the same time-limit of three months.

Implementation of
the recommenda-
tions of DPC -
Vigilance Clea-
rance

17.1 A clearance from the Vigilance Section of the Office/ Department should also be obtained before making actual promotion or confirmation of officer approved by DPC to ensure that no disciplinary proceedings are pending against the officer concerned.

Order in
which promotions
to be made

17.2 Promotion of whatever duration should as far as possible be made in the order in which the names of the officers appear in the panel. Exception to this rule may be necessary where a large number of vacancies are to be filled within a comparatively short period or it is convenient and desirable to make postings with due regard to the location and experience of the officers concerned or where short term vacancies have to be filled on local and ad-hoc basis.

Where eligible
by direct rec-
ruitment and
promotion

17.3 If a person's name is included in the panel for promotion to the higher post (to which appointment can be made by promotion as well as by direct recruitment) and also in the panel for direct recruitment to the said higher post, he should be appointed as a direct recruit or as a promotee, having regard to the fact whether his turn for appointment comes earlier from the direct recruitment list or from the promotion list, as the case may be.

Promotion of
officers on
deputation

17.4.1. If the panel contains the name of a person who has gone on deputation or on foreign service in the public interest including a person who has gone on study leave, provision should be made for his regaining the temporarily lost seniority in the higher grade on his return to the cadre. Therefore, such an officer need not be reconsidered by a fresh DPC, if any, subsequently held, while he continues to be on deputation/foreign service/study leave so long as any officer junior to him in the panel is not required to be so considered by a fresh DPC irrespective of the fact whether he might or might not have got the benefit of proforma promotion under the NBR. The same treatment will be given to an officer included in the panel who could have been promoted within the currency of the panel but for his being away on deputation.

17.4.2. In case the officer is serving on an ex-cadre post on his own volition by applying in response to an advertisement, he should be required to revert to his parent cadre immediately when due for promotion, failing which his name shall be removed from the panel. On his reverting to the parent cadre after a period of two years he will have no claim for promotion to the higher grade on the basis of that panel. He should be considered in the normal course along with other eligible officers when the next panel is prepared and he should be promoted to the higher grade according to his position in the fresh panel. His seniority, in that event, shall be determined on the basis of the position assigned to him in the fresh panel with reference to which he is promoted to the higher grade. (If the panel contains the name of an officer on study leave, he should be promoted to the higher post on return from the study leave. He should also be given seniority according to his position in the panel and not on the basis of the date of promotion).

EB cases

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

Sealed cover cases - Action after completion of disciplinary/criminal prosecution

17.6.1. If the proceedings of a DPC for promotion contain findings in a sealed cover, on the conclusion of the disciplinary case/ criminal prosecution, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior-most officiating person. He may be promoted notionally with reference to the date of promotion of his junior but he will not be allowed any arrears of pay for the period preceding the date of actual promotion.

17.6.2. If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him.

Six mont hly
Review of
sealed cover
cases

17.7.1. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any Government servant is not unduly prolonged and all efforts to finalise expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. The appointing authorities concerned should review comprehensively the case of a Government servant whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first DPC which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review, should, inter-alia, cover the following aspects:

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

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

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

Sealed cover
procedure for
confirmation

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

Procedure for
ad-hoc
promotion

17.8.1. In spite of the six monthly review referred to in para 17.7.1. above, there may be some cases where the disciplinary case/criminal prosecution against the Government servant are not concluded even after the expiry of two years from the date of the meeting of the first DPC, which kept its findings in respect of the Government servant in a sealed cover. In such a situation the appointing authority may review the case of the Government servant, provided he is not under suspension, to consider the desirability of giving him ad-hoc promotion keeping in view the following aspects:-

- a) Whether the promotion of the officer will be against public interest;
- b) Whether the charges are grave enough to warrant continued denial of promotion;
- c) Whether there is no likelihood of the case coming to a conclusion in the near future;
- d) Whether the delay in the finalisation of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the Government servant concerned; and
- e) Whether there is any likelihood of misuse of official position which the Government servant may occupy after ad-hoc promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

The appointing authority should also consult the Central Bureau of Investigation and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Bureau.

17.8.2. In case the appointing authority comes to a conclusion that it would not be against the public interest to allow ad-hoc promotion to the Government servant, his case should be placed before the next DPC held in the normal course after the expiry of the two years period to decide whether the officer is suitable for promotion on ad-hoc basis. Where the Government servant is considered for ad-hoc promotion, the D.P.C. should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecution against him.

17.8.3. After a decision is taken to promote a Government servant on an ad-hoc basis, an order of promotion may be issued making it clear in the order itself that:-

- i) the promotion is being made on purely ad-hoc basis and the ad-hoc promotion will not confer any right for regular promotion; and
- ii) the promotion shall be "until further orders". It should also be indicated in the orders that the Government reserve the right to cancel at any time the ad-hoc promotion and revert the Government servant to the post from which he was promoted.

17.8.4. If the Government servant concerned is acquitted in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the ad-hoc promotion already made may be confirmed and the promotion treated as a regular one from the date of the ad-hoc promotion with all attendant benefits. In case the Government servant could have normally got his regular promotion from a date prior to the date of this ad-hoc promotion with reference to his placement in the DPC proceedings kept in the sealed cover(s) and the actual date of promotion of the person ranked immediately junior to him by the same DPC, he would also be allowed his due seniority and benefit of notional promotion as envisaged in para 17.6.1. above.

17.8.5. If the Government servant is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the Government servant is not fully exonerated in the departmental proceedings, the ad-hoc promotion granted to him should be brought to an end.

Sealed cover
procedure
applicable to
officers coming
under cloud
before
promotion

17.9 A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 11.1 above arise after the recommendations of the DPC are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this part will be applicable in his case also.

Date from
which pro-
motions are
to be treated
as Regular

17.10 The general principle is that promotion of officers included in the panel would be regular from the date of validity of the panel or the date of their actual promotion whichever is later.

L the

17.11 In cases where the recommendations for promotion are made by the DPC presided over by a Member of the UPSC and such recommendations do not require to be approved by the Commission, the date of Commission's letter forwarding fair copies of the minutes duly signed by the Chairman of the DPC or the date of the actual promotion of the officers, whichever is later, should be reckoned as the date of regular promotion of the officer. In cases where the Commission's approval is also required the date of UPSC's letter communicating its approval or the date of actual promotion of the officer whichever is later will be relevant date. In all other cases the date on which promotion will be effective will be the date on which the officer was actually promoted or the date of the meeting of the DPC whichever is later. Where the meeting of the DPC extends over more than one day the last date on which the DPC met shall be recorded as the date of meeting of the DPC.

Appointments to posts falling within the purview of ACC can, however, be treated as regular only from the date of approval of ACC or actual promotion whichever is later except in particular cases where the ACC approves appointments from some other date.

Refusal of
Promotion

17.12 When a Government employee does not want to accept a promotion which is offered to him he may make a written request that he may not be promoted and the request will be considered by the appointing authority, taking relevant aspects into consideration. If the reasons adduced for refusal of promotion are acceptable to the appointing authority, the next person in the select list may be promoted. However, since it may not be administratively possible or desirable to offer appointment to the persons who initially refused promotion, on every occasion on which a vacancy arises, during the period of validity of the panel, no fresh offer of appointment on promotion shall be made in such cases for a period of one year from the date of refusal of first promotion or till a next vacancy arises whichever is later. On the eventual promotion to the higher grade, such Government servant will lose seniority vis-a-vis his juniors promoted to the higher grade earlier irrespective of the fact whether the posts in question are filled by selection or otherwise. The above mentioned policy will not apply where ad-hoc promotions against short term vacancies are refused.

Validity
of a panel

17.13.1 The panel for promotion drawn up by DPC for 'selection' posts would normally be valid for one year. It should cease to be in force on the expiry of a period of one year and six months or when a fresh panel is prepared, whichever is earlier.

17.13.2 The date of commencement of the validity of panel will be the date on which the DPC meets. In case the DPC meets on more than one day, the last date of the meeting would be the date of commencement of the validity of the panel. In case the panel requires, partially or wholly, the approval of the Commission, the date of validity of panel would be the date (of Commission's letter) communicating their approval to the panel. It is important to ensure that the Commission's approval to the panel is obtained, where necessary, with the least possible delay.

Review of
Panels

17.14 The 'select list' should be periodically reviewed. The names of those officers who have already been promoted (otherwise than on a local or purely temporary basis) and continue to officiate should be removed from the list and rest of the names, if they are still within the consideration zone, alongwith others who may now be included in the field of choice should be considered for the 'select list' for the subsequent period.

P A R T - VI

REVIEW D.P.C.s

When Review
DPCs may be
held

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

- a) where eligible persons were omitted to be considered; or
- b) where ineligible persons were considered by mistake; or
- c) where the seniority of a person is revised with retrospective effect resulting in a variance of the seniority list placed before the DPC; or

- d) Where some procedural irregularity was committed by a DPC; or
- e) Where adverse remarks in the CRs were toned down or expunged after the DPC had considered the case of the officer.

These instances are not exhaustive but only illustrative.

Scope and procedure

18.2 A Review DPC should consider only those persons who were eligible as on the date of meeting of original DPC. That is, persons who became eligible on a subsequent date should not be considered. Such cases will, of course, come up for consideration by a subsequent regular DPC. Further the review DPC should restrict its scrutiny to the CRs for the period relevant to the first DPC. the CRs written for subsequent periods should not be considered. If any adverse remarks relating to the relevant period, were toned down or expunged, the modified CRs should be considered as if the original adverse remarks did not exist at all.

18.3 A Review DPC is required to consider the case again only with reference to the technical or factual mistakes that took place earlier and it should neither change the grading of an officer without any valid reason (which should be recorded) nor change the zone of consideration nor take into account any increase in the number of vacancies which might have occurred subsequently.

Cases where adverse remarks have been expunged or toned down

18.4.1. In cases where the adverse remarks were toned down or expunged subsequent to consideration by the DPC, the procedure set out herein may be followed. The appointing authority should scrutinise the case with a view to decide whether or not a review by the DPC is justified, taking into account the nature of the adverse remarks toned down or expunged. In cases where the UPSC have been associated with the DPC, approval of the Commission would be necessary for a review of the case by the DPC.

18.4.2. While considering a deferred case, or review of the case of a superseded officer, if the DPC finds the officer fit for promotion/confirmation, it would place him at the appropriate place in the relevant select list/list of officers considered fit for confirmation or promotion after taking into account the toned down remarks or expunged remarks and his promotion and confirmation will be regulated in the manner indicated below.

18.4.3. If the officers placed junior to the officer concerned have been promoted, he should be promoted immediately and if there is no vacancy the junior most person officiating in the higher grade should be reverted to accommodate him. On promotion, his pay should be fixed under F.R. 27 at the stage it would have reached, had he been promoted from the date the officer immediately below him was promoted but no arrears would be admissible. The seniority of the officer would be determined in the order in which his name, on review, has been placed in the select list by DPC. If in any such case a minimum period of qualifying service is prescribed for promotion to higher grade, the period from which an officer placed below the officer concerned in the select list was promoted to the higher grade, should be reckoned towards the qualifying period of service for the purpose of determining his eligibility for promotion to the next higher grade.

18.4.4. In the case of confirmation, if the officer concerned is recommended for confirmation on the basis of review by the DPC, he should be confirmed and the seniority already allotted to him on the basis of review should not be disturbed by the delay in confirmation.

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

.....

1. Name of Ministry/Department/
Office.

.....

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

Name	Designation	Office	Tele No.
1.	2.	3.	4.

.....

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

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

.....

Total No. of posts filled on ad-hoc basis		No. of regular vacancies falling in promotion quota		Total
Pmt.	Temp.	Existing	Anticipated for current year panel only)	
5.		6.		7.

.....

4. Yearwise break up of the number of regular vacancies indicated in column 7 of item 3.

Year	General	SC	ST	Total
------	---------	----	----	-------

5. Recruitment Rules for the grade/post:

- (a) Date on which the Recruitment Rules were notified in the Gazette of India and UPSC reference under which they were approved.
- (b) Method of recruitment prescribed:
 - (i) % direct recruitment
 - (ii) % Promotion
 - (iii) % deputation/transfer
- (c) Whether an up-to-date copy of the recruitment rules has been enclosed. (This should invariably be sent for reference). If any changes in the recruitment rules have been agreed to by the Commission after they were notified, details should be attached.

If, after the approval of the recruitment rules any other post has been created which should normally be included in the field of promotion, give details.

6. Grade or posts from which promotion is to be made.

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

7. UPSC reference No. under which promotion to the grade/post was last considered.

8. Seniority List

- (a) Whether the seniority list as in the prescribed proforma (attached) has been enclosed. If there are more than one feeder grade, enclose separate seniority lists for each grade together with combined Seniority List.
- (b) Whether all eligible officers including those belonging to SC/ST and those on deputation etc. are included and whether those belonging to SC/ST and those who are on deputation are clearly indicated in the seniority list.
- (c) Whether the list, before finalisation was circulated to all concerned.

Whether there are any officers whose seniority has not been finalised. If so, give details.

- e) Whether the seniority list has been duly authenticated by an officer not below the rank of Under Secretary to the Govt. of India
- f) Whether the list has undergone any changes since it was last placed before the DPC. If so, give details (in the proforma attached).

an eligibility list showing separately officers who are eligible for different years for which the Select List is to be prepared should be drawn up and enclosed. The eligibility list for past years should be drawn up as on the 31st December of the year for which the panel is drawn. In cases where there are more than one feeder grade for which no specific quotas have been earmarked, a common eligibility list should be forwarded.

9. Character Rolls

Complete and up to date character rolls of all the eligible officers are required.

- (a) Whether a list (in duplicate) has been attached showing the names of officers whose character rolls are enclosed with this reference ?
- (b) Are the character rolls complete and upto date? (Character rolls should be sent only after they have been completed).

11. Integrity Certificate:

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

12. Self Contained note for the DPC.

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

13. Check List

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

Signature _____

Designation _____

Date _____

Particulars of changes in the seniority list

Vide Item 8(f) of the DPC Proforma

(I)

Name of the Officers which were included in the last seniority list but have been deleted in the present seniority list. Reason for deletion

1. 2.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

16.

17.

18.

19.

20.

21.

22.

23.

24.

25.

26.

Seniority list of officers in the grade of _____

as on _____

Vide Item 8(a) of the DPC Proforma

1. Name of the Officer	Whether belongs to S/C or S/T If not, say neither	Date of birth	Date of regular appointment to the grade
2.	3.	4.	5.

PSC reference in which recommended/ approved	Post held substantively	Remarks
6.	7.	8.

* Signature of authenticating Officer

Designation _____

Date _____

* To be signed by an officer of or above the rank of Under Secretary.

PROFORMA FOR REFERRING PROPOSALS FOR CONFIRMATION

1. Name of Ministry/Department/Office:

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

<u>Name</u>	<u>Designation</u>	<u>Office Telephone No.</u>
-------------	--------------------	-----------------------------

(Note:-Copy of orders constituting the DPC to be attached)

3. Grade or post in which confirmation is to be made

- | | |
|-----|---|
| (a) | Designation |
| (b) | Classification |
| (c) | Scale of pay |
| (d) | Total number of permanent posts in the grade. |

(e) (i) Total number of vacancies available for confirmation and the dates on which available

* (ii) Number of vacancies falling in the direct recruitment quota with dates on which they occurred

* (iii) Number of vacancies falling in the promotion quota with dates on which they occurred.

* (iv) Number of vacancies available for being filled by transfer with dates on which they occurred.

(v) Whether appropriate reservation for SC/ST in service/posts has been made ?

(vi) Details of vacancies reserved for Scheduled Castes/Tribes.

*- (To be furnished only in cases of posts/services where specific quotas have been prescribed for substantive appointment of promotees/direct recruits/departmental examination candidates etc.

4. UPSC reference number under which confirmation to the post/grade ~~from~~ ^{well} last considered.

5. Recruitment Rules for the grade/post

(a) Date on which the Recruitment rules were notified in the Gazette of India and UPSC reference number under which they were approved.

(b) Method of recruitment prescribed:-

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

(c) Whether an up-to-date copy of the Recruitment Rules has been enclosed ? (This should invariably be sent for reference). If any changes in the Recruitment Rules have been agreed to by the Commission after they were notified, details should be attached.

6. Seniority List:

- (a) Whether a seniority list as in the prescribed proforma has been enclosed ?
- (b) Whether all eligible officers, including those on deputation and those holding the higher posts on a local or purely ad-hoc or temporary basis are included in the list ?
- (c) Whether to the list before finalization was circulated to all concerned ?
- (d) Whether there are any officers whose seniority has not been finalised ? If so, give details.
- (e) Whether the seniority list has been duly authenticated by the officer not below the rank of an Under Secretary to the Government of India ?
- (f) Whether the list has undergone any changes since it was last placed before the DPC? If so, give necessary details (in the prescribed proforma)

- (g) In cases of confirmation of officers appointed by different methods, e.g., promotion, direct recruitment or transfer, please enclose separate seniority lists also in addition to combined list.

7. Character Rolls:-

Complete and up-to-date character rolls of all the officers assessed as 'Not Yet Fit' are required.

- (a) Whether a list (in duplicate) has been attached, showing the names of officers whose character rolls are enclosed with this reference ?
- (b) Are the character rolls complete and up-to-date? (Character rolls should be sent only after they have been completed).
- (c) Names of officers, if any, in whose cases adverse remarks in their character rolls were communicated to them and the time allowed for submission of a representation is not yet over.
- (d) Names of officers, if any, who have submitted representations against adverse entries in their character rolls, but decisions on the representations have not yet been taken.

8. Probation:-

Whether the officers have completed satisfactorily the period of probation ? The date of regular appointment and the date of completion of probation should also be given.

9. Integrity Certificate:-

Whether integrity certificate in terms of M.H.A.No.1/9/71-Estt(D) dated 22nd January, 1972 has been enclosed ? A certificate regarding integrity should also be recorded in the DPC minutes.

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

11. Self-contained Note for the DPC:

Whether a self-contained note for
the DPC explaining the proposals for
confirmation has been enclosed ?

Signature _____

Designation _____

Date _____

Office Tele No. _____

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

CHECK LIST FOR PROMOTION CASES

1. RECRUITMENT RULES
 - (a) Whether already notified
 - (b) Whether upto date.
 - (c) Does it provide for promotion on selection basis.
 - (d) Whether promotion is from Group B to A.
 - (e) Whether promotion within Group A.
2. DPC PROFORMA
 - (a) Whether in (revised prescribed form.
 - (b) Whether signed by competent Officer.
 - (c) Whether all columns filled properly.
3. SENIORITY LIST
 - (a) Whether in the prescribed proforma.
 - (b) Whether complete/up to date.
 - (c) Whether duly authenticated by an officer not below Under Secy. rank.
 - (d) Whether there is any discrepancy.
 - (e) Whether UPSC reference number given under which officers appointed.
4. ELIGIBILITY LIST
 - (a) whether educational qualification prescribed for direct recruitment applicable to promotees or otherwise specifically prescribed.
 - (b) If so, whether details of educational qualification of officers given
 - (c) Whether separate yearwise eligibility list for preparation of yearwise panels given where applicable.
 - (d) Whether full quantum of officers in consideration zone (including SC/ST in the extended zone) available.
5. OCCURRENCE OF VACANCIES
 - (a) Whether yearwise break-up of occurrence given for extending vacancies.
 - (b) Whether details for anticipated vacancies given.
 - (c) Whether reservation position given for Group B to Group A.

6. SELF-CONTAINED NOTE FOR DPC

Whether enclosed.

7. RELAXATION

- (a) Whether any relaxation involved.
- (b) If so, whether DOP&AR approval taken.

8. CHARACTER ROLLS

- (a) Whether received for all eligible officers.
- (b) Whether up to date (w.r.t. year of vacancies).
- (c) Any incomplete CRs ? (position to be indicated in separate sheet).
- (d) Whether any reason given for missing/incomplete CR.

9. INTEGRITY CERTIFICATE

- (a) Whether in the prescribed form.
- (b) Whether recorded by an officer of Deputy Secretary rank.
- (c) Whether recorded for all eligible officers.

10. PREVIOUS DPC

- (a) Has UPSC reference number, if any, for previous DPC, given.
- (b) Whether panel drawn earlier has been exhausted.

11. REVIEW DPC

Whether proposal is covered by DOP guidelines dated 30.12.1976.

ANNEXURE -IV

(Para 4.2.4)

POSITION REGARDING YEAR-WISE AVAILABILITY OF ACRS.

Sl. No.	Name & Date of Birth of the Officer	Whether CRs available for the years								Re-marks
		1	2	3	4	5	6	7	8	

* If not available use the marking 'x'
If available use the marking '✓'

Annexure - II

MOST IMMEDIATE
CONFIDENTIAL

F.1/39(5)/2015-AP-2
UNION PUBLIC SERVICE COMMISSION
DHOLPUR HOUSE; SHAHJAHAN ROAD
NEW DELHI

Dated 22nd March, 2016

To

The Director General,
Employees State Insurance Corporation,
Panchdeep Bhawan,
Kotla Road, New Delhi.

(Attention : Shri Manish Gupta, Deputy Director, DPC Cell)

Sub: DPC – Promotion to the post of Regional Director Gr. 'B'/Joint Director in the Employees State Insurance Corporation.

Sir,

I am directed to refer to your letter No.A-33/13/2/2015-E.1 dated 21.03.2016 on the subject noted above and to forward herewith two copies of the minutes of the above mentioned DPC held in this office on 22nd March, 2016 duly signed by the Chairman and Members of the DPC.

2. The Commission have also approved the recommendations of the DPC as contained in the minutes of the DPC.

3. Attention of Ministry/Department is also invited to the instructions contained in para 6.4.4 of the DOP&T O.M. No.22011/5/86-Estt. (D) dated 10th April, 1989, which provide that promotions will have only prospective effect even in cases where the vacancies relate to earlier year(s). Para 17.11 of the said O.M. further provides the date from which the promotion should take effect. These instructions may be kept in view by the Ministry/Department while implementing the recommendations of the DPC, unless otherwise prescribed in the statutory RRs or directed by the Court of Law or in case of Review DPC.

4. A copy of the notification implementing the recommendations of the DPC may be forwarded to this office as and when issued.

5. The CR dossiers in respect of all officers received with the proposal are returned herewith. Their receipt may please be acknowledged.

Yours faithfully,



(G. M. Upadhaya)
Under Secretary/Consultant
Tel : 23070377

Enclosures : As above.

CONFIDENTIAL

UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

Minutes of the meeting of the Departmental Promotion Committee held on 22nd March, 2015 at 10.30 A.M. in the office of the Union Public Service Commission, Shahjahan Road, New Delhi-110069.

PRESENT:

- | | | |
|----|---|-------------------------|
| 1. | Shri Arvind Saxena,
Member, UPSC | Chairman |
| 2. | Shri D. Lahiri,
Insurance Commissioner (Recruitment),
Employees' State Insurance Corporation. | Member |
| 3. | Insurance Commissioner (P&A),
Employees' State Insurance Corporation. | Member
(Post vacant) |

ITEM : DPC – Promotion to the post of Regional Director Grade 'B'/Joint Director {Group 'A'; Scale of pay: PB-3-Rs. 15,600 -39,100/- (Grade Pay-Rs.7600/-)} in the Employees' State Insurance Corporation.

The Departmental Promotion Committee considered the selection of officers for promotion to the post of Regional Director Grade 'B' / Joint Director in the Employees' State Insurance Corporation.

2. The vacancy position as reported by the Employees' State Insurance Corporation to the DPC is as under:

Year	Gen	S.C.	S.T.	Total	
2011-12	30	NA	NA	30	
2012-13	21	NA	NA	21	- Old Recruitment Rules
2013-14	09	NA	NA	09	
2013-14	04	NA	NA	04	- New Recruitment Rules

3. The Departmental Promotion Committee were informed that as per provision made in the pre-amended Recruitment Rules (Notified on 22.07.1995), officers holding the post of Deputy Director in the scale of pay of Rs.2200-4000 (pre-revised) (Rs.15600-39100 + Grade Pay Rs.5400/- - Revised) with five years' regular service are eligible for consideration for promotion. The above Rules were amended on 23.10.2013, according to which Deputy Director with ten years regular service in Pay Band-3 with Grade Pay Rs.5400/- (including the regular service rendered as Deputy Director (Senior Time Scale) in Pay Band-3 in the scale of pay of Rs.15600-39100 with Grade Pay of Rs.6600), failing which combined regular service of twelve years in the grade of Deputy Director in Pay Band-3 in the scale of pay of Rs.15,600-39,100 with Grade Pay of Rs.5400/-

Contd/-

9243

CONFIDENTIAL

UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

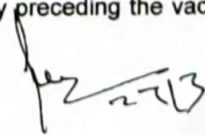
(including the regular service rendered as Deputy Director (Senior Time Scale) in Pay Band-3 in the scale of pay of Rs.15600-39100 with Grade Pay of Rs.6600) and Assistant Director or Section Officer or Manager Grade I in Pay Band-2 in the scale of pay of Rs.9300-34800 with grade pay of Rs.4800/- out of which five years regular service should be in the grade of Deputy Director in Pay Band-3 in the Pay Scale of Rs.15600-39100 with Grade Pay of Rs.5400/- (including the regular service rendered in Pay Band-3 in the scale of pay of Rs.15600-39100 with Grade Pay of Rs.6600 as Deputy Director (Senior Time Scale)) are eligible for promotion.

3.1 In view of the above rule position, the Employees' State Insurance Corporation has decided to fill up the vacancies which occurred prior to 23.10.2013 (the date on which Recruitment Rules were amended) may be filled up in accordance to eligibility conditions laid down in the pre-amended rules. Amended rules may be applied in respect of those vacancies which become available on or after 23.10.2013. The Employees' State Insurance Corporation has earmarked yearwise vacancies as per above rule position. Further, the Employees' State Insurance Corporation vide amendment Notification dated 03.11.2011 under "Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959", has revised the pay of Joint Director to PB-3 Rs.15600-39100 (Grade Pay Rs.7600/-). In view of this the suitability of officers to be considered for all the reported vacancies from 2011-12 onwards is to be decided on the basis of benchmark 'Very Good'. This has also been approved by the Commission.

4. The Committee were also informed of the following provisions contained in the DPC guidelines, circulated by the Department of Personnel and Training, vide their O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989:-

- (i) "6.1.2. - The DPC enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them".
- (ii) "6.1.3. - While merit has to be recognized and rewarded, advancement in an officer's career should not be regarded as a matter of course, but should be earned by dint of hard work, good conduct and result oriented performance as reflected in the ACRs and based on strict and rigorous selection process".
- (iii) "6.2.1 (b) - The DPC should assess the suitability of the officers for promotion on the basis of their service record and with particular reference to the CRs for preceding five years, which became available during the year immediately preceding the vacancy/panel year."

Contd/-



CONFIDENTIAL

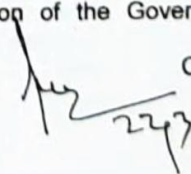
UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

- (iv) "6.2.1(e) - The DPC should not be guided merely by the overall grading, if, any, that may be recorded in the CRs but should make its own assessment on the basis of entries in the CRs, because it has been noticed that some times the overall grading in a CR may be inconsistent with the grading under various parameters or attributes".
- (v) "6.2.1(f) - If the Reviewing authority or the Accepting authority as the case may be has overruled the Reporting Officer or the Reviewing authority as the case may be, the remarks of the latter authority should be taken as the final remarks for the purposes of assessment provided it is apparent from the relevant entries that the higher authority has come to a different assessment conclusively after due application of mind. If the remarks of the Reporting Officer, Reviewing authority and Accepting authority are complementary to each other and one does not have the effect of overruling the other, then the remarks should be read together and the final assessment made by the DPC."

5. The Committee were further informed of the following subsequent additional guidelines issued in DOP&T:-

- (i) In cases where adverse remarks of reporting/reviewing/accepting authorities have been expunged or modified by the competent authority, the overall grading in the ACR has been decided by the DPC in terms of DOP&T O.M. dated 06.01.2010.
- (ii) The DOP&T vide O.M. No.21011/1/2010-Estt-A dated 13th April, 2010 have stipulated that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPCs contain final grading which are below benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication.
- (iii) In terms of DOP&T O.M. No.22011/5/2013-Estt.(D) dated 09.05.2014, in the event of the DPC deciding not to take cognizance of an order of the competent authority on the representation of the Government Servant on the entries/grading in APARs on the ground that the same is not a speaking order, the DPC shall make its assessment based on the entries in APAR and other material including the representation of the Government Servant.

Contd/-



CONFIDENTIAL

UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

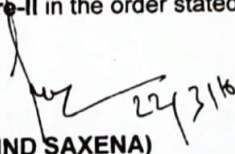
- (iv) While Assessing the suitability of the Officers on whom statutory penalty/penalties has/have been imposed, the DPC may take into account the guidelines of DOP&T issued vide O.M. No. 22011/4/2007-Estt.(D) dated 28.04.2014.

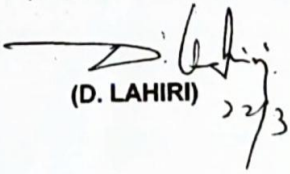
5. The Committee were apprised that taking into account the instructions/ guidelines, issued by DOP&T, as detailed above, the Commission in exercise of their constitutional functions as envisaged in Article 320 of the Constitution took a conscious decision that an officer attaining at least 4 benchmark gradings out of the 5 ACRs, as prescribed by the Government of India in Deptt. of Personnel and Training O.M. No. 22011/9/98-Estt(D) dated 08.09.1998, read with subsequent O.M. of even number dated 16.06.2000, should be assessed as "fit" for promotion and that this decision should be applicable to all DPCs pertaining to the vacancy year 2003-2004 and subsequent years.

6. Attention of the Committee was also invited to the instructions contained in DOP&T O.M. No. 35034/7/97-Estt(D) dated 08.02.2002, which inter-alia provides that "the DPC shall determine the merit of those being assessed for promotion with reference to the prescribed benchmark and accordingly grade the officers as "Fit" or "Unfit". Only those who are graded "fit" (i.e. who meet the prescribed benchmark) by the DPC shall be included and arranged in the select panel in order of their inter-se seniority in the feeder grade. Those officers who are graded "unfit" (in terms of the prescribed benchmark) 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 benchmark) by the DPC".

7. The Departmental Promotion Committee, accordingly, examined the Character Rolls of the eligible officers and assessed them as indicated in **Annexure-I**.

8. On the basis of the assessment as given in Annexure-I, the Committee recommend that the panel for promotion to the post of Regional Director Grade 'B' / Joint Director in the Employees' State Insurance Corporation should consist of the officers mentioned in **Annexure-II** in the order stated therein.


(ARVIND SAXENA)


(D. LAHIRI)

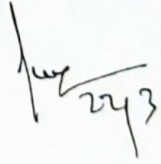
CONFIDENTIAL
Annexure-I

UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

Assessment for the year 2011-12 (No. of vacancies: 30 General)

<u>Sl.No.</u>	<u>Name (S/Shri/Ms.)</u>	<u>Assessment</u>
1.	Rajesh Kumar Saxena	As in sealed cover
2.	M. Samiullah	Fit
3.	Amarjit Singh	Fit
4.	Mathews M.K.M.M.	Fit
5.	A. S. Pandey	Fit
6.	K. G. Suresh	Fit
7.	C. R. Paul	Fit
8.	V. Kasinathan	Fit
9.	S. K. Mahananda (SC)	Fit
10.	Sanjay Mukherjee	Unfit
11.	A. K. Pattnaik	Fit
12.	Amrish Kumar Sharma	Fit
13.	Sharad Kumar	Fit
14.	D. T. Undirewade (SC)	Fit
15.	A. C. Majumdar (SC)	Fit
16.	Loorthu Vedam	Fit
17.	G. Ramakrishnan	Unfit
18.	A. Sainul Abdeen	Fit
19.	G. C. Darji	Fit
20.	T. N. Dwivedi	As in sealed cover
21.	Ashok K. Rawat (ST)	Fit
22.	T. V. Jayasankaran	Fit
23.	Asha Mishra	Unfit
24.	D. P. S. Jakhar	Fit
25.	B. Chakraborty	Fit
26.	J. S. Dhanda (SC)	Fit

Contd...../-



CONFIDENTIAL
Annexure-I

UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

<u>Sl.No.</u>	<u>Name (S/Shri/Ms.)</u>	<u>Assessment</u>
27.	Arun K. Kant	Unfit
28.	J. S. Ahirwal (SC)	Fit
29.	P. V. Shivprasad	Fit

Assessment for the year 2012-13 (No. of vacancies: 21 General + 07 unfilled vacancies of previous year)

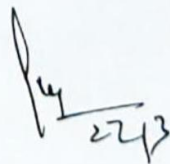
<u>Sl.No.</u>	<u>Name (S/Shri/Ms.)</u>	<u>Assessment</u>
1.	Rajesh Kumar Saxena	As in sealed cover
2.	Sanjay Mukherjee	Unfit
3.	G. Ramakrishnan	Unfit
4.	T. N. Dwivedi	As in sealed cover
5.	Asha Mishra	Unfit

Assessment for the year 2013-14 (No. of vacancies: 09 General + 28 unfilled vacancies of previous year)

(As per old Recruitment Rules)

<u>Sl.No.</u>	<u>Name (S/Shri/Ms.)</u>	<u>Assessment</u>
1.	Rajesh Kumar Saxena	As in sealed cover
2.	Sanjay Mukherjee	Unfit
3.	T. N. Dwivedi	As in sealed cover
4.	Asha Mishra	Fit
5.	N. M. Gadhavi (ST)	Fit – In terms of para 6.3.2(ii) of DoP&T O.M. dated 10.04.1989.
6.	Manju Swaminathan	Fit
7.	T. N. Nayak	Fit
8.	K. L. Gagneja	Fit
9.	C. O. Tayade (SC)	Fit

Contd...../-

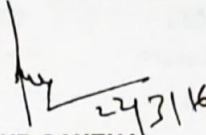


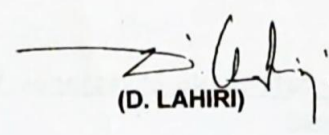
CONFIDENTIAL
Annexure-I

UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

Assessment for the year 2013-14 (No. of vacancies: 04 General as per new Recruitment Rules + 31 unfilled vacancies of same year as per old Recruitment Rules)

<u>Sl.No.</u>	<u>Name (S/Shri/Ms.)</u>	<u>Assessment</u>
1.	Rajesh Kumar Saxena	As in sealed cover
2.	Sanjay Mukherjee	Unfit
3.	T. N. Dwivedi	As in sealed cover


(ARVIND SAXENA)


(D. LAHIRI)

CONFIDENTIAL
Annexure-II

UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

Panel for the year 2011-12

<u>Sl.No.</u>	<u>Name (S/Shri/Ms.)</u>
1.	M. Samiullah
2.	Amarjit Singh
3.	Mathews M.K.M.M.
4.	A. S. Pandey
5.	K. G. Suresh
6.	C. R. Paul
7.	V. Kasinathan
8.	S. K. Mahananda (SC)
9.	A. K. Pattnaik
10.	Amrish Kumar Sharma
11.	Sharad Kumar
12.	D. T. Undirewade (SC)
13.	A. C. Majumdar (SC)
14.	Loorthu Vedam
15.	A. Sainul Abdeen
16.	G. C. Darji
17.	Ashok K. Rawat (ST)
18.	T. V. Jayasankaran
19.	D. P. S. Jakhar
20.	B. Chakraborty
21.	J. S. Dhanda (SC)
22.	J. S. Ahirwal (SC)
23.	P. V. Shivprasad

Panel for the year 2012-13

NII


2273

Contd...../-

CONFIDENTIAL
Annexure-II

UNION PUBLIC SERVICE COMMISSION'S FILE No. F.1/39(5)/2015-AP-2
Employees' State Insurance Corporation Ref. No. A-33/13/2/2015-E.1

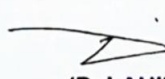
Panel for the year 2013-14
(As per old Recruitment Rules)

<u>Sl.No.</u>	<u>Name (S/Shri/Ms.)</u>
1.	Asha Mishra
2.	N. M. Gadhavi (ST)
3.	Manju Swaminathan
4.	T. N. Nayak
5.	K. L. Gagneja
6.	C. O. Tayade (SC)

Panel for the year 2013-14
(As per new Recruitment Rules)

Nil


(ARVIND SAXENA) 22/3/16


(D. LAHIRI) 22/3/16



Government of India

National Commission for Scheduled Castes

(A Constitutional body set up under Article 338 of the Constitution of India)

File No. H-11/Labour-7/2018/SSW-II

Case No. 224/35/5/2018-1424

5th Floor, Lok Nayak Bhawan
Khan Market, New Delhi-110003

Dated : 27.03.2019

To,

The Director General
Employees' State Insurance Corporation (ESIC)
Head Office, Panchdeep Bhawan,
(CIG) Road, New Delhi-110002

The Secretary (Labour)
Ministry of Labour & Employment
Shram Shakti Bhawan
New Delhi-110001

Sub : Discrimination and Harassment in Services against Scheduled Castes.

Sir/Madam,

I am directed to forward proceedings of hearing held on 07.02.2019 before Dr. (Ms.) Swaraj Vidwan, Hon'ble Member of this Commission for taking necessary action and submission of action taken report within 20 days.

1013-1015
27/3/19

Yours faithfully

(D.K. Gupta)

Section Officer-SSW-II

Copy to:-

Shri Heera Singh
General Secretary
All India ESIC SC/ST Officers' & Employees Federation
Panchdeep Bhawan, Wing No.4, Shiv Puri
Prem Nagar, Dehradun
Uttaranchal

National Commission for Scheduled Castes
File No. H-11/Labour-7/2018- SSW II
Minutes of the hearing on 07.02.2019

The hearing held on 07.02.2019. Shri Manish Gupta, Joint Secretary, M/o L&E, Shri R.S. Shrivastav, Director, ESIC, Shri Bhupendra Kumar, DD, ESIC, and petitioner Shri Heera Singh were present in the hearing.

The case was taken up. The petitioner appraised the Commission that the Department has opted for revision of RR in December 2018 for the post of Joint Director. The RRs are designed to favour the direct recruit officers. This was done because as per the previous RRs 45 officers were eligible for the promotion of Joint Director who joined their services in cadre of SSO w.e.t. 01.01.2019. There were 24 SC/ST officials who were eligible for promotion for Joint Director as per previous RRs. The representatives of All India ESIC SC/ST Association made their submission to the ESIC and Ministry of Labour and Employment to consider their view point while drafting the new RRs. The ESI as well as Ministry had not considered the view point of the officials who joined as SSO and deliberately favoured direct recruit officials violating the para no. 3.1.3 of DoPT OM No. AB14017/48/2010 estt. (RR) dated 31.12.2010 by misleading the apex body of ESIC.

The petitioners also raised the issue of promotion for the post of DD to JD by counting of adhoc service of Assistant Director from 26.09.2003.

It was submitted that on 01.01.2016 9 SCs were to be promoted as JD by counting of adhoc service. but the DPC was not held.

The Commission observed that in the process of change in RRs, the views/comments of the affected candidates/parties are to be taken into consideration but in these instant case it appears that the view point of officials who joined as SSO in the cadre has not been considered by ESIC and Ministry of Labour and Employment. There appears to be some violation of DoPT para no. 3.1.3 of DoPT OM No. AB14017/48/2010 estt. (RR) dated 31.12.2010.

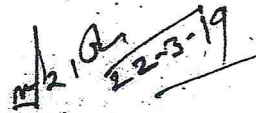
The department has not counted the adhoc service of AD although these ADs were promoted against the regular vacancies.

In view of above the Commission recommends that the case may be reviewed the view point/suggestions of the All India ESIC SC/ST federation must be considered to provide the justice to the petitioners. The adhoc period of ADs who were promoted against the regular vacancies may be counted for the purpose of promotion as per rules.

The DPC for the promotion of DD to JD for the year 2017-18, 2018 and 2019 may be held immediately and the 9 eligible SC officers should be promoted as per their eligibility on 01.01.2016.

The DoPT O.M. No. AB14017/48/2010 estt. (RR) dated 31.12.2010 may be implemented in toto by the Department.

ATR within 20 days.


(Dr. (Ms.) Swaraj Vidwan)
Member

Annexure - IV

Speed Post



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003.

File No. HS/1/2018/MLAB1/SEOTH/RU-III

Date: 07.06.2019

To,

1. The Director General,
Employee's State Insurance Corporation (ESIC),
Panchdeep Bhawan, Comrade Indrajeet Gupta (CIG)
Marg, New Delhi – 110002
2. The Secretary,
Ministry of Labour & Employment,
Shram Shakti Bhawan,
New Delhi- 110001

Sub: Minutes of Meeting taken by Hon'ble Chairperson, National Commission for Scheduled Tribes, (NCST) on. 09.05.2019 in the matter of Representation dated 16.08.2018 of Shri Heera Singh, Secretary General All India ESIC SC/ST Officers & Employees Federation, Panchdeep Bhawan, Wing No. 04 Prem Nagar, Dehradun, U.K. Regarding Discriminatory Amendments/framing of Recruitment Regulations for the post of Regional Director Grade 'B' Joint Director in ESI corporation for harming interest of 24 Reserve Category Officer out of which 14 Officers belong to ST Category.

Sir,

I am directed to enclose herewith a copy of Minutes of Meeting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 09.05.2019 for information and necessary action.

It is, requested that action taken report in this regard may please be sent to the Commission within months' time

Encl: As above

Yours faithfully,

(Dr. Lalit Vatta)
Director

Copy to:

1. Shri Heera Singh Secretary General All India ESIC SC/ST Officers & Employees Federation, Panchdeep Bhawan, Wing No. 04 Prem Nagar, Dehradun, U.K.
2. PS to Hon'ble Chairperson, NCST
3. SAS, NIC, NCST upload on the web site.

Government of India

NATIONAL COMMISSION FOR SCHEDULED TRIBES

(HS/1/2018/MLAB1/SEOTH/RU-III)

PROCEEDING OF SITTING TAKEN BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NCST ON 09/05/2019 IN THE CASE OF SHRI HEERA SINGH, SECRETARY GENERAL, ALL INDIA ESIC SC/ST OFFICERS & EMPLOYEES FEDERATION, PANCHDEEP BHAWAN, WING NO.- PREM NAGAR, DEHRADUN (U.K) REGARDING DISCRIMINATORY AMENDMENTS/FRAMING OF RECRUITMENT REGULATIONS FOR THE POST OF REGIONAL DIRECTOR GRADE 'B'/JOINT DIRECTOR IN ESI CORPORATION FOR HARMING INTEREST OF 24 RESERVED CATEGORY OFFICER OUT OF WHICH 14 OFFICERS BELONG TO ST CATEGORY.

Date of sitting	:	09/05/2019
List of officers present in sitting	:	Annexure

1. The National for Scheduled Tribes received a representation from Shri Heera Singh, Secretary General, All India ESIC SC/ST officers & employees federation regarding discriminatory amendments of recruitments regulations for the post of Regional Director.
2. In the case, as per the directions of the Hon'ble Chairperson the sitting has been convened on 09.05.2019 at 12.30 PM. In this regard, the sitting notice dated 16.04.2019 was sent to the Director General, ESIC and the Secretary, Ministry of Labour & Employment.
3. During the sitting, the petitioner appraised the Commission that the Department has opted for revision of RR in year 2018 for the post of Joint Director. The RRs are designed to favour the direct recruit officers. This was done because as per the previous RRs 45 officers were eligible for promotion of Joint Director who joined their service in cadre of SSO w.e.f. 01-01-2019. There were 24 SC/ST officials (including 14 ST Officers) who were eligible for promotion for Joint Director as per previous RRs. The representatives of All India ESIC SC/ST Officers' and Employees' Federation made their submission to the ESIC and Ministry of Labour and Employment to consider their view point while drafting the new RRs. The

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

ESIC as well as Administrative Ministry had not considered the view point of the officials who joined as SSO and deliberately favoured direct recruit officials violating the para No. 3.1.3 of DoPT OM No. AB-14017/48/2010 estt. (RR) dated 31-12-2010 by misleading the apex body of ESIC.

4. The petitioner also raised issue of inappropriately giving of Non-functional promotion for the post of DD to DD(STS) to affected officers and non-giving of functional promotion for the post of DD(STS) to JD by counting of adhoc service against regular vacancy of DD and AD respectively in violation of various ratio decided and derived from Supreme Court Decisions which were clearly re-affirmed in recent judgment in Case ESIC & Others vs Awadesh Prasad Tripathi & Others, W.P.(C) 2723/2014.
5. The petitioner further raised issue of violation of Regulation 7 (1) of Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959 read with Amendment of 2011 to the "Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959" and submitted that all DDs were provided DD (STS) NFSG after completion of service of four years vide Office Order dated 27-02-2009, 22-09-2011, 11-11-2014 and 22-09-2015 but the adversely affected DDs were provided DD (STS) NFSG after completion of five years by creating defective RRs of DD in violation of above provisions of ESIC (Staff and Conditions of Service) Regulations, 1959. Hence, the sanctity of ESIC (Staff and Conditions of Service) Regulations, 1959 should be maintained by providing this benefit to affected DDs after completion of service of four years.
6. The DG informed that the action of amendment of RR was issued on the direction of Administrative Ministry and we have just followed the directions. The petitioner submitted that earlier five persons were promoted on the basis of failing clause of pre-existing RRs after seeking legal advice of Shri P.C. Hota, ESIC empanelled Advocate of Supreme Court of India and the proposal was processed in Administrative Ministry and approved by the then Hon'ble Minister for L&E. Later on the same RR were declared as anomalous in same file with approval of Administrative Ministry.
7. The representative of Ministry of Labour & Employment informed that the letter was just an advisory and not direction issued under Section 92 of ESI Act, 1948 for declaring the RR as anomalous.
8. The Commission observed that in the process of change in RRs, the views/comments of the affected candidates/parties are to be taken into consideration but in instant case it appears that the view point of officials who joined as SSO in the cadre has not been considered by ESIC and Ministry of Labour and Employment. There appears to be some glaring


नन्द कुमार साय Nand Kumar Sai

अध्यक्ष/Chairperson

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

violation of para No. 3.1.3 of DoPT Guidelines OM No. AB-14017/48/2010 Estt. (RR) dated 31-12-2010. The management of ESIC had misused arbitrarily the scope of interpretation of word "may" and "could" used in DoPT Guidelines for harming the interest of affected persons and to favour some person who otherwise were not eligible for promotion before the adversely affected persons.

9. The Commission, after listening to both sides made the following recommendation.

- The DG, ESIC and Administrative Ministry are expected to amend the RRs and make provision for adding protection clause to protect the interest of those persons whose qualifying service for promotion is enhanced by new RR and make it effective retrospectively as no one should get harmed.
- The DPC for the promotion of DD to JD for the years 2016-17, 2017-18, 2018 and 2019 may be held immediately and the 14 eligible ST Officers and others if available should be promoted as per their eligibility condition.
- The affected 10 persons should be provided DD (STS) NFSG after completion of regular service of four years as per condition prescribed in Regulation 7 (1) of Employees' State Insurance Corporation Regulations, 1959 read with Amendment of 2011 to the "Employees' State Insurance Corporation (Staff and Conditions of Service) Regulations, 1959".
- The petitioner also raised the issue that the Secretary General of their Federation had been unwillingly transferred out of Delhi to cause harm to functioning of their Federation and demanded for his posting in ESIC Hqrs. Office which is necessary for betterment of members of Associations of their All India Federation.

In compliance with the above recommendation, the Commission should be made aware of the action taken report within 1 month of receipt of the proceedings.

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

759 4.6.019

NATIONAL COMMISSION FOR SCHEDULED TRIBES
(HS/1/2018/MLAB1/SEOTH/RU-III)

SUB : REPRESENTATION OF SHRI HEERA SINGH SECRETARY GENERAL, ALL INDIA ESIC SC/ST OFFICERS & EMPLOYEES FEDERATION, PANCHDEEP BHAWAN, WING NO.- PREM NAGAR, DEHRADUN (U.K) REGARDING DISCRIMINATORY AMENDMENTS/FRAMING OF RECRUITMENT REGULATIONS FOR THE POST OF REGIONAL DIRECTOR GRADE 'B'/JOINT DIRECTOR IN ESI CORPORATION FOR HARMING INTEREST OF 24 RESERVE CATEGORY OFFICER OUT OF WHICH 14 OFFICERS BELONG TO ST CATEGORY. ATTENDANCE OF PARTICIPANTS IN THE SITTING HELD ON 09/05/2019 AT 12.30 PM IN THE NATIONAL COMMISSION FOR SCHEDULED TRIBE, NEW DELHI.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

- | | | |
|-------------------------|------------------------|----------|
| 1. Shri Nand Kumar Sai, | Hon'ble Chairperson | IN CHAIR |
| 2. Ms. Anusuiya Uikey, | Hon'ble V. Chairperson | |
| 3. Shri H. K Damor, | Hon'ble Member | |
| 4. Smt. M.C.I., | Hon'ble Member | |
| 5. Shri A.. K. Singh, | Secretary | |
| 6. Shri S. K. Ratho, | Joint Secretary | |
| 7. Dr. Lalit Latta, | Director | |
| 8. Shri A. K. Dwivedi, | Consultant | |

Officer of the ESIC, New Delhi

- | | |
|-----------------------|----------------|
| 1. Shri Raj Kumar, | DG |
| 2. Shri K G Suresh, | Joint Director |
| 3. Shri Manish Gupta, | Dy. Director |

Officer Of the Ministry of Labour and Employment,

- | | |
|----------------------------|------------------|
| 1. Shri Bijaynand Pattnaik | Deputy Secretary |
| 2. Santosh Kumar Singh | Under Secretary |

Petitioner

- | | |
|---------------------|--|
| 1. Shri Heera Singh | General Secretary, All India ESIC Federation |
|---------------------|--|

Annexure - V

By Speed Post



Government of India
National Commission for Scheduled Castes

No. H-11/Labour-7/2018/SSW-II

Floor Vth, Loknayak Bhawan,
Khan Market,
New Delhi-110003
Dated:- 31.10.2019

To

The Director General
Employees State Insurance Corporation
Head Office, Panchdeep Bhawan
CIG Road, New Delhi

The Secretary (Labour),
Ministry of Labour & Employment,
Shram Shakti Bhawan,
Rafi Marg, New Delhi

Sub: Rep. received from Shri Heera Singh, General Secretary, All India ESIC SC/ST Officer's & Employees Federation, Panchdeep Bhawan, Wing No. 4, Shiv Puri, Prem Nagar, Dehradun, Uttaranchal regarding discrimination and harassment in services.

Sir,

I am directed to refer to the subject mentioned above and to enclose a copy of the proceedings of the discussion held on 04.09.2019 in the chamber of Dr. (Ms.) Swaraj Vidwan, Hon'ble Member, National Commission for SCs for taking necessary action at your end.

It is, therefore, requested that the action taken report on the recommendations may be furnished to the Commission within 30 days for placing the same before the Hon'ble Member.

Encl: As above

Yours faithfully,


(D.K. Gupta)
Section Officer

Copy for information to: -

Shri Heera Singh,
General Secretary,
All India ESIC SC/ST Officer's & Employees Federation,
Panchdeep Bhawan, Wing No. 4,
Shiv Puri, Prem Nagar,
Dehradun, Uttaranchal

National Commission for Scheduled Castes
File No. H-11/Labour-7/2018-SSW II

A hearing was conveyed on 04.09.2019 before the Commission to discuss the case of Shri Heera Singh, regarding discrimination and harassment in services.

Shri Raj Kumar, DG, ESIC, Smt. Prabha Bhalla, Joint Secretary, Ministry of L&E, Shri P.B. Mani, Additional Commissioner (P&A) appeared before the Commission. The Petitioner was also present.

The petitioner appraised the Commission with following facts which has taken place after 07-02-2019 :-

1. The petitioner informed that the Shri Manish Gupta, Joint Secretary of Administrative Ministry had accepted in last meeting that the petitioner and his members are harmed by the revision of Recruitment Regulations for the post of Regional Director Gr. 'B'/Joint Director and will get the matter examined in DOPT. The commitment was not fulfilled.
2. The petitioner further informed that during intervening period one relevant judgement of Hon'ble High Court, Delhi was received in the matter of ESIC & Others vs. Awadesh Prasad Tripathi & Others in case No. W.P.(C) 2723/2014, in which it was decided that to deny affected persons benefit of Adhoc service and consequently, anterior dates of promotion is unjust.
3. The petitioner submitted that the facts on the basis of which the above case was decided was similar to our facts as :
 - i) The Corporation also felt the need for services of affected experienced personnel for the post of Assistant Director.
 - ii) The affected persons fulfilled the description of Recruitment Regulations for the post of Assistant Director.
 - iii) Due to unknown administrative reasons affected persons were promoted on Adhoc basis against regular vacancy.
 - iv) Further, the UPSC also considered promotion of affected persons against year 2002-03 and 2003-04.
4. The petitioner also submitted that some of their members are facing economic boycott as they were denied promotion against vacancy year 2002-03 and 2003-04 inspite of vacancy being available. The rights were restored after a long struggle by conducting a review DPC. Again they are facing same perpetual economic boycott by denying SC/ST officer their right of promotion.
5. The petitioner also submitted that during the intervening period a similar case was also heard by the Hon'ble Chairman of National Commission of Schedule Tribes on 09-05-2019 for cause of promotion of 14 Scheduled Tribe Officers. In the proceeding it was established that during the amendment of Recruitment Regulations "there appears to be some glaring violation of para No. 3.1.3 of DoPT Guidelines OM No. AB-14017/48/2010 Estt. (RR) dated 31-12-2010. The

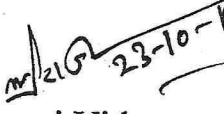
Management of ESIC had misused arbitrarily the scope of interpretation of word "may" and "could" used in DoPT Guidelines for harming the interest of affected persons and to favour some person who otherwise were not eligible for promotion before the adversely affected persons.

6. The respondent department ESIC could not substantiate their arguments provided vide their Action taken Report dated 06-05-2019.
7. The petitioner was firm on his submission dated 14-06-2019 filed against the Action Taken Report of ESIC.

The Commission observed that its recommendation dated 07-02-2019 and has not been implemented by the department.

In view of above facts of the case the Commission observed that the department may consider all the points raised by the Petitioner in his representation and submit a detailed report to the Commission. The Action Taken Report be submitted within 30 days.

Dr. (Ms.) SWARAJ VIDWAN
Member
National Commission for Scheduled Castes
Government of India
New Delhi

 23-10-19
Dr. (Ms.) Swaraj Vidwan
Member

Annexure - VI

To,

The Regional Director,
Regional Office,
ESI Corporation,
Dehradun, UK.

Subject : **Request for forwarding my application for conducting DPC for DPC year 2017-18 and 2018 to the Chairman, The Litigation Committee constituted under National Litigation Policy, Employees' State Insurance Corporation, Hqrs. Office for considering the undersigned for promotion.**

Sir,

Please find enclosed is my application on above subject for forwarding the same to the Chairman, The Litigation Committee constituted under National Litigation Policy, Employees' State Insurance Corporation, Hqrs. Office.

An early action in the matter will be highly appreciated.

Yours faithfully,

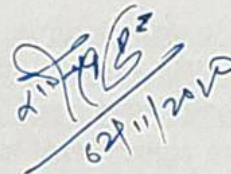


(Heera Singh)
Deputy Director (STS)
ESIC RO Dehradun.

Enclosed : as above.

Dated : 2nd November, 2020.

alc



To,

The Chairman,
The Litigation Committee constituted under
National Litigation Policy,
Employees' State Insurance Corporation,
CIG Road,
New Delhi 110002.

Subject: **Request of conducting DPC for DPC year 2017-18 and 2018 for considering the undersigned for promotion.**

Sir,

With due regard, I would like to invite your kind attention on following facts which are affecting my rights:

1. Since long back the post of Deputy Director and Assistant Director in ESIC have been assigned different pay scales for **same job responsibilities having same delegations of powers**, hence leading to gross violation of Principle of "Same Work Same Pay". (**Annexure - I**).
2. The matter was raised and examined on many occasions but the disparity was never removed.
3. A "Col. Nirmal Singh Committee" was constituted by ESIC for conducting study of Cadre Structure of ESIC. The committee was chaired by Prof (Col.) Nirmal Singh, Professor of Administrative Staff College of Hyderabad. The recommendations of Committee with respect to post of Assistant Director/SO/Deputy Accounts Officer etc. was prescribed in para 15.2.1 of Chapter 15, which were as follows (**Annexure - II**):

"On the basis of the analysis presented in various parts of the report, certain appointments in the scale of Rs. 650-1200 such as ARD, SO, Dy. Accounts Officer etc. in Regions and Headquarters have been recommended for up-gradation to DRD level. It is proposed that this change over should be in a phased manner. The existing incumbents who fulfil the eligibility criteria and are duly approved by selection as subsequently proposed may be promoted to the grade of Rs. 700-1300 to the extent of 50% of additional upgraded posts. The remaining 50% upgraded posts may be held by officers in the grade of Rs. 650-1200 as an interim measure and as and when posts become available through separation etc., these be filled through direct recruitment only till the 50 % parity is reached; after which 50:50 formula can operate normally."



4. The recommendations were ignored and the principle of "Same work same pay" was continued to be violated in spite of several efforts to remove the disparity in both the cadres.
5. Later on in order to bring some parity between post of Assistant Director and Deputy Director and refraining from keeping posts vacant for long time, it was consciously decided to bring failing clause in RR for the post of Joint Director for considering promotee cadre officers for promotion by counting their additional service of two years as Assistant Director (**Annexure - III**).
6. Five Officers were promoted on the basis of this pre-revised Recruitment Regulations with the approval of Hon'ble Minister for Labour and Employment (**Annexure - IV**).
7. The ESIC violated DoP&D Guidelines No. 35014/2/80-Estt.D Dated 7 February, 1986 (**Annexure - V**) by keeping vacant slots in seniority list. The O.M. No. 20011/1/2012-Estt. (D) dated 04.03.2014 (**Annexure - VI**) was also rashly and wrongly applied to our case in violation of para 5(h) of the said OM as the principles for determination of inter-se-seniority of direct recruits and promotees was effective from 27-11-2012, the date of Hon'ble Supreme Court Judgment in Civil Appeal No. 7514-7515/2005 in the case of N.R. Parmar Vs. UOI & Others, whereas we were off late appointed on 24-07-2012 but prior to date of judgment (**Annexure - VII**). The decision in the case of N.R. Parmar Vs. UOI & Others has been disapproved by Hon'ble Supreme Court and hence overruled in K. Meghachandra Singh & Ors. Vs. Ningam Siro & Ors. (**Annexure - VIII**). For similar reasons the Hon'ble CAT of Jaipur Bench vide their judgment dated 23-06-2020 had also quashed the seniority of UDC of Rajasthan Region (**Annexure - IX**) which was issued applying the DoP&TO.M. No. 20011/1/2012-Estt. (D) dated 04.03.2014.
8. In order to favour some Directly Recruitment Officer and to harm the interest of Promotee cadre officers the department had initiated following actions violating DoP&T Guidelines :

1. The DoP&D Guidelines No. 35014/2/80-Estt.D Dated 7 February, 1986 clearly prescribes that (**Annexure - V**) :

"It has been engaging the attention of the Government for quite some time and it has been decided that in future, while the principle of rotation of quotas will still be followed for determining the inter-se seniority of direct



recruits and promotees, the present practice of keeping vacant slots for being filled up by direct recruits of later years, thereby giving them un-intended seniority over promotees who are already in position, would be dispensed with. Thus, if adequate number of direct recruits do not become available in any particular year, rotation of quotas for purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits are not available, the promotees will be benched together at the bottom of the seniority list, below the last position upto which it is possible to determine seniority on the basis of rotation of quotas with reference to the actual number of direct recruits who become available."

This guideline has been grossly violated as explained in following paras.

- a) While finalizing Seniority list for the post of Deputy Director, ESIC vide Memorandum No. A-25/15/01/2016-E.I dated 30-07-2019 **Annexure - X**, the DoP&D Guidelines No. 35014/2/80-Estt.D Dated 7 February, 1986 was violated in toto and had kept notional vacant slots by delaying DPC and the seniority list finalization. The DR Officers of year 2009-10 were given seniority in rota quota against the available officers of year 2005-06 (Copy of noting of File No. A-24/15/1/2016-E-I is enclosed as **Annexure - XI**) in spite of the fact that promoted officers were available in relevant year against regular vacancy and could not get promotion to post of Joint Director due to non-finalization of seniority, which was intentionally finalised after 13 years and by that time most of the promotee officers got retired.
- b) While finalizing further Seniority list for the post of Deputy Director, ESIC vide Memorandum No. A-24/15/01/2016-E.I dated 14-08-2020(**Annexure - XII**), the DoP&D Guidelines No. 35014/2/80-Estt.D Dated 7 February, 1986 was again violated in toto and ESIC had kept vacant slots for Officer who are not in existence in cadre and expected to be recruited in future.
- ii. The ESIC Refrained from submitting DPC proposal for the post of Joint Director to UPSC for year 2017-18, 2018 and 2019, in spite of the fact that the undersigned was eligible for promotion.
- iii. On the contrary the process of filling the post of Joint Director I/c by making officiating appointment of Deputy Director I/c for period exceeding one year without consultation of UPSC was started vide Order No. 222 of 2016 dated 21-10-2016 (**Annexure - XIII**) in violation of first proviso of Sub-section 3 of Section 17 (**Annexure - XIV**) which states as under:

"Every appointment to posts (other than medical posts) corresponding to Group 'A' and Group 'B' posts under the Central Government shall be made in consultation with the Union Public Service Commission: Proviso: Provided that this sub-section shall not apply to an officiating or temporary appointment for a period not exceeding one years"

- iv. In order to favour some Directly Recruited Officer the Recruitment Regulations for the post of Joint Director was amended by introducing a fresh cadre of Sr. Deputy Director in addition to already existing cadre of Assistant Director and Deputy Director with same job responsibilities having **same delegations of powers.**
- v. The DoP&T had vide Paragraph 3.1.3 of the DoP&T OM No. AB.14017/48/2010-Estt. (RR) dated 31.12.2010 (**Annexure - XV**) provided for retention of Existing Eligibility Service if the change is likely to affect adversely some persons holding the feeder grade posts on regular basis. The process of amendment of RR for the post of Joint Director was initiated on the basis of Ministry's letter No. S-38016/21/2013-SS-1 dated 29th November, 2016 (**Annexure -XVI**) on the direction of Joint Secretary without approval of Central Government/Hon'ble Labour Minister. Copy of noting file attached as **Annexure -XVII**. Hence, it was not a direction of Central Government. While amending the RR for the post of JD the approval of apex body of ESIC was also received on misrepresented facts (**Annexure -XVIII**) wherein ESIC had submitted wrong fact that "Paragraph 3.1.3 of the DoP&T OM No. AB.14017/48/2010-Estt. (RR) dated 31.12.2020, does not apply in the instant case as here qualifying service for promotion has not been enhanced", whereas in reality qualifying service of similarly placed officers has been enhanced. Even if my adhoc service against regular vacancy would have not been counted, I would have become eligible for promotion to the post of JD on 01-01-2019 whereas with the new RRs my qualifying service for promotion has been enhanced till 01-01-2023.
9. The Hon'ble High Court of Delhi in ESIC & Others vs. Awadesh Prasad Tripathi & Others in case No. W.P.(C) 2723/2014 (**Annexure - XIX**) had clearly decided that the adhoc services against regular vacancy is countable as regular service for purpose of promotion which is in consonance with ratio decidendi of judgment of case S. Sumnyan & Others vs. Limi Niri & Others (2010, SC 292) given by Hon'ble Supreme Court.

It was clearly pronounced by Hon'ble High Court of Delhi in ESIC & Others vs. Awadesh Prasad Tripathi & Others in case that the denying of benefit of

adhoc service and consequently, anterior dates of promotion is unjust as it is well established fact that :

- i) The Corporation felt the need for services of affected experienced personnel from the feeder cadre.
- ii) The affected persons fulfilled the description of Recruitment Regulations for the post of feeder cadre.
- iii) Due to unknown administrative reasons affected persons were promoted on Adhoc basis against regular vacancy.
- iv) Further, the UPSC also considered promotion of affected persons against relevant year.

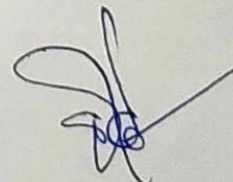
10. The applicant had served ESIC as adhoc Assistant Director from 18 December, 2003 (**Annexure - XX**) against regular vacancy. The UPSC had also recommended my promotion against vacancy year 2003-04 (**Annexure - XXI**). In same way the applicant had served as ad-hoc Deputy Director from 03, November, 2010 (**Annexure - XXII**). The UPSC had also recommended my promotion against vacancy year 2011-12 (**Annexure - XXIII**). Hence, I have completed my AD/DD service of twelve years in 17th December, 2015 and I am eligible for promotion for the post of Joint Director on 01-01-2017.

PRAYER

Since, my grievance has not yet been resolved, I am submitting my following requests for your sympathetic and kind consideration please.

- A. The applicant had served ESIC as adhoc Assistant Director from 18th December, 2003 (**Annexure - XX**) against regular vacancy. The UPSC had also recommended my promotion against vacancy year 2003-04 (**Annexure - XXI**). In same way the applicant had served as adhoc Deputy Director from November, 2010 (**Annexure - XXII**). The UPSC had also recommended my promotion against vacancy year 2011-12 (**Annexure - XXIII**). I have completed my AD/DD combined service of twelve years in 17th December, 2015 and should have got DD STS in 2016. Hence, I am eligible for promotion for the post of Joint Director on 01-01-2017 as per law position explained in para 9 above.

Hence, you are requested to kindly convene DPC for the post of Joint Director for year 2017-18 and 2018 and my adhoc service against regular vacancy of Assistant Director and Deputy Director may kindly be considered for my promotion to the post of Joint Director.



B. Sir, ESIC as well as Administrative Ministry had not considered our view point and deliberately favoured Direct Recruit officials DDs violating the para No. 3.1.3. of DoP&T OM No. AB14017/48/2020 Estt. (RR) dated 31.12.2010 (**Annexure - XV**) by misleading the apex body of ESIC. Hence, you are requested to add the protection clause as per para 3.1.3. of DoP&T OM No. AB14017/48/2020 Estt. (RR) dated 31.12.2010 in RR of Joint Director with retrospective effect to protect the interest of those officers whose qualifying service for promotion is enhanced by new RR as is also followed in the case of new proposed RR for the post of Assistant, UDC and Personal Assistant (**Annexure - XXIV to XXV**).

C. Sir, All DDs were provided DD (STS) NFSG after completion of service of four years vide office order dated 27-02-2009, 22-09-2011, 11-11-2014 and 22-09-2015 (**Annexure - XXVI to XXIX**) but the applicant was provided DD (STS) NFSG after completion of service of five years vide order dated 29-11-2017 (**Annexure - XXX**) which is a disparity among equals and hence, discriminatory. Hence, I may also be provided Sr. Time Scale after completion of four years service.

D. Notional Vacant slots in seniority list for the post of Deputy Director, ESIC vide Memorandum No. A-25/15/01/2016-E.I dated 30-07-2019 and clear vacant slots in seniority list for the post of Deputy Director, ESIC vide Memorandum No. A-24/15/01/2016-E.I dated 14-08-2020 may be removed and both seniority lists may be recast by applying principle of Rota Quota as per DoP&T OM No. 35014/2/80-Estt.D Dated 7 February, 1986 (**Annexure - V**) as per position explained in para 7 and 8.

Sir, I beg to you to kindly consider my submissions so that I have not to seek legal aid for restoring my right.

Yours faithfully,



(Heera Singh)

Deputy Director (STS)
ESIC, Regional Office,
Dehradun, Uttarakhand.

Enclosed : Annexure I to XXX.

Dated : 2nd November, 2020.

Annexure - VII



E.S.I.C.

कर्मचारी राज्य बीमा निगम
(श्रम व रोजगार मंत्रालय, भारत सरकार)
Employees' State Insurance Corporation
(Ministry of Labour & Employment, Govt. of India)



मुख्यालय/Headquarters
पंचदीप भवन, सी.जी.आई.रोड, नई दिल्ली
Panchdeep Bhawan, C.I.G. Road, New Delhi
(<http://esic.nic.in>)

MEETING OF NLC SCHEDULED TO BE HELD ON :-20.07.2022

Sl No.	Statement/Grievances of Employee	Comments by the Controlling Officer of Region	Comments by the Branch Concerned of Headquarters Office	Decision of the Litigation committee
1.	i) <u>Sh. Heera Singh, Deputy Director Regional Office, Dehradun</u> ii) <u>Sh. Vasudev Parwani, Deputy Director,</u> iii) <u>Sh. L.N. Meena, Deputy Director, ESICMH Jaipur</u> iv) <u>Sh. Debabrata Pramanik, Deputy Director, Regional Office, Kolkata</u> 1. <u>Conducting of DPC for the year 2017-18 and 2018 by including the ad-hoc services in the post of Assistant Director and Deputy Director in accordance with the judgement given by the Hon'ble High Court of Delhi in the case WP© No. 2723/2014-ESIC Vs A.P. Tripathi,</u>	Check list is attached by Sh. Debbrata Pramanik(at SI No. (iv)) Issue of recruitment and promotion of Group 'A' Officers is being dealt with at Hqrs Office only(Estt.-I) and hence the details of recruitment etc. for particular years is not known to field office.	A reply has been received from DPC cell on mail dated 23/06/2022 vide which they have forwarded the replies to the issues raised by the concerned Officers which are enclosed with the reply (Annexure- I & II).	Arguably, ESIC has to function within the vicinity of rules and the claim of the applicant is not supported by any rule laid down by DoPT. Thus, the contention of the applicant is not sustainable. Further, the Committee requests the administration to strictly follow DPC Calendar and timely grant promotions so that the period of adhoc promotions is restricted to the extent of 1 year. In case of failure, accountability should be fixed.

(Shri Deepak Malik)
Dir., Fin. I/c
Member

(Shri L. Jamir)
Insurance Commissioner
Member

(Dr. R. K. Kataria)
Medical Commissioner
Chairman

	2. <u>A note is to be added in the RR of Joint Director as per para 3.1.3 of DOPT OM No. AB14017/48/2020 Estt.(RR) dated 31/12/2020.</u>			Decided by the court in favour of ESIC vide order dated 15.02.2021 in the matter of OA no. 343/2021 before Hon'ble CAT,PB, New Delhi. Hence, the Committee did not interfere.
	3. <u>Previously officers were given STS on completion of 4 years of service and hence they are to be given STS on completion of 4 years of service in the post of Deputy Director.</u>			The committee examined the facts (as reported by concerned branch) and found that there is no disparity as per notification of revised RR on 06.06.2015 for the post of Deputy Director.
	4. <u>Fixing of seniority as per the judgement of Hon'ble High Court given in the matter of Civil Appeal No. 8833-8835/2019 and DOPT OM No. 35014/2/80/Estt-D dated 07/12/1986.</u>			The Committee is of the view that the Administration may take a decision in light of prevailing rule position duly keeping in view the decision of the Hon'ble CAT, PB, New Delhi in OA No. 1545/2020 may be applied in this case.
2.	<u>Smt. Abhilasha Jha, DD I/c SRO, Peenya</u> <u>For pay fixation after grant of MACP.</u>	Recommended by Regional Director, Karnataka for consider as per para 26 of DoPT OM dated 19.05.2019.	As communicated by DD, F/A-3 that a comprehensive suggestion with data charts has been recorded in the file of E-I.	Her pay has been fixed at Rs. 16,890/- in the pay band-3 with grade pay of Rs. 5400/- with effect from 15.09.2010 (DNI-01.07.2011). The case stands closed.
3.	<u>Smt. R. Vijyalakshmi, RO, Puducherry</u> <u>To relax the qualifying service & Consider for promotion to the post of UDC for the year 2018.</u>	The Officials representation address to the Litigation Committee is forwarded for further necessary action.	A note alongwith all relevant documents received from RO, Puducherry has been forwarded to E-II br. Vide this branch UO Note No. Estt/Legal/2862/2015/162 dated 28.03.2022 for submission of reply for representing before NLC. A reply has been received from E-II br. Vide UO Note No. A-33/19/33/2022-Estt-II dated 30.05.2022 wherein they	The Committee examined the issue and found that the action taken by RO, Puducherry is in order and her contention is not sustainable.

(Smt. Deepak Malik)
Dir., Fin. I/c
Member

(Smt. L. Jamir)
Insurance Commissioner
Member

(Dr. R. K. Kataria)
Medical Commissioner
Chairman

			stated that "the action taken by RO, Puducherry is found to be in order."	
4.	<u>Sh. Mahesh Malvankar, UDC, RO, Maharashtra</u> <u>UDC Seniority for the year 2017-18 & 2018-19</u>	Recommended by Regional Director, RO, Maharashtra	A note along with all relevant document receive from RO, Maharashtra has been forwarded to E-II br., Hqrs vide this branch UO Note No. Estt/Legal/2862/2015/154 dated 09.12.2021 followed by reminder dated 07.04.2022 for submission of reply for presenting before NLC. A Reply has been received from E-II br. Vide UO Note No. A-33/19/7/2022-Estt.II dated 07.04.2022 wherein they stated that the action by RO, Mumbai is found correct in terms of the DoPT OM dated 04.03.2014 which was issued in compliance of Hon'ble Supreme Court judgement in NR Parmar case.	The case details have been called for from E-II, Hqrs for examining in next meeting.
5.	<u>Sh. Abhay Kumar Shanu, UDC, RO, Maharashtra</u> <u>Sh. Rakesh Meena, UDC, RO, Maharashtra</u> <u>Anomaly in Inter-se-seniority of UDC cadre in ESIC regions and seniority of UDC in r/o Maharashtra region for the year 2017-18, 2018 and 31.12.2018.</u>	Recommended by Regional Director, RO, Maharashtra. Recommended by Regional Director,	A note along with all relevant document receive from RO, Maharashtra has been forwarded to E-II br., Hqrs vide this branch UO Note No. Estt/Legal/2862/2015/160 dated 29.12.2021 followed by reminder dated for submission of reply for presenting before NLC. A reply has been received from E-II br. Vide UO Note No. A-33/19/4/2022-Estt-II dated 31.05.2022 through email wherein they stated that "seniority prepared according to consolidated merit in the recruitment in terms of the DoPT OM no. 22011/7/86- Estt(D) dated 03.07.1986 & 11/11/2010, OM No. 2011/1/12-Estt. (D) dated 04.03.2014 and DoP&T OM No. 41019/18/97-Estt. Dated 13.06.2000. Hence, the request of above officials can not be acceded."	The case details have been called for from E-II, Hqrs for examining in next meeting. The case details have been called for from E-II, Hqrs for

(Shri Deepak Malik)
Dir., Fin. I/c
Member

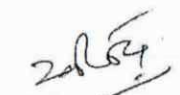
(Shri L. Jamir)
Insurance Commissioner
Member

(Dr. R. K. Kataria)
Medical Commissioner
Chairman

	<u>Sh. Chiranjivee V Borkar, UDC, ESIC Model Hospital, Andheri</u> <u>Re-fix my seniority above the UDC's recruitment in the year 2017.</u>	RO, Maharashtra for re-examine.	A note along with all relevant document receive from RO, Maharashtra has been forwarded to E-II br., Hqrs vide this branch UO Note No. Estt/Legal/2862/2015/160 dated 29.12.2021 for submission of reply for presenting before NLC. A reply has been received from E-II br. Vide UO Note No. A-33/19/4/2022-Estt-II dated 31.05.2022 through mail wherein they stated that "The instructions issued by DoPT based on the Meghchandra Judgement of the Hon'ble Supreme Court is applicable prospectively and the same can not be used as a reason to challenge or disturb the already finalized seniority list."	examine in next meeting.
6.	<u>Sh. Gopalkrishna Kona, Assistant, Super Speciality Hospital, Hyderabad</u> <u>Inclusion of name in LDCE selection for the vacancy of 2017-18 through LDCE from UDC to Assistant.</u>		A note along with all relevant document receive from RO, Maharashtra has been forwarded to E-II br., Hqrs vide this branch UO Note No. Estt/Legal/2862/2015/134 dated 11.01.2022 for submission of reply for presenting before NLC. A reply has been received from E-II Br., Hqrs vide their UO Note No. A-33/19/9/2018-Estt-II dated 27.01.2022 stating that "the instruction applicable at the material time did not permit any regular Assistant to appear in LDCE for the post of Assistant. Permitting the applicant alone to appear in the LDCE and declaring his result will be discriminatory as several other applicants had been denied permission by the Regions and Hqrs. Office. Though the ibid instruction has since been withdrawn".	The Committee was apprised that similar matter i.e. Raghu Potlabathini, Asstt. was examined at the level of this committee. Therefore, the case details of Sh. Gopalkrishna Kona, Asstt. have been called for from E-II, Hqrs for examining in next meeting.


 (Shri Deepak Malik)
 Dir., Fin. I/c
 Member


 (Shri L. Jamir)
 Insurance Commissioner
 Member


 (Dr. R. K. Kataria)
 Medical Commissioner
 Chairman

7.	i) Sh. P. Kunhiraman, Suptd. Retd. ii) Sh. N.D. Jacob, Manager, Gr-II, Retd. (Regional Office, Kerala) <u>Regarding Revise the pay of the Applicants from the date of up gradation of scale of pay of the post of manager Gr-II and equivalent from 01-01-2006 as per 6th CPC.</u>	The pensioners have been informed that the request can be considered only on receipt of relevant instructions from Hqrs Office.	The NLC could not examine the issue on 23.09.2022 due to non-availability of comments by E-III. However, A ATR/Comments have been sought by the E-III vide Legal Branch UO Note No. Estt./Legal/2862/2015/137 dated 17.06.2022. The reply of E-III dated 23.06.2022 informing that there is no change in the reply already furnished vide their note dated 12.03.2022.	Sh. Deepak Malik, Dir. Fin I/c has pointed out that Rule 33 & 34 of CCS(Pension) Rules 1972 provides that the pension of a retiring Government servant is calculated on the basis of the pay which a Government servant was receiving immediately before his retirement and the pay not actually drawn is not taken into account for this purpose. Further revisions are to be done w.r.t. pay scales in which the individual retired. Therefore, The Committee accepted the reply given by E-III, Hqrs. The claim of the applicant is not sustainable.
8.	(i) Shri Benjamin CM, Retd manager, Gr-II <u>Sub regional Office – Kollam, Kerala:- fixation of pay</u> <u>Re-fixation of pension.</u>	Fixation has been done in accordance with the guidelines as per the guidelines as per 6th CPC. However the representation by the pensioner under National Litigation Policy is forwarded for further evaluation.	The NLC could not examine the issue on 23.09.2022 due to non-availability of comments by E-III. However, A ATR/Comments have been sought by the E-III vide Legal Branch UO Note No. Estt./Legal/2862/2015/142 dated 17.06.2022. The reply of E-III dated 23.06.2022 informing that there is no change in the reply already furnished vide their note dated 12.03.2022.	Sh. Deepak Malik, Dir. Fin. I/c has pointed out that Rule 33 & 34 of CCS(Pension) Rules 1972 provides that the pension of a retiring Government servant is calculated on the basis of the pay which a Government servant was receiving immediately before his retirement and the pay not actually drawn is not taken into account for this purpose. Further revisions are to be done w.r.t. pay scales in which the individual retired. Therefore, The Committee accepted the reply given by E-III, Hqrs. The claim of the applicant is not sustainable.
9.	Sh. Kishor T. Kantode, Assistant, SRO, Nagpur <u>Pay fixation as per 7th CPC after promotion to the post of Assistant</u>	The employee was UDC as on 01.01.2016 and was promoted as Assistant(Adhoc) w.e.f. 04.08.2016. As per Rule 5 of CCS(Revised) pay rules, 2016 he sought fitment under 7th CPC w.e.f. 04.08.2016. E-III, Hqrs has, however, decided that the option of fitment is not available to the employee upon Adhoc promotion while Rule 5 of 7th CPC does not draw a distinction	A note alongwith all relevant documents received from SRO, Nagpur has been forwarded to Fin. & A/c-III vide this branch UO Note No. Estt/Legal/2862/2015/145 dated 25.01.2022 for submission of reply for representing before NLC. A reply has been received from Estt.-III br. Vide ID Note No. A-27/17/2/7th cpc/2016-E.III dated 24.05.2022 wherein they have stated that If the official opts for switching over to 7th CPC from 04.08.2016, he will have refund to the pay and allowances if any he had drawn in 7th CPC pay scales from 01.01.2016/01.07.2016 to	E-III, Hqrs, has sent the reply to SRO, Nagpur that his request is without merit and can not be acceded to as it may result monetary loss to the applicant. The Committee after examining the issue accepted the reply of E-III, Hqrs.

(Shri Deepak Malik)
Dir., Fin. I/c
Member

(Shri L. Jankar)
Insurance Commissioner
Member

(Dr. R. K. Kataria)
Medical Commissioner
Chairman

		between Adhoc or Regular promotion.	03.08.2016. Also it may result in monetary loss to the employee.	
10.	<u>Sh. M. H. Chandarana, Gen. Secretary, ESIC Pensioner's Association (Gujarat)</u> <u>Recovery of Leave encashment from the pensioners</u>		A note along with all the relevant documents received from Sh. Mahesh H. Chandarana has been sent by this branch UO Note No. Estt/Legal/2862/ 2015/159 dated 22.11.2021 to E-III, Hqrs vide for submission of reply for presenting before the Litigation Committee. E-III replied to secretary general on 08.03.2022 on the subject matter informing that waiving of Leave Encashment due from the Employee who retired after 31.07.2018 is without merit and cannot be acceded to. Copy enclosed.	The reply has been sent to the applicant by E-III, Hqrs that his request is without merit and can not be acceded to. The Committee on examining the issue has accepted the reply of E-III, Hqrs on the basis of the extant instruction.
11.	<u>Dr.Partha Pratim Biswas,CMO(NFSG), PGIMSR, ESIC Medical College and Hospital & ODC, Joka Kolkata</u> <u>Grant of promotion to CMO-NFSG with effect from 08-07-2008</u>	If denial of time bound promotion of the officer to NFSG cadre from 08/07/2008 is due to 'average' grading for the year 2006 and supreme Court judgement says time bound promotion cannot be denied on the basis of uncommunicated below bench mark ACRs, his submission may be reconsidered.	A note along with all the relevant documents received from PGIMSR, ESIC Medical College and Hospital & ODC, Joka Kolkata, have been sent to DPC, Cell, Hqrs Office vide this Branch's UO note No. Estt./Legal/2862/2015/132 dated 04/01/2021 followed by reminder dated 02.03.2021 for submission of reply at the earliest for presenting before the Litigation Committee. As communicated by Medical Br. (DPC), the promotion to CMO(NFSG) with effect from 01.04.2013 under DACP Scheme.	The Committee was apprised that the case is under sub-judice. The applicant has approached Hon'ble Supreme Court vide SLP © No. 6842/2022 after losing in the Hon'ble High Court & CAT of Calcutta. Hence, The committee chose not to interfere.
	<u>Regarding denial of promotion to SAG Grade due to adverse remark of the reviewing officer in APAR</u>		A note along with all the relevant documents received from PGIMSR, ESIC Medical College and Hospital & ODC, Joka Kolkata, have been sent to DPC, Cell, Hqrs Office vide Legal Branch's UO note No. Estt./Legal/2862/2015/132 dated 07/03/2022 for submission of reply at the earliest for presenting before the Litigation Committee.	The committee has accepted the reply given by Med. DPC br., hqrs after examining.

(Shri Deepak Malik)
Dir., Fin. I/c
Member

(Shri L. Jamir)
Insurance Commissioner
Member

(Dr. R. K. Kataria)
Medical Commissioner
Chairman

			A reply has been received from DPC(MA) vide UO Note No. DPC(M)/MISC/Promotion-2017 dated 13.04.2022. wherein he is eligible for promotion to SAG w.r.f. 01.04.2020 and DPC for promotion to the post of SAG for year 2020-21 is yet to be conducted. Copy enclosed.	
12.	<u>Dr. Hanumantha, Asstt. Professor</u> <u>ESIC Hospital & PGIMSR, K.K. Nagar,</u> <u>Chennai</u> <u>Not grant of promotion to the post of</u> <u>Associate professor w.e.f 12.03.2018</u> <u>and applicant mentioned that there</u> <u>were no disciplinary proceedings</u> <u>against me on the said date.</u>	Recommended by Dean, KK Nagar, Chennai for Consideration.	A note along with all the relevant documents received from relevant office has been sent to Med. Adm. (DPC), Hqrs office vide this branch UO Note No. Estt/Legal/2862/2015/157 dated 19.09.2021 reminder followed by dated 24.02.2022 for submission of reply for presenting before the Litigation Committee. A reply has been received from DPC Cell (MA) vide UO Note No. A-33/14/2/1/2010-DPC(M) dated 17.06.2022 wherein they have informed that the medical officer has been issued with the major penalty charge sheet dated 09.07.2020 which was pending on the date of DPC. Hence, the recommendation of DPC was kept under sealed cover by DPC. The same was also informed to Medical officer through their controlling unit vide letter dated 15.04.2021 and 28.02.2022. Copy enclosed.	The Committee again impressed that DPC should be conducted strictly in a time bound manner as per the DPC Calendar schedule. In case of failure, accountability should be fixed. Further, the Committee sought the status of Disciplinary proceedings from DPC(MA).
13.	<u>Smt. Anandini, OS, SRO, Nand Nagari</u> <u>Stepping up of Pay with junior in</u> <u>cadre of Assistant</u>	Recommended by AD (Adm.), SRO, Nand Nagri, may be informed regarding her request with DoPT letter dated 26.10.2018.	A note along with all relevant document received from concerned office has been forwarded to Regional Office, Delhi vide this branch letter No. Estt/Legal/2862/2015/146 dated 18.11.2021 for submission of reply for presenting before NLC. क्षेत्रीय कार्यालय, दिल्ली से पत्र सं 11- ए/20/11/1200/2003- प्रशा/पार्ट-1 दिनांक 22.12.2021	Representative of RO, Delhi was not present. Hence deferred. RD, Delhi is requested to present invariably in the next meeting.

(Shri Deepak Malik)
Dir., Fin. I/c
Member

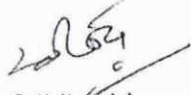
(Shri L. Jamir)
Insurance Commissioner
Member

(Dr. R. K. Kataria)
Medical Commissioner
Chairman

		द्वारा जबाव प्राप्त हुआ है- सहायक पद पर तदर्थ आधार पर पदोन्नति हेतु स्क्रीनिंग समिति की बैठक दिनांक 03.09.2010 में श्रीमती आनंदनी, वर्ष 2006-07 की वार्षिक मूल्यांकन रिपोर्ट में प्रतिकूल टिप्पणी के कारण, पदोन्नति के लिए अयोग्य पाई गई। दिनांक 20.12.2011 को मु. द्वारा उक्त प्रतिकूल टिप्पणी निरस्त की गई तथा दिनांक 21.12.2011 को विशेष स्क्रीनिंग समिति द्वारा श्रीमती आनंदनी को सहायक तदर्थ के पद हेतु योग्य पाया गया और उन्होंने सहायक (तदर्थ) के पद पर कार्यभार ग्रहण किया। श्रीमती आनंदनी द्वारा समय-समय पर दिए गए वेतन बढ़ोतरी के प्रतिवेदनों के कर्मिक विभाग, भारत सरकार द्वारा जारी अनुदेशों के अनुसार जांचा गया और उपयुक्त नहीं पाया गया है। वेतन बढ़ोतरी के अनुदेशों को कर्मिक विभाग द्वारा समेकित कर दिनांक 26.10.2018 को जारी किया गया तथा उसमें दिए अनुच्छेद 3 (सी) के अनुसार ही मामले की जांच की गई थी।	
--	--	--	--


 (Shri Deepak Malik)
 Dir., Fin. I/c
 Member


 (Shri L. Jamir)
 Insurance Commissioner
 Member


 (Dr. R. K. Kataria)
 Medical Commissioner
 Chairman

No.DOPT-1721625311004
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Estt. D)

Dated 22 July, 2024

OFFICE MEMORANDUM

Subject:- Guidelines on Departmental Promotion Committees

Note : While due care has been taken to compile this document, however, if any omissions or correction are noticed, the same may be brought to the notice of the Department of Personnel & Training.

1. FUNCTIONS AND COMPOSITION OF DEPARTMENTAL PROMOTION COMMITTEES (DPCs)

1.1 A post is filled on promotion basis where the Recruitment Rules so provide as a method of recruitment. In making promotions, it should be ensured that suitability of the candidates for promotion is considered in an objective and impartial manner. For this purpose, Departmental Promotion Committee [DPC] (for considering Promotion) should be formed in each Ministry/ Department/ Organisation. In addition, for considering cases of confirmation Departmental Confirmation Committee [DCC] needs to be constituted. Thus, whenever an occasion arises for making promotions/ confirmation etc., the DPCs/DCCs so constituted shall judge the suitability of officers for :

(a) 'Promotion' to 'Selection' as well as 'Non-Selection' posts.

(b) Appointment of existing incumbent(s) to post(s) which has(have) been upgraded, in the event of upgradation of post(s) held by the officer(s), in accordance with provisions of DoPT O.M. No. 22011/10/ 84-Estt (D) dated 04.02.1992 and O.M. No. AB-14017/66/2008-Estt.(RR) dated 09.03.2009.

(c) Confirmation of direct recruits in their respective entry grades/posts, confirmation of those promoted in case of change of Group on Promotion or confirmation for officers re-employed before the age of superannuation (by the Departmental Confirmation Committee).

(d) Assessment of work and conduct of the probationers for the purpose of determining their suitability for retention in service or their discharge from it or extending their probation.

[\[O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989,](#)

[O.M. No. 22011/10/ 84-Estt \(D\) dated 04.02.1992,](#)

O.M. No. [AB-14017/66/2008-Estt.\(RR\) dated 09.03.2009](#) and

O.M. No. [28020/3/2018-Estt.\(C\) dated 11.03.2019\]](#)

1.2 Composition of DPC for Group 'A' and Group 'B' posts

1.2.1 Members included in DPCs for Group 'A' and Group 'B' posts should be officers who are at least one level above the posts in which promotion/ confirmation is to be made. A nominee of Department of Personnel & Training (DoPT) shall also be associated with the DPCs in respect of posts covered by the Appointments Committee of the Cabinet (ACC) delegation, as prescribed vide DoPT O.M. No. 22012/5/97-Estt (D) dated 12.01.1998.

[\[O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989 and
O.M. No. 22012/5/97-Estt.\(D\) dated 12.01.1998\]](#)

1.3 Association of UPSC with DPCs/DCCs

1.3.1 Cases of promotion:

In cases of promotion by Selection, it shall not be necessary to associate the Union Public Service Commission while making a promotion to any Group 'A' Service or post the maximum of the scale of pay of which is less than Rs.16500 (less than Pay Level 12), of an officer holding any Group 'A' service or post. Consultation with UPSC shall continue to be necessary while considering promotion from Group 'B' to any level in Group 'A'.

Whenever the UPSC is associated with a DPC, the Chairman or a Member of the Commission will preside at the meeting of the DPC.

[\[Notification No. 39018/1/98-Estt.\(B\) dated 21.05.1999,](#)

[Notification No. 39018/01/98-Estt.\(B\) dated 04.12.2003 and](#)

[Para 2.4 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

1.3.2 Cases of confirmation:

It shall not be necessary to consult the UPSC while making substantive appointment or confirmation to any Group 'A' or Group 'B' Service or post, of any person recruited directly through the UPSC to such Group 'A' or Group 'B' Service or post.

[\[Notification No. 39018/1/98-Estt.\(B\) dated 21.05.1999\]](#)

1.3.3 Composition of DPC for Group 'C' posts

In respect of a DPC for Group C posts the Chairman of the DPC should be an officer of a sufficiently high level and one of the members of the DPC should be an officer from a Department not connected with the one in which promotions are considered. The other member(s) should be an officer of the Department familiar

with the work of the persons whose suitability is to be assessed. The officer of another Department appointed as a member of the DPC should also be of an appropriate level keeping in view the level of the other members of the DPC and the post to which promotion is to be made. In the case of a DPC constituted for promotions to a technical post it may also be ensured that the officer nominated by another Department has also the requisite technical competence to advise on the suitability of the candidates under consideration.

[Para 2.5 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

1.3.4 Co-option of SC/ST officers as Members of DPC

(a) Endeavour should also be made to nominate an SC/ST officer on the DPC constituted for various posts/services particularly where a DPC has to make bulk selection for a large number of vacancies, say 30 or more at a time. Where an outside member has to be associated with the DPC for Group C posts, there would be no objection to nominate on such a DPC, a SC/ST officer from such other Ministry/Department in the event of such officer not being available in the Ministry/Department itself.

(b) In Group A and Group B Services/posts if none of the officers included in the DPC as per the composition given in the recruitment rules is a SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST if available within the Ministry/Department. If no such officer is available within the Ministry/Department, he may be taken from another Ministry/Department.

[O.M. No. F.16/1/74-Estt.(SCT) dated 23.05.1975,

O.M. No. 41013/16/80-Estt.(SCT) dated 10.08.1981,

O.M. No. 36011/22/82-Estt.(SCT) dated 18.08.1983 and

Para 2.6 and 2.7 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

2. FREQUENCY OF DEPARTMENTAL PROMOTIONAL COMMITTEE MEETINGS

2.1 Frequency at which DPC should meet and suggested model calendar for holding of DPCs

2.1.1 The DPCs should be convened at regular annual intervals to draw panels, which could be utilized for making promotions against the vacancies occurring during the course of the vacancy year. From the year 2018 onwards, Vacancy Year stands shifted to Calendar Year. Accordingly from 2019 onwards, the crucial date for determining eligibility shall be the 1st of January of the Vacancy Year.

2.1.2 For timely convening of DPC it is essential for the concerned Ministry/ Department/Office/cadre authorities to take timely action for collecting all relevant documents, convening the DPC and seeking approval of the appointing authority. Ideally an officer should be identified as the nodal officer for ensuring timely convening of the DPC. For Gr. A Services/posts, Joint Secretary (Admn) of the administrative Department/ or Joint Secretary in-charge of the cadre concerned may be designated as the nodal officer. For other services/posts, Administrative Ministry may similarly identify nodal officers of equivalent level for the purpose.

2.1.3 A model Calendar as prescribed below may be followed so that it could be ensured that the select panel is ready before the commencement of the vacancy year. For practical reasons, a separate time-schedule for cases requiring approval of the Appointments Committee of Cabinet and cases, which do not require such approval, has been suggested.

MODEL CALENDAR FOR CONDUCTING DEPARTMENTAL PROMOTION COMMITTEES(DPCs)

A. ACC Cases

Sl.No.	Events	Timeline
1.	Crucial date for determining eligibility	1 st January of the Vacancy Year
2.	Compilation of ACRs (APARs)/ Vigilance Clearance/ Seniority List/ Penalty and Vacancy position etc., and forwarding DPC proposal to UPSC	January – to 15 th April of the year preceding the vacancy year
3.	Last date for sending complete proposal along with relevant Recruitment / Service Rules to the UPSC. (Efforts should be made to send the proposal to the UPSC as soon as possible without waiting for the last date)	15 th April of the year preceding the vacancy year
4.	DPC to be held	15 th April – August of the year preceding the vacancy year
5.	On receipt of DPC minutes from the UPSC, post-DPC follow-up action by the administrative Ministry/ Department	September of the year preceding the vacancy year
6.	Approval of the ACC including communication of its approval to the administrative Ministry/ Department	October – December of the year preceding the vacancy year
7.	Last date for getting ready the approved select panel by the administrative Ministry / Department	31 st December of the year preceding the vacancy year

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

Sl.No.	Events	Timeline
1.	Crucial date for determining eligibility	1 st January of the Vacancy Year
2.	Compilation of ACRs (APARs) / Vigilance Clearance/ Seniority List/Penalty and Vacancy position etc., and forwarding DPC proposal	January – April of the year preceding the vacancy year
3.	Last date for sending complete proposal along with relevant Recruitment / Service Rules to the DPC. (Efforts should be made to send the proposal to the UPSC as soon as possible without waiting for the last date)	30 th April of the year preceding the vacancy year

4.	DPC to be held	May – October of the year preceding the vacancy year
5.	On receipt of DPC minutes, post-DPC follow-up action (including approval of the Competent Authority) by the administrative Ministry/ Department	November – December the year preceding the vacancy year
6.	Last date for getting ready the approved select panel by the administrative Ministry / Department	31 st December of the year preceding the vacancy year

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.

[\[Para 3.1 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989,](#)

[O.M. No. 22011/3/2011-Estt.\(D\) dated 24.03.2011 and](#)

[O.M. No. 22011/4/2013-Estt.\(D\) dated 08.05.2017\]](#)

2.2 Recruitment Rules at the time of occurrence of vacancy to be adopted

2.2.1 Holding of DPC meetings need not be delayed or postponed merely on the ground that recruitment rules for a post are being reviewed/amended. A vacancy shall be filled in accordance with the recruitment rules in force as on the date of vacancy, unless rules made subsequently have been given retrospective effect. Since amendments to recruitment rules normally have only prospective application, the existing vacancies should be filled as per the recruitment rules in force.

[\[Para 3.1 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

2.3 Non-holding of the regular DPC for valid reasons

2.3.1 The requirement of convening annual meetings of the DPC/DCC 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.

[\[Para 3.2 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

3. PREPARATORY ACTION FOR HOLDING DPCs

3.1 Determination of regular vacancies and size of the select panel.

3.1.1 It is essential that the number of vacancies in respect of which a panel is to be prepared by a DPC should be estimated as accurately as possible. For this purpose since action is to be initiated in advance, the vacancies to be taken into account should be clear vacancies arising in a post/grade/service in the relevant vacancy year due to retirement, regular long term promotion and deputation. As regards vacancies arising

out of deputation, only those cases of deputation for periods exceeding one year should be taken into account, due note, however, being kept also of the number of the deputationists likely to return to the cadre and who have to be provided for. Purely short term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training etc. should not be taken into account for the purpose of preparation of a panel. In cases where there has been delay in holding DPCs for a year or more, vacancies should be indicated year- wise separately.

[Para 4.1 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

3.1.2 DPC for a grade may take into account all clear expected vacancies by retirement etc. in the concerned grade as well as chain vacancies on account of retirement etc. in the higher grades which can be clearly anticipated in the same vacancy year.

[Para 7 of O.M. No. 22011/9/98-Estt.(D) dated 08.09.1998]

3.1.3 Chain Vacancies on account of retirement, etc. in the higher grades in a vacancy (panel) year shall include :

The vacancies which can be clearly anticipated as likely to become available in the concerned grade by promotion of officers of the service to higher grades during that vacancy (panel) year. (Expected promotion to the higher grades under the Model Calendar for DPCs would normally be against vacancies arising by retirement in all the higher grades/hierarchy - as per paragraph 7 of the Office Memorandum dated September 8, 1998).

[Para 2 of O.M. No. 22011/9/98-Estt.(D) dated 06.10.1999]

[For vacancies that arise subsequently during the vacancy year due to death, resignation, creation of new posts, a supplementary DPC needs to be convened.]

3.2 Papers to be put up for consideration by the DPCs

The proposals for promotion / confirmation to be submitted to the DPC/ DCC/ UPSC should be complete in all respects and should be sent in good time before the meeting.

[Para 4.2.1 and 4.2.2 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

3.2.1 Annual Performance Appraisal Reports (APARs)

(i) No proposal for holding meeting of the DPC or Selection Committee should be sent to the Committee or UPSC until and unless all the APARs complete and upto-date are available. In certain case involving collection of a large number of APARs, the proposal can be sent only if at least 90% of the APARs reckonable for the vacancy year concerned are available. Every effort should be made to keep the APARs dossiers upto date, lest this aspect is advanced as the reason for not holding the DPCs in time.

[Para 4.2.3 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

(ii) If the APAR for a particular year/period is not available and for valid/ justifiable reasons it cannot be made available, a certificate (No Report Certificate) should be recorded to that effect and placed in the respective APAR dossier.

[\[Para 4.2.4 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

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

[\[Para 4.2.6 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

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

[\[Para 4.2.7 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

3.2.2 Statement of penalties imposed on the officer

All Ministries/Departments should attach a statement indicating the penalties imposed on the officers included in the zone of consideration during a period of ten years preceding the year in which DPC is held, including till the date of DPC. Copies of orders imposing the penalties and decisions taken on appeals, if any, should be kept in the respective CR dossiers.

[\[O.M. No. 22011/5/86-Estt.\(D\) dated 27.03.1990\]](#)

3.2.3 Consideration of some special cases

(i) Consideration of officers on deputation to an ex-cadre post

The names of the officers who are on deputation to an ex-cadre post either on their own volition or in public interest (including foreign service), should also be included in the list submitted to the DPC for consideration for promotion in case they come within the field of choice for promotion and fulfill the prescribed eligibility conditions. Similarly, the names of the officers on deputation should also be included in the list of names to be considered by the DCC for confirmation, in case they are eligible for confirmation and come within the range of seniority.

[\[Para 4.3.1 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

(ii) Eligibility service- Counting of service rendered on deputation/foreign service

A certain number of years of service in the lower grade is prescribed as a condition for becoming eligible for consideration for promotion to a higher post/grade. In such cases, the period of service rendered by an officer on deputation/foreign service, should be treated as comparable service in his parent Department for purposes of promotion as well as confirmation. This is subject to the condition that the deputation/foreign service is with the approval of the competent authority and it is certified by the competent authority that but for the deputation/foreign service, the officer would have continued to hold the relevant post in his parent department. Such a certificate would not be necessary if he was holding the departmental post in a substantive capacity.

[\[Para 4.3.2 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

[\[Para 2.6 of O.M. No. 28020/1/2010-Estt.\(C\) dated 17.08.2016\]](#)

(iii) Consideration of officers on Study Leave/ Special Leave for Training

An officer proceeding on study leave should be treated on the same basis as an officer proceeding on deputation if the study leave was duly sanctioned by the competent authority and the competent authority certifies that he would have continued to officiate but for his proceeding on study leave. Such a certificate would not be necessary if he was holding the said departmental post substantively. These instructions would also apply in the cases of Government Servants who are granted special leave for training abroad under the various training schemes.

[\[Para 4.4 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

(iv) Consideration of officer already recommended for Direct Recruitment

It may happen that a Government servant who is recommended for appointment to a post as a direct recruit may also be among those eligible for consideration for promotion to the same post. An officer does not lose his right of consideration for such promotion merely because he has been recommended for appointment against the direct recruitment quota. Therefore, such officers, if they are within the field of eligibility, should be included in the list of officers for consideration by the DPC, except where an officer was holding the lower post in a temporary capacity and has been appointed to the higher post as a direct recruit before the date of the meeting of the DPC.

[\[Para 4.5 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

(v) Reservation for SCs/ STs

(a) Instructions have been issued from time to time by the Department of Personnel and Training regarding reservations and concessions to SCs and STs in the matter of promotions and confirmations. These instructions should be duly taken into account by the appointing authorities while formulating proposals for promotion/confirmation for consideration of the DPC.

(b) Consequent upon the implementation of the Supreme Court Judgement in the case of R.K. Sabharwal vs. State of Punjab, provision of vacancy based roster has been replaced with that of post based roster. All the Ministries / Departments are required to prepare the respective rosters based on the principles elaborated in the O.M. No. 36012/2/96-Estt.(Res) dated 02.07.1997.

[\[O.M. No. 36012/2/96-Estt.\(Res\) dated 02.07.1997\]](#)

(c) In terms of the judgement dated 28.01.2022 in the case of Jarnail Singh and Ors. V. Lachhmi Narain Gupta and Ors. (Civil Appeal No. 629 of 2022 arising out of SLP (C) No. 30621 of 2011) and other connected matters, the Supreme Court has set out the following conditions that are to be satisfied by the Government for the purpose of implementing the policy of reservation in promotions :

(i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;

(ii) Application of this data to each cadre separately; and

(iii) If a roster exists, the unit for operation of the roster would be the cadre for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

(d) All the Ministries/ Departments are required to ensure that the above conditions are complied with before implementing the policy of reservation in promotions and carrying out any promotions based thereon. For this purpose, they are required to ensure the following:

(i) In terms of DoPT's O.M. No.43011/153/2010-Estt (Res) dated 04.01.2013, the Liaison Officer shall ensure that the reservation rosters are strictly maintained as per the instructions/ guidelines, laid down in DoPT OM No. 36012/2/96-Estt(Res) dated 02.07.1997.

(ii) In order to ensure maintenance of efficiency of administration, the DPC shall carefully assess the suitability of the officers, being considered for promotion.

(iii) The Appointing Authority shall issue the appointment/ promotion orders only after satisfying itself that the conditions mentioned in Sub-paras (d), (f)(i) & (f)(ii) above have been fully complied with.

[\[O.M. No. 36012/16/2019-Estt.\(Res\) dated 12.04.2022\]](#)

Note : Since the Jarnail Singh batch of cases is still pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

4. PROCEDURE TO BE OBSERVED BY DEPARTMENTAL PROMOTION COMMITTEES

4.1 Furnishing of the certificate by the Chairperson/Members

While sending the Agenda Papers of the DPC to the Chairperson and to the Members of the DPC, each one of them may specifically be asked to furnish the information to the Appointing Authority sufficiently in advance stating that none of his/her close relative is being considered by the DPC and that he/she (Chairperson/Members) is otherwise also not interested in any particular candidate. Members of the DPC may also endorse sufficiently in advance, a copy of such information to the Chairperson of the DPC. In the event of the Chairperson/Members not being in a position to participate in the meeting, this would facilitate making alternate arrangement (as the case may be) in time by nominating officers of the equivalent ranks to function as the Chairperson/members of the DPC, if permissible according to the provisions of the relevant Recruitment Rules.

[\[O.M. No. 22012/1/97-Estt.\(D\) dated 23.05.2001\]](#)

4.2 Interviews in promotions

No interviews should be held unless it has been specifically provided for in the recruitment rules for the post/service. Whenever promotions are to be made by the method of 'Selection' by DPC and the administrative Ministry desires that an interview should form part of the selection process, necessary provision should be made in the recruitment rules. However, interviews in junior level posts upto Group 'B' (Non-Gazetted) in the Government have been discontinued irrespective of mode of appointment i.e. promotion, deputation, direct recruitment etc.

[\[O.M. No. 39020/01/2013-Estt.\(B\) dated 09.10.2015\]](#)

-

SELECTION METHOD

-

4.3 Zone of Consideration for promotion by Selection

For promotion by Selection method, the size of zone of consideration would be as under :-

-

No. of vacancies	No. of officers to be considered	Extended Zone of consideration for SC/ST
1	5	5
2	8	10
3	10	15
4	12	20
5 to 10	Twice the number of vacancies + 4	5 times the number of vacancies
Exceeding 10	One & half times the number of vacancies (rounded off to next higher integer) + 3 but not less than the size of zone of consideration for 10 vacancies.	5 times the number of vacancies

[\[Para 3 of O.M. No. 22011/2/2002-Estt\(D\) dated 06.01.2006\]](#)

4.3.1 If adequate number of SC/ST candidates are not available within the normal field of choice as above to fill up the vacancies reserved for them, the field of choice shall be extended to five times the total number of vacancies and the SC/ST candidates (and not any other) coming within the extended field of choice be considered against the vacancies reserved for them.

[\[Para 1 of O.M. No. 22011/1/90-Estt.\(D\) dated 12.10.1990\]](#)

4.3.2 Where there are a number of feeder grades with a fixed quota, the zone of consideration will be applicable separately with reference to the number of posts going to the quota of a particular feeder grade. Where no fixed quota is prescribed, a common eligibility list shall be prepared limited to the zone of consideration as above.

[\[Paras 2.2.1 and 2.2.2 of O.M. No. 22011/1/2008-Estt.\(D\) dated 11.11.2010\]](#)

4.4 Guidelines for conducting the proceedings of the DPCs

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

[\[Para 5 of O.M. NO. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

4.4.2 DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them. In order to ensure greater selectivity in matters of promotions and for having uniform procedures for assessment by DPCs, the following guidelines are laid down to regulate the assessment of suitability of candidates by DPCs.

4.4.3 While merit has to be recognized and rewarded, advancement in an officer's career would not be regarded as a matter of course, but should be earned by dint of hard work, and good conduct and result oriented performance as reflected in the Annual Performance Appraisal Reports and based on strict and rigorous selection process.

[\[Paras 6.1.2 to 6.1.3 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

4.4.4 Consideration of Annual Performance Appraisal Reports (APARs)

Annual Performance Appraisal Reports (APARs) are the basic inputs on the basis of which assessment is to be made by each DPC. The evaluation of APARs should be fair, just and non-discriminatory.

(a) The DPC should consider APARs for equal number of years in respect of all officers considered for promotion subject to (c) below.

(b) The DPC should assess the suitability of the officers for promotion on the basis of their service record and with particular reference to the APARs for five years preceding T-2nd year as reckoning APARs. It is also clarified that if more than one APAR have been written for a particular year, all the APARs for the relevant years shall be considered together as the APAR for one year.

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

(d) Where an officer is officiating in the next higher grade and has earned APARs in that grade, his APARs in that grade may be considered by the DPC in order to assess his work, conduct and performance, but no extra weightage may be given merely on the ground that he has been officiating in the higher grade.

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

[Paras 6.2.1 (a) to (e) of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989 and

O.M. No. 22011/4/2013-Estt.(D) dated 08.05.2017]

(f) Government also desires to clear the misconception about “Average” performance. While “Average” may not be taken as adverse remark in respect of an officer, at the same time, it cannot be regarded as complimentary to the officer, as ‘Average’ performance should be regarded as routine and undistinguished. It is only performance that is above average and performance that is really noteworthy, which should entitle an officer to recognition and suitable rewards in the matter of promotion.

[Para 6.1.3 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

(g) If the Reviewing authority or the Accepting authority as the case may be has over-ruled the Reporting Officer or the Reviewing authority as the case may be, the remarks of the latter authority should be taken as the final remarks for the purposes of assessment, provided it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind. If the remarks of the Reporting Officer, Reviewing authority and Accepting authority are complementary to each other and one does not have the effect of over-ruling the other, then the remarks should be read together and the final assessment made by the DPC.

[Para 6.2.1 (f) of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

(h) In cases where the assessment by DPCs are apparently not in line with the grades in the APARs, the DPC should appropriately substantiate its assessment by giving reasons, so that the appointing authority could factor these while taking a view on the suitability of officer for promotion.

[O.M. No. 22011/3/2007-Estt.(D) dated 18.02.2008]

(i) The DPC need not assess and grade all the officers in the eligibility list. Assessment of suitability of eligible employees in the zone of consideration (in the descending order of seniority in the feeder grade) for inclusion in the panel for promotion may be considered only upto a number, which is considered sufficient for preparing the normal panel with reference to the number of vacancies as also for preparing the extended panel for promotion in terms of Department of Personnel and Training Office Memorandum No. 22011/18/87-Estt-(D) dated 09.04.1996. In respect of the remaining employees in the zone of consideration, as now prescribed, the DPC may put a note in the minutes that the assessment of the remaining employees in the zone of consideration is not considered necessary, as sufficient number of employees with prescribed benchmark have become available.

[O.M. No. 22011/2/2002-Estt.(D) dated 06.01.2006]

4.4.5 Overall Assessment by DPC

(a) In the case of each officer an overall grading should be given. The grading shall be one among the gradings prescribed in the APAR.

(b) Before making the overall grading after considering the APARs for the relevant years, the DPC is also required to take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him, as reflected in the APARs.

[Para 6.2.2 and 6.2.3 of O.M. No. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

(b) 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 the general service record of the officer and the fact of the imposition of the penalty, the officer should be considered for promotion. The DPC, after due consideration, has the 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.

[Para 7(g) of O.M. No. 22011/4/2007-Estt.(D) dated 28.04.2014]

4.4.6 Preparation of panel

The list of candidates considered by the DPCs and the overall assessment of each candidate would form the basis for preparation of the panel for promotion by the DPC. The following principles should be observed in the preparation of the panel :

(a) There should be no supersession in matter of selection (merit) promotion at any level. In the case of 'selection' (merit) promotion, the distinction in the nomenclature ('selection by merit' and 'selection-cum-seniority') has been dispensed with and the mode of promotion in all cases shall be 'selection' only. The element of selectivity (higher or lower) shall be determined with reference to the relevant benchmark ('Very Good' or 'Good') prescribed for promotion.

(b) Bench-mark

Having regard to the levels of the posts to which promotions are to be made, the nature and importance of duties attached to the posts, bench mark grades have been prescribed for each category of posts for which promotions are to be made by selection method.

(i) Promotion to the revised pay scale of post in Pay Level -12 and above :

The mode of promotion shall be 'selection'. The benchmark for promotion 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 benchmark, as indicated in the following paragraphs, shall be 'good' only. The DPC shall, for promotions to the said pay level and above, grade officers as 'fit' or 'unfit' with reference to the benchmark of 'very good' and overall assessment. 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. There shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed benchmark of 'very good'.

[[O.M. No. 35034/7/97-Estt.\(D\) dated 08.02.2002](#)]

In order to ensure greater selectivity at higher level of administration, the DPC may ensure that for the promotion to Level 14 and above, the prescribed benchmark of 'Very Good' is invariably met in all APARs of five years under consideration.

[[O.M. No. 22011/2/2007-Estt.\(D\) dated 18.02.2008](#)]

(ii) Promotion to grades below the revised pay-scale of post in Pay Level 12 (including promotions from lower Groups to Group 'A' posts/grades/services).

The mode of promotion shall be 'selection'. The bench-mark for promotion, shall continue to be 'Good'. The DPC shall for promotion to posts/grades/services in the aforesaid categories, grade officers as 'fit' or 'unfit' only with reference to the benchmark 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. There shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed benchmark of 'Good'.

[[O.M. No. 35034/7/97-Estt.\(D\) dated 08.02.2002](#)]

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

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

4.4.7 Consideration of SC/ST Officers

(a) In promotion to posts/services in all Groups upto the lowest rung in Group 'A', selection against vacancies reserved for SCs and STs will be made only from those SC/ST officers, who are within normal zone of consideration. Where adequate number of SC/ST candidates is not available within the normal zone of consideration, it shall be extended to five times the total number of vacancies for which select panel is to be prepared and the SC/ST candidates coming within the extended field of choice should also be considered against the vacancies reserved for them. If candidates from SC/ST obtain on the basis of merit (normal bench mark score applicable for the grade) with due regard to seniority, on the same basis as others, lesser number of vacancies than the number reserved for them, the difference should be made up by selecting candidates of these communities, who are in the zone of consideration/extended zone of consideration, irrespective of merit and 'bench mark' but who are considered fit for promotion.

[Para 6.3.2(ii) and (iii) of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

(b) In promotions by Selection to posts within Group 'A' (Class-I) carrying Grade Pay of Rs. 8700/- (Pay Level-13) or less, the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in the zone of consideration for promotions, so as to be within the number of vacancies for which the select list has been drawn up, would be included in that list, provided they are not considered unfit for promotion.

[O.M. No. 36028/8/2009-Estt.(Res) dated 07.06.2013]

4.4.8 Preparation of Year wise panels by DPC where they have not met for a number of years

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

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

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

(iii) Prepare a 'Select List' by placing the select list of the earlier year above the one for the next year and so on.

[Para 6.4.1 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

(iv) With respect to point (ii) above, it is clarified that it is necessary to include those persons who were in position during the relevant vacancy year but have retired before holding the DPC. This is considered imperative to identify the correct zone of consideration for the relevant year(s). Such retired officials would, however, have no right for actual promotion. The DPC(s) may, if need be, prepare extended panel(s) as per principles prescribed in O.M. dated April, 9, 1996.

**[O.M. No. 22011/4/98-Estt.(D) dated 12.10.1998 and
O.M. No. 22011/1/2014-Estt.(D) dated 14.11.2014]**

4.4.9 Cases of occurrence of additional vacancies in a year

Where a DPC has already been held in a year and further vacancies arise during the same year due to death, resignation, voluntary retirement etc. or because the vacancies were not intimated to the DPC due to error or omission on the part of the Department concerned, the following procedure should be followed :

(i) Vacancies due to death, voluntary retirement, new creations, etc., clearly belong to the category, which could not be foreseen at the time of placing facts and material before the DPC. In such cases, another meeting of the DPC should be held for drawing up a panel for these vacancies as these vacancies could not be anticipated at the time of holding the earlier DPC. If, for any reason, the DPC cannot meet for the second time, the procedure of drawing up of year wise panels may be followed when it meets next for preparing panels in respect of vacancies that arise in subsequent year(s).

(a) With regard to the zone of consideration, the eligibility list for the supplementary DPC and whether officers who are included in the panel by the original DPC or in the extended panel but could not be promoted as these anticipated vacancies do not actually become available could be appointed against the additional vacancies later becoming available for the same vacancy year. These issues have been examined in consultation with UPSC and the following is decided.

(b) The zone of consideration, in case of holding supplementary DPC, shall be fixed as indicated in para 4.3 keeping in view total number of vacancies arising in a particular vacancy year i.e. vacancies accounted in Original DPC + additional vacancies becoming available subsequently during the same year.

(c) The eligibility list for supplementary DPC shall be prepared by removing the names of all such officers who have already been assessed by earlier DPC as fit, unfit or placed in the sealed cover by the original DPC before placing the same for consideration by the supplementary DPC.

(d) The officers who have already been empanelled or placed in the extended panel but could not be promoted due to these vacancies not actually becoming available; need not be re-assessed by the supplementary DPC as the assessment matrix remains the same. They may be appointed against the additional vacancies of the same vacancy year as per recommendations of the earlier DPC. In such situation the number of vacancies for supplementary DPC shall be accordingly adjusted.

(e) While calculating the regular vacancies for a DPC, it is incumbent upon administrative department to ensure that there is no arbitrariness in calculation of anticipated vacancies

**[\[O.M. No. 6.4.2\(i\) of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989 and
O.M. No. 22011/2/2014-Estt.\(D\) dated 30.01.2015\]](#)**

(ii) The second type of cases of non-reporting of vacancies due to error or omission (i.e. though the vacancies were there at the time of holding of DPC meeting but they were not reported to it) results in injustice to the officers concerned by artificially restricting the zone of consideration. The wrong done cannot be rectified by holding a second DPC or preparing a year wise panel. In all such cases, a review DPC should be held keeping in mind the total vacancies of the year.

[\[O.M. No. 6.4.2\(ii\) of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

(iii) For the purpose of evaluating the merit of the officers while preparing year-wise panels, the scrutiny of the record of service of the officers should be limited to the records that would have been available had the DPC met at the appropriate time. However, if on the date of the meeting of the DPC, departmental proceedings are in progress and under the existing instructions sealed cover procedure is to be followed, such

procedure should be observed even if departmental proceedings were not in existence in the year to which the vacancy related. The officer's name should be kept in the sealed cover till the proceedings are finalised.

[\[O.M. No. 6.4.3 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

(iv) While promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies relate to earlier year(s).

[\[O.M. No. 6.4.4 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

4.4.10 Extended panel

Normally the number of persons recommended in the panel should be equal to the number of vacancies reported. However, the DPCs may recommend an extended panel only in following 3 situations and not for filling up vacancies which have arisen subsequent to the DPC or during currency of panel :

- (a) when persons included in the panel are already on deputation or whose orders of deputation have been issued and will be proceeding on deputation shortly for more than a year; or
- (b) when persons included in the panel have refused promotion on earlier occasions and are under debarment for promotions; or
- (c) when officers included in the panel are retiring within the same year provided there is no change in the zone of consideration by the expected date of their retirement.

While giving the extended panel, the DPC should stipulate a condition against the additional names to the effect that they will be promoted only in the event of the officers in regular panel not being available for promotion /appointment for the reasons given by the Ministry/Department.

[\[O.M. No. 22011/18/87-Estt.\(D\) dated 09.04.1996\]](#)

5. NON-SELECTION METHOD

Where the promotions are to be made on 'non- selection' basis according to Recruitment Rules, the DPC need not make a comparative assessment of the records of officers and it should categorise the officers as 'fit' or 'not yet fit' for promotion on the basis of assessment of their record of service. While considering an officer 'fit', guidelines in para 6.1.4 of the O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989 (as mentioned in sub-para 4.4.4(f) of this compilation) should be borne in mind. The officers categorised as 'fit' should be included in the panel in the order of their seniority made from which promotions are to be made.

[\[Para 7 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

6. Confirmation

In the case of confirmation, the DCC should not determine the relative merit of officers but it should assess the officers as 'Fit' or 'Not yet fit' for confirmation in their turn on the basis of their performance in the post as assessed with reference to their record of service (Performance Appraisal Reports for the period of probation/extended period of probation).

[\[Para 8 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

7. Probation

In the case of probation, the DCC should not determine the relative grading of officers but only decide whether they should be declared to have completed the probation satisfactorily. If the performance of any probationer is not satisfactory, the DPC may advise whether the period of probation should be extended or whether he should be discharged from service.

[\[Para 9 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

8. Procedure to be followed by the DPC in respect of Government servants under cloud

At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee: -

- (i) Government servants under suspension;
- (ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- (iii) Government servants in respect of whom prosecution for a criminal charge is pending.

For the purpose of pendency of prosecution for a criminal charge, the definition of pendency of judicial proceedings in criminal cases given in Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 [*Now Explanation 1(b) (i) under Rule 8 of CCS (Pension) Rules, 2021*] is adopted. The Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 [*Now Explanation 1(b)(i) under Rule 8 of CCS (Pension) Rules, 2021*] provides as under:-

"(b) judicial proceedings shall be deemed to be instituted – (i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made"

[\[Para 2 of O.M. No. 22011/4/91-Estt.\(A\) dated 14.09.1992; and](#)

[Para 8 of O.M. No. 22034/4/2012-Estt.\(D\) dated 02.11.2012\]](#)

(For detailed procedure and other related aspects relating to those covered by any of the above three conditions, the [Information Document on 'Sealed Cover Procedure'](#), already available on the website of this Department may be referred)

9. Adverse remarks in APAR

9.1 Before placing the APARs for the reckonable period for consideration of the DPC, it should be ensured that all the relevant APARs have been disclosed to the officers concerned and the representations received, if any, against adverse remarks or below Benchmark Gradings, have also been disposed of in terms of OM No. 21011/1/2005-Estt.(A)(Pt-II) dated 14.05.2009, OM No. 21011/1/2010-Estt.(A) dated 13.04.2010 and OM No. 43012/1/2015-Estt.(A-II) dated 21.04.2020.

[\[OM No. 21011/1/2005-Estt.\(A\)\(Pt-II\) dated 14.05.2009,](#)

[OM No. 21011/1/2010-Estt.\(A\) dated 13.04.2010 and](#)

[OM No. 43012/1/2015-Estt.\(A-II\) dated 21.04.2020\]](#)

9.2 DPCs are required to determine the merits of those being considered for promotion with reference to the prescribed bench-mark, by making its own assessment, on the basis of the entries and gradings contained in the APARs and other relevant material facts placed before it, and accordingly grade the officers as 'fit' or 'unfit'. Relevant material would inter alia include the orders of the competent authority on the representation of the Government servant on the entries/ grading in APAR. In the event of the DPC deciding not to take cognisance of such an order, on the ground that the same is not a speaking order, the DPC shall make its assessment based on the entries in APAR and other material including the representation of the Government servant. The DPCs should substantiate its assessment by giving justifiable and sustainable reasons including the cases where the assessment of the DPC is different from the grading in APAR (original or amended after representation by the Government servant).

[\[O.M. No. 22011/5/2013-Estt\(D\) dated 09.05.2014\]](#)

10. Treatment of Effect of penalties on promotion – Role of DPC

It is a settled position that the DPC, within its power to make its own assessment, has to assess every proposal for promotion, on case to case basis. In assessing the suitability, the DPC is to 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 effect of imposition of penalty, he/ she should be considered suitable for promotion and therefore, downgradation of APARs by one level in all such cases may not be legally sustainable. Following broad guidelines are laid down in respect of DPC :

(a) DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them, including those officers on whom penalty has been imposed.

(b) The DPC should not be guided merely by the overall grading, if any, that may be recorded in the ACRs/APARs but should make its own assessment on the basis of the entries in the ACRs/APARs as it has been noticed that sometimes the overall grading in a ACR/APAR may be inconsistent with the grading under various parameters or attributes. Before making the overall recommendation after considering the APARs (earlier ACRs) for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty.

(c) In case, the disciplinary/criminal prosecution is in the preliminary stage and the officer is not yet covered under any of the three conditions as under, the DPC will assess the suitability of the officer and if found fit, the officer will be promoted along with other officers :

(i) Government servants under suspension;

(ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and

(iii) Government servants in respect of whom prosecution for a criminal charge is pending;

The onus to ensure that only person with unblemished records are considered for promotion and disciplinary proceedings, if any, against any person coming in the zone of consideration are expedited, is that of the administrative Ministry/Department.

(d) If the official under consideration is covered under any of the three condition mentioned in (c) above, 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. (Para 2.1 of DoPT O.M. dated 14.9.92).

(e) A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para (c) above arises after the recommendations of the DPC are received but before he is actually promoted, the recommendations of DPC will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him.

(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 (para 3.1 of DoPT O.M. dated 14.09.1992).

(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 (para 13 of DoPT O.M. dated 10.04.1989).

(h) Any proposal for promotion has to be assessed by the DPC, on case to case basis, and the practice of downgradation of APARs (earlier ACRs) by one level in all cases for one time, where a penalty has been imposed in a year included in the assessment matrix or till the date of DPC should be discontinued immediately, being legally non-sustainable.

(i) While there is no illegality in denying promotion during the currency of the penalty, denying promotion in such cases after the period of penalty is over would be in violation of the provisions of Article 20 of the Constitution of India.

(j) The appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, inter alia, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite the completion. (Para 4 of O.M. dated 14.09.1992)

(k) In cases where the disciplinary case/criminal prosecution against the Government servant is not concluded even after the expiry of two years from the date of the meeting of the first DPC which kept its findings in respect of the Government servant in a sealed cover then subject to condition mentioned in Para 5 of this Department's O.M. dated 14.09.1992, the appointing authority may consider desirability of giving him ad-hoc promotion (Para 5 of this Department's O.M. dated 14.09.1992).

[\[O.M. No. 22011/4/2007-Estt.\(D\) dated 28.04.2014\]](#)

(l) The seniority of such officer who have been found fit by the DPC in terms of provisions in sub-para (g) above, would be fixed according to the position of the officer in the panel on the basis of which he is promoted on expiry of the period of currency of the penalty. Since the promotion is to take effect only from a date subsequent to the expiry of the currency of the penalty, the officer would be entitled to pay fixation in the promotional grade with effect from the date of actual promotion only. Even if a person junior to him in the panel is promoted earlier, it will have no bearing on the pay to be allowed on promotion to the officer on whom a penalty was imposed, and there shall be no stepping up of his pay. Similarly, as the officer undergoing penalty is not to be promoted during the currency of the penalty, the eligibility service in the promotional grade for further promotion shall commence only from the date of actual promotion and in no case, it may be related, even notionally, to the date of promotion of the junior in the panel.

[\[O.M. No. 22011/2/92-Estt.\(D\) dated 03.11.1995 and](#)

[O.M. No. 22034/5/2004-Estt.\(D\) dated 15.12.2004\]](#)

(m) Currency period of Censure for the purpose of promotion

Sub-paragraphs (d), (f) and (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 sub-para (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.

[\[O.M. No. 22011/4/2007-Estt\(D\) dated 21.11.2016\]](#)

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

The proceedings of the Departmental Promotion Committee shall be legally valid and can be acted upon notwithstanding the absence of any of its members other than the Chairman provided that the member was duly invited but he absented himself for one reason or the other and there was no deliberate attempt to exclude him from the deliberation of the DPC and provided further that the majority of the members constituting the Departmental Promotion Committee were present in the meeting.

[\[Para 15 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

12. PROCESSING AND IMPLEMENTATION OF THE RECOMMENDATIONS OF DEPARTMENTAL PROMOTION COMMITTEES

12.1 Processing of recommendations of DPC

The recommendations of the DPC are advisory in nature and should be duly approved by the appointing authority. Before the recommendations are so approved the appointing authority shall consult all concerned as indicated below, without undue delay.

(a) Consultation with UPSC

The recommendations of the DPC whether it included a Member of the UPSC or not should be referred to the Commission for approval, if -

(i) Consultation with the Commission is mandatory under Article 320(3) of the Constitution, read with UPSC (Exemption from Consultation) Regulations, 1958. However, a reference may be made to the Regulations, as and when necessary.

(ii) The Member of the Commission who presides over the DPC specifically desires that the Commission should be consulted.

(b) Approval of ACC

Where the posts fall within the purview of the Appointments Committee of the Cabinet, the approval of ACC should also be obtained.

[\[Paras 16.1 to 16.3 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

12.1.1 Procedure to be followed when the Appointing Authority does not agree with Recommendations of DPC.

(a) There may be certain occasions when the appointing authority may find it necessary to disagree with the recommendations of the DPC. The procedure to be followed in such cases is indicated below.

(b) Where UPSC is associated with the DPC the recommendations of the DPC should be treated as recommendations of UPSC. If it is so considered necessary by the appointing authority to vary or disagree with the recommendations of the DPC the prescribed procedure for over-ruling the recommendations of UPSC (not incorporated herein) should be followed.

(c) The recommendations of the DPC on which UPSC is not represented should be dealt with as under :

(i) Where the appointing authority, being lower than the President of India, does not agree with the recommendations of the DPC, such appointing authority should indicate the reasons for disagreeing and refer the entire matter to the DPC for reconsideration of its earlier recommendations. In case the DPC reiterates its earlier recommendations, giving also reasons in support thereof, the appointing authority may accept the recommendations, if the reasons adduced by the DPC are convincing; if that authority does not accept the recommendations of the DPC it shall submit the papers to the next higher authority with its own recommendations. The decision of the next higher authority shall be final.

(ii) Where the appointing authority is the President of India, the recommendations of the DPC should be submitted to the Minister-in-Charge of the Department concerned for acceptance or otherwise of the recommendations. In case the circumstances do necessitate, the Minister may refer the matter again to the DPC for reconsideration of its earlier recommendations. If the DPC reiterates its earlier recommendations giving also reasons in support thereof, the matter should be placed before the Minister for his decision. The decision taken by the Minister either to accept or to vary the recommendations of the DPC shall be final.

[\[Paras 16.4.1 to 16.4.3 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

12.2 Time limit for Appointing Authority to take decision on the recommendations of DPC

12.2.1 In cases excepting those which require the approval of the Appointments Committee of the Cabinet the appointing authority should take a decision either to accept or disagree with the recommendations of the DPC within a time-limit of three months (from the date of the DPC meeting or the date of communication of the UPSC's approval to the panel, where such approval is required). Where the appointing authority proposes to disagree with the recommendations, the relevant papers should be submitted by the appointing authority to the next higher authority with its own recommendations by the expiry of the period of three months. In those cases in which the UPSC is associated with the DPC and the appointing authority proposes to disagree with the recommendations of the DPC, the case should be forwarded to the Establishment Officer in the Department of Personnel and Training for placing the matter before the Appointments Committee of the Cabinet as soon as possible and, in any case, not later than three months from the date on which the validity of the panel commences.

12.2.2 In cases where the panel prepared by the DPC requires the approval of the ACC, proposals therefor along with the recommendations of the Minister-in-charge should be sent to the Establishment Officer before expiry of the same time-limit of three months.

[\[Paras 16.5.1 and 16.5.2 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

-

12.3 Fresh Vigilance clearance before actual promotion/confirmation

A clearance from the Vigilance Section of the Office/ Department should also be obtained before making actual promotion or confirmation of officer approved by DPC to ensure that no disciplinary proceedings are pending against the officer concerned.

[\[Para 17.1 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

13. Order in which promotions to be made

13.1 Promotion of whatever duration should as far as possible be made in the order in which the names of the officers appear in the panel. Exception to this rule may be necessary where a large number of vacancies are to be within a comparatively short period or it is convenient / and desirable to make postings with due regard to the location and experience of the officers concerned or where short term vacancies have to be filled on local and ad-hoc basis.

13.2 If a person's name is included in the panel for promotion to the higher post (to which appointment can be made by promotion as well as by direct recruitment) and also in the panel for direct recruitment to the said higher post, he should be appointed as a direct recruit or as a promotee, having regard to the fact whether his turn for appointment comes earlier from the direct recruitment list or from the promotion list, as the case may be.

-

14. Promotion of officers on deputation/foreign service/study leave

14.1 If the panel contains the name of a person who has gone on deputation or on foreign Service in the public interest including a person who has gone on study leave, provision should be made for his regaining the temporarily lost seniority in the higher grade on his return to the cadre. Therefore, such an officer need not be reconsidered by a fresh DPC, if any, subsequently held, while he continues to be on deputation/foreign service/study leave so long as any officer junior to him in the panel is not required to be so considered by a fresh DPC irrespective of the fact whether he might or might not have got the benefit of proforma promotion under the NBR. The same treatment will be given to an officer included in the panel who could have been promoted within the currency of the panel but for his being away on deputation.

14.2 In case the officer is serving on an ex-cadre post on his own volition by applying in response to an advertisement, he should be required to revert to his parent cadre immediately when due for promotion, failing which his name shall be removed from the panel. On his reverting to the parent cadre after a period of two years he will have no claim for promotion to the higher grade on the basis of that panel. He should be considered in the normal course along with other eligible officers when the next panel is prepared and he should be promoted to the higher grade according to his position in the fresh panel. His seniority, in that event, shall be determined on the basis of the position assigned to him in the fresh panel with reference to which he is promoted to the higher grade. (If the panel contains the name of an officer on study leave, he should be promoted to the higher post on return from the study leave. He should also be given seniority according to his position in the panel and not on the basis of the date of promotion).

15. Validity of Panel in case of those who are on long leave

If on the basis of empanelment for promotion against vacancies arising in a vacancy year, a promotion order contains name of a person who is on a sanctioned leave, a copy of the same is to be endorsed to the officer at his leave address by registered/speed post etc. along with necessary advice about the authority to whom he is to report for assuming charge of the higher post. If the Officer assumes charge of the higher promotional post by curtailing leave, if necessary, within the currency of the vacancy year for which the panel is prepared, or within six months from the date of the promotion order, or before the last person borne on the panel is offered promotion without being required to be reassessed by a fresh DPC, whichever is later, the officer will not be required to be considered afresh by the next DPC and he will retain his seniority as per the position in the panel on the basis of which he has been promoted. If, however, he does not join to assume charge of the higher post within the period as specified above and continues to remain on long leave or seeks further extension of leave, the order of promotion, insofar as the said officer is concerned, will become invalid and

the officer will be required to be considered afresh by the next DPC held in the normal course after he joins his duty on expiry of the leave. His seniority on subsequent promotion will be as per the position in the fresh panel. This will equally apply to cases of promotion by mode of selection as well as non-selection. While referring the order of promotion to the officer on leave, it would be necessary to bring to his/her notice the above position.

[O.M. No. 22034/5/2002-Estt.(D) dated 04.08.2004]

16. Date from which promotions are to be treated as Regular

16.1 The general principle is that promotion of officers included in the panel would be regular from the date of validity of the panel or the date of their actual promotion whichever is later.

16.2 In cases where the recommendations for promotion are made by the DPC presided over by a Member of the UPSC and such recommendations do not require to be approved by the Commission, the date of Commission's letter forwarding fair copies of the minutes duly signed by the Chairman of the DPC or the date of the actual promotion of the officers, whichever is later, should be reckoned as the date of regular promotion of the officer. In cases where the Commission's approval is also required the date of UPSC's letter communicating its approval or the date of actual promotion of the officer whichever is later will be the relevant date. In all other cases the date on which promotion will be effective will be the date on which the officer was actually promoted or the date of the meeting of the DPC whichever is later. Where the meeting of the DPC extends over more than one day the last date on which the DPC met shall be recorded as the date of meeting of the DPC.

16.3 Appointments to posts falling within the purview of ACC can, however, be treated as regular only from the date of approval of ACC or actual promotion whichever is later except in particular cases where the ACC approves appointments from some other date.

[Paras 17.10 and 17.11 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

17. Refusal of Promotion

When a Government employee does not want to accept a promotion which is offered to him he may make a written request that he may not be promoted and the request will be considered by the appointing authority, taking relevant aspects into consideration. If the reasons adduced for refusal of promotion are acceptable to the appointing authority, the next person in the select list may be promoted. However, since it may not be administratively possible or desirable to offer appointment to the persons who initially refused promotion, on every occasion on which a vacancy arises, during the period of validity of the panel, no fresh offer of appointment on promotion shall be made in such cases for a period of one year from the date of refusal of first promotion or till a next vacancy arises whichever is later. On the eventual promotion to the higher grade, such Government servant will lose seniority vis-a-vis his juniors promoted to the higher grade earlier irrespective of the fact whether the posts in question are filled by selection or otherwise. The above mentioned policy will not apply where ad-hoc promotions against short term vacancies are refused.

[Para 17.12 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

18. Validity period of the panel

18.1 The panel for promotion drawn up by DPC for 'selection' posts would normally be valid for one year. It should cease to be in force on the expiry of a period of one year and six months or when a fresh panel is prepared, whichever is earlier.

18.2 The date of commencement of the validity of panel will be the date on which the DPC meets. In case the DPC meets on more than one day, the last date of the meeting would be the date of commencement of the validity of the panel. In case the panel requires, partially or wholly, the approval of the Commission, the date of validity of panel would be the date (of Commission's letter) communicating their approval to the panel. It is important to ensure that the - Commission's approval to the panel is obtained, where necessary, with the least possible delay.

[\[Paras 17.13.1 and 17.13.2 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

19. Review of Panels

The 'select list' should be periodically reviewed. The names of those officers who have already been promoted (otherwise than on a local or purely temporary basis) and continue to officiate should be removed from the list and rest of the names, if they are still within the consideration zone, along with others who may now be included in the field of choice should be considered for the 'select list' for the subsequent period.

[\[Para 17.14 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

20. REVIEW DPCs

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

- (a) Non-reporting of vacancies due to error or omission (i.e. though the vacancies were available at the time of holding of DPC meeting, these were not reported to the DPC. This leads to injustice to the officers concerned by artificially restricting the zone of consideration); or
- (b) where eligible persons were omitted to be considered; or
- (c) where ineligible persons were considered by mistake; or
- (d) where the seniority of a person is revised with retrospective effect resulting in a variance of the seniority list placed before the DPC; or
- (e) Where some procedural irregularity was committed by a DPC; or
- (f) Where adverse remarks in the CRs were toned down or expunged after the DPC had considered the case of the officer.

These instances are not exhaustive but only illustrative.

[\[Para 18.1 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989 and](#)

[O.M. No. 220131/1/97-Estt.\(D\) dated 13.04.1998\]](#)

20.2 Over reporting of vacancies is also one of the mistakes which needs to be rectified by holding a Review DPC. Therefore, the above provision is required to be read to cover this situation also however, in the case of over reporting of vacancies, a Review DPC may be held only if the change in the number of vacancies would result in exclusion of any person(s) empanelled by the original DPC on account of over-reporting of vacancies which led to inflated zone of consideration. As such, no Review DPC need be convened where it may prove to be infructuous exercise.

[\[O.M. No. 220131/1/97-Estt.\(D\) dated 13.04.1998\]](#)

20.3 Scope and procedure of Review

20.3.1 A Review DPC should consider only those persons who were eligible as on the date of meeting of original DPC. That is, persons who became eligible on a subsequent date should not be considered. Such cases will, of course, come up for consideration by a subsequent regular DPC. Further the review DPC should restrict its scrutiny to the APARs for the period relevant to the first DPC. The APARs written for subsequent periods should not be considered. If any adverse remarks relating to the relevant period, were toned down or expunged, the modified APATs should be considered as if the original adverse remarks did not exist at all.

[\[Para 18.2 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

20.3.2 A Review DPC is required to consider the case again only with reference to the technical or factual mistakes that took place earlier and it should neither change the grading of an officer without any valid reason (which should be recorded) nor change the zone of consideration nor take into account any increase in the number of vacancies which might have occurred subsequently.

[\[Para 18.3 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

20.3.3 In cases where the adverse remarks were toned down or expunged subsequent to consideration by the DPC, the procedure set out herein may be followed. The appointing authority should scrutinise the case with a view to decide whether or not a review by the DPC is justified, taking into account the nature of the adverse remarks toned down or expunged. In cases where the UPSC have been associated with the DPC, approval of the Commission would be necessary for a review of the case by the DPC.

[\[Para 18.4.1 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

20.3.4 While considering a deferred case, or review of the case of a superseded officer, if the DPC finds the officer fit for promotion/confirmation, it would place him at the appropriate place in the relevant select list/list of officers considered fit for confirmation or promotion after taking into account the toned down remarks or expunged remarks and his promotion and confirmation will be regulated in the manner indicated below.

-

20.4 Consequential benefits in case of retrospective promotion

20.4.1 If the officer placed junior to the officer concerned have been promoted, he should be promoted immediately and if there is no vacancy the junior most person officiating in the higher grade should be reverted to accommodate him. On promotion, his pay should be fixed under F.R. 27 at the stage it would have reached, had he been promoted from the date the officer immediately below him was promoted but no arrears would be admissible. The seniority of the officer would be determined in the order in which his name, on review, has been placed in the select list by DPC. If in any such case a minimum period of qualifying service is prescribed for promotion to higher grade, the period from which an officer placed below the officer concerned in the select list was promoted to the higher grade, should be reckoned towards the qualifying period of service for the purpose of determining his eligibility for promotion to the next higher grade.

[\[Para 18.4.3 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

20.4.2 In the case of confirmation, if the officer concerned is recommended for confirmation on the basis of review by the DCC, he should be confirmed and the seniority already allotted to him on the basis of review should not be disturbed by the delay in confirmation.

[\[Para 18.4.4 of O.M. No. 22011/5/86-Estt.\(D\) dated 10.04.1989\]](#)

20.4.3 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 fulfilment 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.

[\[Para 2 of O.M. No. 22011/3/2013-Estt.\(D\) dated 15.11.2018\]](#)

~ ~ ~ ~ ~

-

APPENDIX

References (in chronological order)

-

Sl. No.	Office Memorandum/ Notification No. and date	Brief Subject
1.	F.16/1/74-Estt.(SCT) dated 23.05.1975	Instructions regarding nomination of SC/ST Members in the DPCs/ Selection Boards
2.	41013/16/80-Estt.(SCT) dated 10.08.1981	
3.	36011/22/82-Estt.(SCT) dated 18.08.1983	
4.	22011/5/86-Estt.(D) dated 10.04.1989	Departmental Promotion Committees and related matters-consolidated instructions
5.	22011/5/86-Estt.(D) dated 27.03.1990	Procedure to be observed by DPC-Revised Guidelines
6.	22011/1/90-Estt.(D) dated 12.10.1990	Zone of consideration for promotion by selection-Revised instructions
7.	22011/10/84-Estt.(D) dated 04.02.1992	Revision of pay scale/upgradation of the posts-Date of regular appointment of the incumbents to the upgraded post
8.	22011/4/91-Estt.(A) dated 14.09.1992	Promotion of Government servants against whom disciplinary proceedings are pending or whose conduct is under investigation
9.	20011/2/92-Estt.(D) dated 03.11.1995	Fixation of seniority in the case of delayed promotion due to penalty
10.	22011/18/87-Estt.(D) dated 09.04.1996	Guidelines for preparing extended panel in the case of promotion
11.	22012/5/97-Estt.(D) dated 12.01.1998	Constitution of DPCs in respect of certain categories of cases which required ACC approval-revised instructions
12.	22013/1/97-Estt (D) dated 13.04.1998	Procedure to be observed by DPC-Holding of Review DPC
13.	22011/9/98-Estt.(D) dated 08.09.1998	Procedure to be observed by the DPCs-Model Calendar for DPCs and related matter
14.	22011/4/98-Estt.(D) dated 12.10.1998	Procedure to be followed by DPC in regard to retired employees

15.	<u>Notification No. 39018/01/98-Estt.(B)</u> <u>dated 21.05.1999</u>	Consultation with UPSC while making recruitment/promotion/ confirmation
16.	<u>22011/9/98-Estt.(D)</u> <u>dated 06.10.1999</u>	Procedure to be observed by DPCs-Model Calendar for DPCs-Chain vacancies-clarification
17.	<u>22012/1/97-Estt.(D)</u> <u>dated 23.05.2001</u>	Meeting of DPCs-furnishing of certificates by the Chairperson/Members
18.	<u>35034/7/97-Estt.(D)</u> <u>dated 08.02.2002</u>	Procedure to be observed by DPCs- No supersession in 'selection' promotion-Revised Guidelines
19.	Notification No. 39018/01/98-Estt.(B) dated 04.12.2003	Amendment to the earlier Notification No. 39018/01/98-Estt.(B) dated 21.05.1999 on Consultation with UPSC while making recruitment/promotion/ confirmation
20.	<u>20034/5/2002-Estt.(D)</u> <u>dated 04.08.2004</u>	Promotion – validity of panel in the case of those who are on long leave
21.	<u>22034/5/2004-Estt.(D)</u> <u>dated 15.12.2004</u>	Promotion of persons undergoing a penalty
22.	<u>22011/2/2002-Estt.(D)</u> <u>dated 06.01.2006</u>	DPC Guidelines-Review of size of zone of consideration
23.	<u>22011/3/2007-Esttd.(D)</u> <u>dated 18.02.2008</u>	DPC Guidelines-Benchmark prescription for promotion at the level of JS and above
24.	<u>AB-14017/66/2008-Estt.(RR)</u> <u>dated 09.03.2009</u>	Criteria for assessing suitability of officers where there is revision/upgradation/merger of pay scales
25.	<u>21011/1/2005-Estt.(A)(Pt-II)</u> <u>dated 14.05.2009</u>	Maintenance and preparation of Annual Performance Appraisal Reports-communication of all entries for fairness and transparency in public administration
26.	<u>21011/1/2010-Estt.(A)</u> <u>dated 13.04.2010</u>	Below Benchmark grading in ACRs (APARs) prior to the reporting period of 2008-09 and objective consideration of representation by the competent authority against remarks in the APAR or for upgradation of the final grading
27.	<u>20011/1/2008-Estt.(D)</u> <u>dated 11.11.2010</u>	Seniority-consolidated orders
28.	<u>22011/3/2011-Estt.(D)</u> <u>dated 24.03.2011</u>	Receipt of incomplete/deficient DPC proposals from the Ministries/Departments
29.	<u>22034/4/2012-Estt.(D)</u> <u>dated 02.11.2012</u>	Comprehensive review of instructions pertaining to vigilance clearance for promotion
30.	<u>36028/8/2009-Estt.(Res)</u> <u>dated 07.06.2013</u>	Concession to Scheduled Castes and Scheduled Tribes in posts filled by promotion by Selection-posts within Group 'A' (Class-I)
31.	<u>22011/4/2007-Estt.(D)</u> <u>dated 28.04.2014</u>	Guidelines on treatment of effect of penalties on promotion-role of departmental Promotion Committee

32.	<u>22011/5/2013-Estt.(D).</u> <u>dated 09.05.2014</u>	Procedure to be observed by DPCs – Assessment of entries and gradings in ACRs/APARs
33.	<u>22011/1/2014-Estt.(D).</u> <u>dated 14.11.2014</u>	Inclusion of eligible officers who are due to retire before the likely date of vacancies, in the panel for promotion
34.	<u>22011/2/2014-Estt.(D).</u> <u>dated 30.01.2015</u>	Procedure for conduct of supplementary DPC
35.	<u>39020/01/2013-Estt.(B)-Part</u> <u>dated 09.10.2015</u>	Discontinuation of interview at Junior Level Posts in the Government of India
36.	<u>28020/1/2010-Estt.(C).</u> <u>dated 17.08.2016</u>	Technical Resignation & Lien-Consolidated instructions
37.	<u>22011/4/2007-Estt.(D).</u> <u>dated 21.11.2016</u>	Guidelines on treatment of effect of penalties on promotion-role of DPC
38.	<u>22011/4/2013-Estt.(D).</u> <u>dated 08.05.2017</u>	Procedure to be observed by the DPCs-Model Calendar for DPCs-Relevant year up to which APARs are to be considered and Model Calendar for conducting DPCs
39.	<u>22011/3/2013-Estt.(D).</u> <u>dated 15.11.2018</u>	Promotion of Government servants found fit by review DPC after retirement – procedure and guidelines to be followed
40.	<u>O.M. No. 28020/3/2018-Estt.(C) dated 11.03.2019</u>	Master circular on Probation/confirmation in Central Services
41.	<u>OM No. 43012/1/2015-Estt.(A-II).</u> <u>dated 21.04.2020</u>	Disclosure of below benchmark grading in ACRs(APARs) prior to reporting period 2008-09
42.	<u>36012/16/2019-Estt.(Res.).</u> <u>dated 12.04.2022</u>	Reservation in promotions-procedure to be followed prior to effecting reservations in the matter of promotions by all departments of the Central Government

(Sign of Authority)
Amit Choubey
Under Secretary
23040340

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No. A-33/13/01/2024 E.I

Minutes of the meeting of the Departmental Promotion Committee held on 11.09.2024 at 11.00 AM in the office of Union Public Service Commission, New Delhi.

PRESENT:		
1.	Member, Union Public Service Commission	Chairman
2.	Director General, ESIC	Member
3.	Insurance Commissioner (P&A), ESIC	Member

ITEM: DPC - Promotion to the post of Regional Director Grade- 'B'/ Joint Director (Pay Level-12 in the pay matrix Rs. 78,800- 2,09,200/-) against the vacancy year 2024 in the Employees' State Insurance Corporation - regarding.

The Committee considered the selection of officers for promotion to the post of Regional Director-B/Joint Director in ESIC against the vacancy year 2024 in the Pay Level-12.

2. The vacancy position as reported by the Department is as under:-

Vacancy year	UR	SC	ST	Total
2024	149	NA	NA	149

3. The Departmental Promotion Committee were informed of the following provisions contained in the DPC guidelines, circulated by the Department of Personnel & Training, vide their O.M. No.22011/5/86-Estt (D), dated 10.04.1989 :-

- (i) "6.1.2. - The DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them."
- (ii) "6.1.3 - While merit has to be recognised and rewarded, advancement in an officer's career should not be regarded as a matter of course, but should be earned by dint of hard work, good conduct and result oriented performance as reflected in the ACRs and based on strict and rigorous selection process."
- (iii) "6.2.1(b) – The DPC should assess the suitability of the officers for promotion on the basis of their service record and with particular reference to the CRs for preceding five years, which became available during the year immediately preceding the vacancy/panel year."

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No.A-33/13/01/2024 E.I

- (iv) "6.2.1(e) - The DPC should not be guided merely by the overall grading, if any, that may be recorded in the CRs but should make its own assessment on the basis of entries in the CRs, because it has been noticed that some times the overall grading in a CR may be inconsistent with the grading under various parameters or attributes."
- (v) "6.2.1(f) - If the Reviewing authority or the Accepting authority, as the case may be, has overruled the Reporting Officer or the Reviewing authority as the case may be, the remarks of the latter authority should be taken as the final remarks for the purposes of assessment provided it is apparent from the relevant entries that the higher authority has come to a different assessment conclusively after due application of mind. If the remarks of the Reporting Officer, Reviewing authority and Accepting authority are complementary to each other and one does not have the effect of overruling the other, then the remarks should be read together and the final assessment made by the DPC."

4. The Committee were further informed of the following subsequent additional guidelines issued by DOP&T:-

- (i) In cases where adverse remarks of Reporting/Reviewing/Accepting Authorities have been expunged or modified by the competent authority, the overall grading in the ACR has to be decided by the DPC in terms of DOP&T OM dt. 06.01.2010.
- (ii) The DOP&T vide O.M. No.21011/1/2010-Estt-A dated 13th April, 2010 have stipulated that "if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPCs, contain final gradings which are below the benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACRs for his representation, if any, within 15 days of such communication."
- (iii) In terms of DoP&T O.M. No.22011/5/2013-Estt.(D) dated 09.05.2014 in the event of the DPC deciding not to take cognizance of an order of the competent authority on the representation of the Government Servant on the entries/ gradings in APARs on the ground that the same is not a speaking order, the DPC shall make its assessment based on the entries in APAR and other relevant material facts including the representation of the Government Servant.
- (iv) While assessing the suitability of the officers on whom statutory penalty/penalties is/are imposed, the DPC may take into account the Guidelines of DoP&T issued vide O.M. No.22011/4/2007-Estt.(D) dated 28.04.2014.

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No.A-33/13/01/2024 E.I

5. The Committee were also informed that in accordance with the instructions contained in para 6.3.1 of the DOP&T O.M. No.22011/5/86-Estt (D), dated 10.04.1989, read with subsequent O.M. No. 22011/5/91-Estt(D) dated 27.03.1997 and O.M. No. 35034/7/97-Estt(D) dated 08.02.2002, the Benchmark for promotion in the present case is **"VERY GOOD"**.

6. The Committee were informed that taking into account the instructions/ guidelines issued by DOP&T, as detailed above, and in the absence of modalities of the Benchmark being attained by the Officers under consideration for promotion decided by the DoP&T, the Commission in exercise of their constitutional functions as envisaged in Article 320 of the Constitution took a conscious decision that an Officer attaining at least 4 Benchmark gradings out of the 5 ACRs should be assessed as "fit" for promotion and that this decision should be applicable to all DPCs pertaining to the vacancy year 2003-04 and subsequent years.

7. Attention of the Committee was also invited to the instructions contained in DOP&T O.M. No.35034/7/97-Estt(D) dated 08.02.2002, which inter-alia provide that "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 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 of 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".

8. The Committee accordingly examined and assessed the APARs of the eligible officers for the vacancy year 2024. The DPC also went through the penalties imposed on various officers.

8.1 In this connection, the Committee noted the Supreme Court Judgment mentioned in para 5(b) of DOP&T OM dated 28.04.2014 regarding the guidelines on treatment of effect of penalties on promotion:-

"An employee has no right to promotion. He has only right to be considered for promotion. The promotion to a post and more so, to a selection post, depends upon several circumstances. To qualify for promotion, the least that is expected of an employee is to have an unblemished record. That is the minimum expected to ensure a clean and efficient administration and to protect the public interest. An employee found guilty of misconduct cannot be placed on par with the other employees, and his case has to be treated differently. In fact, while considering an employee for promotion his whole record has to be taken into consideration and if a promotion committee takes the penalties imposed upon the employee into consideration and denies him the promotion, such denial is not illegal and unjustified."

8.2 The Committee further noted the following provision as contained in para 7(g) of DOP&T OM dated 28.04.2014:-

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No.A-33/13/01/2024 E.I

"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."

8.3 Accordingly, the Committee went through the entries and gradings contained in the APARs and the facts and circumstances leading to the imposition of penalty on various officers. Keeping in view the nature of misconduct for which the officers were penalized, the DPC made its own overall assessment and assessed the following officers as 'UNFIT' for promotion:-

S.No.	Name of the Officer (S/Shri)
1.	
2.	
3.	
4.	
5.	
6.	

8.4.1 Further, the Committee while assessing the APAR of Shri

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No.A-33/13/01/2024 E.I

8.4.2 The Committee, while assessing the APAR of Shri Ram Das Sagar, (SS, IS, ...)

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No.A-33/13/01/2024 E.I

8.4.3 On the basis of the remarks of Reporting Officers as well as Reviewing Officer as contained in the APARs of the following officials for the abovementioned years, as elaborated above, the Committee took a conscious decision that the officers have attitudinal deficiencies and lack certain essential professional qualities as are required to discharge the higher responsibilities associated with the post and therefore, considered them "Unfit for promotion" to Regional Director Grade- 'B'/ Joint Director:

S.No.	Name of Officer
1.	
2.	

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No.A-33/13/01/2024 E.I

9. Accordingly, the outcome of the assessment of the eligible officers in the feeder grade for the vacancy year 2024 is as mentioned at **Annexure-I**.

10. On the basis of the assessment as indicated in **Annexure-I**, the Committee recommend the panel for the vacancy year 2024 for **Promotion to the post of Regional Director-B/Joint Director in the Pay Level-12 in ESIC against the vacancy year 2024** in the order stated at Annexure-II.

11. The recommendations of the DPC shall be subject to outcome of O.A NO. 2731/2023 filed by _____ against the seniority list of Deputy Director issued vide Memorandum no. A-24/15/01/2023-E.I dated 10.04.2023 pending in the Hon'ble CAT, PB, New Delhi.

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No.A-33/13/01/2024 E.I

Assessment for the Vacancy Year 2024

Year	UR	SC	ST	Total
2024	149	NA	NA	149

Sl. No.	Name of the Officer (S/Shri/Ms.)	Assessment
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		

CONFIDENTIAL
ANNEXURE - I

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6.
ESI Corporation Reference No.A-33/13/01/2024 E.I

Sl. No.	Name of the Officer (S/Shri/Ms.)	Assessment
76.		
77.		
78.		
79.		
80.		
81.		
82.		
83.		
84.		
85.		
86.		
87.		
88.		
89.		
90.		
91.		
92.		
93.		
94.		
95.		
96.		
97.		
98.		
99.		
100.		
101.		
102.		
103.		

UNION PUBLIC SERVICE COMMISSION'S FILE NO.1/39(3)/2024-PD-6
ESI Corporation Reference No.A-33/13/01/2024 E.I

Panel for the Year 2024

Year	UR	SC	ST	Total
2024	149	NA	NA	149

Sl. No.	Name of the Officer (S/Shri/Ms.)	Remarks
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		
19.		
20.		
21.		

Annexure - X



मुख्यालय/ HEADQUARTERS
कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
EMPLOYEES' STATE INSURANCE CORPORATION
(Ministry of Labour & Employment, Govt. of India)



स्थापना शाखा - 1/ ESTABLISHMENT BRANCH - 1
पंचदीप भवन, सी. आई. जी. मार्ग, नई दिल्ली-110 002
PANCHDEEP BHAWAN, CIG MARG, NEW DELHI - 110 002
Website: esic.nic.in/ esic.in

No. A-33/13/01/2024-E.I

Dated: 26.12.2024

OFFICE ORDER NO. 195 OF 2024

Competent Authority has ordered promotion of following Deputy Directors to the post of Regional Director Grade – 'B'/ Joint Director for the vacancy year 2024 in Level - 12 in the Pay Matrix [Rs. 78,800-2,09,200/-] on regular basis, on the recommendations of DPC meeting held on 11.09.2024 in UPSC:-

Sl. No.	Employee ID	Name of the officer (S./ Sh./ Ms.)	Present Place of Posting	Ordered place of posting on promotion
1	123140	Rajiv Lal	Deputy Director (I/c), SRO, Udaipur	Regional Director (I/c), Telangana
2	118699	Shankar S.	Deputy Director (I/c), RO, Kerala	Regional Director (I/c), Kerala
3	121370	Hemant Kumar Pandey	Deputy Director (I/c), RO, Gujarat	Regional Director (I/c), Gujarat
4	118113	Krishna Kumar S.	Deputy Director (I/c), RO, Puducherry	Regional Director (I/c), Puducherry
5	103594	Parthasarthy Panda	ESIC Hospital, Joka	Joint Director, ESIC Hospital, Joka
6	119052	Deepak Malik	Deputy Director (I/c), SRO, Surat	Joint Director (I/c), SRO, Surat
7	118799	Manoj Kumar Shaw	Deputy Director (I/c), RO, Goa	Regional Director (I/c), Rajasthan
8	107006	Kalicharan	Deputy Director (I/c), RO, Uttar Pradesh	Regional Director (I/c), Uttar Pradesh
9	118027	Rudradeep Dutta	Headquarters	Regional Director (I/c), Odisha
10	123676	Brijesh	Headquarters	Joint Director, Headquarters

11	122982	Roopa Banerjee	Deputy Director (I/c), SRO, Rohini	Joint Director, Headquarters
12	123210	Sudarsanan P.	Deputy Director (I/c), SRO, Pune	Regional Director (I/c), Madhya Pradesh
13	103603	Abhilasha Jha	Deputy Director (I/c), SRO, Marol	Regional Director (I/c), Maharashtra
14	123979	Vikas Kundal	Deputy Director (I/c), SRO, Gurugram	Regional Director (I/c), Delhi
15	122988	Sanjeev Kumar	Deputy Director (I/c), RO, Himachal Pradesh	Joint Director (I/c), SRO, Marol
16	122974	Sivaramkrishnan S	Deputy Director (I/c), SRO, Salem	Joint Director (I/c), SRO, Salem
17	123822	Narendra Mohan Ojha	Deputy Director (I/c), SRO, Noida	Joint Director (I/c), SRO, Noida
18	123054	Sudhakar Singh	Deputy Director (I/c), SRO, Thane	Joint Director (I/c), SRO, Thane
19	123003	Guruvinder Singh	Deputy Director (I/c), SRO, Mangaluru	Joint Director (I/c), SRO, Mangaluru
20	123108	Dushyant Pande	Deputy Director (I/c), RO, Jammu & Kashmir	Regional Director (I/c), Jammu & Kashmir
21	151000	Chandra Bhanu Jha	Deputy Director (I/c), SRO, Okhla	Joint Director, Headquarters
22	111694	Amarnath Tiwari	Deputy Director (I/c), SRO, Barrockpore	Joint Director (I/c), SRO, Barrackpore
23	100054	Rakesh Kumar	Deputy Director (I/c), RO, Punjab	Joint Director, Headquarters
24	123191	Nishant Kumar	Deputy Director (I/c), RO, Delhi	Joint Director, RO, Delhi
25	107535	Kenath Raghuraman	Deputy Director (I/c), SRO, Hubballi	Joint Director (I/c), SRO, Hubballi
26	110729	Venu Gopal Alluri	Deputy Director (I/c), RO, Andhra Pradesh	Joint Director, RO, Tamil Nadu
27	104036	Rakesh Kumar	Headquarters	Joint Director, Headquarters

28	123089	Sahil Aggarwal	Headquarters	Joint Director (I/c), SRO, Okhla
29	166421	Sanjiv Mishra	Deputy Director (I/c), SRO, Lucknow	Joint Director (I/c), SRO, Lucknow
30	125414	Bhupender Kumar	Headquarters	Regional Director (I/c), Chhattisgarh
31	123768	Sunil Kumar Yadav	Deputy Director (I/c), SRO, Jalandhar	Joint Director (I/c), SRO, Jalandhar
32	124064	Prasanth D	Deputy Director (I/c), SRO, Ernakulam	Joint Director (I/c), SRO, Ernakulam
33	122956	Manoj Kumar	RO, Karnataka	Joint Director (I/c), SRO, Vishakhapatnam
34	123084	Hari Om Prakash	Vigilance, (West Zone), Mumbai	Joint Director (I/c), SRO, Karnal
35	123064	Sukanta Chandra Das	Deputy Director (I/c), RO, Odisha	Joint Director (I/c), SRO, Pune
36	123090	Pranesh Kumar Sinha	Deputy Director (I/c), SRO, Ludhiana	Joint Director (I/c), SRO, Ludhiana
37	123144	Priyaranjan Sinha	D(M)D, Delhi	Joint Director, D(M)D
38	110275	Jose Martin George	Deputy Director (I/c), SRO, Visakhapatnam	Joint Director, Headquarters
39	123141	Lakshman Jee Gupta	Deputy Director (I/c), SRO, Kalaburagi	Joint Director, ESIC Hospital, Rohini
40	144790	Mangminlal Sitlhou	Deputy Director (I/c), SRO, Mysuru	Joint Director (I/c), SRO, Mysuru
41	149226	Arasada Kishore	Deputy Director (I/c), SRO, Peenya	Joint Director (I/c), SRO, Peenya
42	123477	K.R. Ravi Kumar	Deputy Director (I/c), SRO, Coimbatore	Joint Director (I/c), SRO, Coimbatore
43	123365	Kanitha Selvi A.S.	Deputy Director (I/c), SRO, Bommasandra	Joint Director (I/c), SRO, Bommasandra
44	123196	Nischal Kumar Nag	Deputy Director (I/c), SRO, Bhopal	Joint Director (I/c), SRO, Bhopal



45	123085	Mukesh Chandra Meena	Deputy Director (I/c), SRO, Nandnagri	Joint Director (I/c), SRO, Alwar
46	123678	Suresh R.	ESIC Hospital, Tirupur	Joint Director, ESIC Hospital, PGIMSR & MC, K K Nagar, Chennai
47	123088	Vijayananth A.T.	ESIC Hospital & Medical College, Rajajinagar Bangalore	Joint Director, ESIC Hospital & Medical College, Rajajinagar, Bangaluru
48	123223	Achintya Mandal	Deputy Director (I/c), SRO, Durgapur	Joint Director, RO, West Bengal
49	144830	Mohit Raja	Deputy Director (I/c), RO, Uttarakhand	Regional Director (I/c), Uttarakhand
50	125175	Sunita Rawat	Deputy Director (I/c), SRO, Karnal	Joint Director, NTA
51	123200	Suneel Kumar Negi	ESIC Hospital, Ludhiana	Joint Director, ESIC Hospital, Ludhiana
52	123898	Satyajit Kumar	ESIC Hospital, Varanasi, Uttar Pradesh	Joint Director, Headquarters
53	123680	Digvijay Prasad Sinha	Headquarters	Joint Director, Headquarters
54	144945	P. N. Boipi	Headquarters	Joint Director, Headquarters
55	144951	Neeraj Kumar Sharma	Deputy Director (I/c), SRO, Jodhpur	Joint Director (I/c), SRO, Jodhpur
56	123452	Tarachand Sharma	Headquarters	Joint Director (I/c), SRO, Rohini
57	140982	Rubani Mohammed	Deputy Director (I/c), RO, Madhya Pradesh	Joint Director, ESIC Hospital, Indore
58	141322	Rajiv Ranjan	Deputy Director (I/c), RO, Jharkhand	Regional Director (I/c), Jharkhand
59	141372	Subodh Kumar Saraogi	Headquarters	Joint Director, ESIC Hospital & Medical College, Basaidarapur
60	141076	Alok Kumar Sinha	ESIC Hospital, Noida	Joint Director, ESIC Hospital, Noida

61	141090	Devendra Pal Singh	Deputy Director (I/c), RO, Rajasthan	Joint Director, ESIC MC, Alwar
62	141071	Niranjan Kumar	Uttar Pradesh, ESIC Hospital, Lucknow	Regional Director (I/c), Bihar
63	141045	Shivendra Kumar	RO, Jharkhand	Joint Director, RO, Jharkhand
64	140754	Vijay Anand S	Headquarters	Joint Director, Headquarters
65	141317	Gouminthang Gangte	Deputy Director (I/c), RO, Telangana	Joint Director, Headquarters
66	142221	Padma Priya Munagala	ESIC Hospital & Medical College Sanath Nagar, Hyderabad	Joint Director, ESIC Hospital & Medical College, Sanath Nagar, Hyderabad
67	141215	Sunil Kumar Mehto	RO, Karnataka	Joint Director, RO, Karnataka
68	160015	Pawan Kumar Singhal	Deputy Director (I/c), SRO, Jharsuguda	Joint Director (I/c), SRO, Jharsuguda
69	165412	Sanjay Kumar	Deputy Director (I/c), RO, Bihar	Joint Director (I/c), SRO, Varanasi
70	120186	Praveen Kumar Mishra	Headquarters	Joint Director, Headquarters
71	160856	Ratnagiri Subramanian	SRO Peenya, Bengaluru	Joint Director (I/c), SRO, Kozhikode
72	160101	Dewanshu Raj	ESIC Hospital Bapunagar Ahmedabad, Gujarat	Joint Director, ESIC Hospital, Andheri
73	160349	Ashish Shankar	Headquarters	Joint Director, Headquarters
74	160045	Bhaskar Govindarajan	ESIC Hospital & Medical College, Kalaburagi, Karnataka	Joint Director (I/c), SRO, Tirunelveli
75	160385	Amit Kumar	Headquarters	Joint Director, Headquarters
76	161781	Arindam Bhaumik	Vigilance, (East Zone), West Bengal	Joint Director, Headquarters
77	160109	Prashant Baijal	ESIC Hospital Basaidarapur	Joint Director, Headquarters

78	159470	Chandrashekhar Rajendra Patil	Deputy Director (I/c), SRO, Nasik	Joint Director (I/c), SRO, Nasik
79	160194	Sunil Yadav	Headquarters	Joint Director (I/c), SRO, Gurugram
80	160745	Yuvraj SV	Vigilance, (South Zone), Chennai	Joint Director (I/c), SRO, Kalaburagi
81	161083	Rama Rao Malla	RO, Andhra Pradesh	Regional Director (I/c), Andhra Pradesh
82	160370	Gautam Kumar	RO, Gujarat	Joint Director, ESIC Hospital, Bapunagar, Ahmedabad
83	159912	Jai Prakash Sharma	Headquarters	Joint Director, Headquarters
84	160960	Ashok Kumar	Headquarters	Regional Director (I/c), Himachal Pradesh
85	159968	Pradeep Kumar Singh	Headquarters	Joint Director, ESIC PGIMSR & MC, Andheri
86	160061	Mukesh Kumar	ESIC Hospital & Medical College, Bihta, Bihar	Joint Director, RO, Bihar
87	160347	Rajan P. Antony	ESIC Hospital, Asramam, Kollam	Joint Director, ESIC Hospital, Ezhukone, Kollam
88	160353	Sachin Martand Tajave	ESIC Super Specialty Hospital, Sanath Nagar, Hyderabad	Joint Director, ESIC Super Specialty Hospital, Sanath Nagar, Hyderabad
89	160278	Pankaj Vohra	RO, Punjab	Regional Director (I/c), Punjab
90	160031	Radha Krishna Devaki	Deputy Director (I/c), SRO, Tirupati	Joint Director (I/c), SRO, Tirupati
91	160506	Robert Liansiam Guite	Deputy Director (I/c), RO, Assam	Regional Director (I/c), Assam
92	160819	Vimal Rawat	Deputy Director (I/c), SRO, Baroda	Joint Director (I/c), SRO, Baroda
93	162266	Vishad Wakpanjar	Deputy Director (I/c), SRO, Nagpur	Joint Director (I/c), SRO, Nagpur

94	165044	Dharamvir Singh	RO, Himachal Pradesh	Joint Director, RO, Himachal Pradesh
95	165477	Sanjeev Yadav	Headquarters	Joint Director, Headquarters
96	165501	Sanjay Kumar	SRO, Lucknow	Joint Director, RO, Uttar Pradesh
97	165075	Rajender Kumar Meena	SRO, Jodhpur	Joint Director, RO, Rajasthan
98	119892	S. Ganesan	RO, Puducherry	Joint Director, RO, Puducherry
99	102733	Debabrata Pramanik	RO, West Bengal	Joint Director (I/c), SRO, Durgapur
100	104130	Harshran Meena	RO, Delhi	Joint Director, Headquarters
101	100061	Heera Singh	Delhi, NTA	Joint Director, NTA
102	120212	Laxmi Narayan Meena	ESIC Dental College Kalaburagi	Joint Director, ESIC Hospital & Medical College, Kalaburagi
103	116978	Sugan Lal Meena	RO, Rajasthan	Joint Director, RO, Haryana
104	104122	T.K. Choudhary	Delhi, NTA	Joint Director, ESIC Hospital, Jhilmil
105	113044	Sonam Dava	RO, Punjab	Joint Director, ESIC Hospital, Jaipur
106	111959	Praveen Sehgal	RO, West Bengal	Joint Director, RO, West Bengal
107	107878	Rajiv Kumar Choudhary	SRO, Aurangabad	Joint Director (I/c), SRO, Aurangabad
108	120117	Jyoti Prasad	ESIC Hospital, Phulwariasharif, Bihar	Joint Director, ESIC Hospital & Medical College, Bihta
109	100072	Sushil Sachdeva	RO, Punjab	Joint Director (I/c), SRO, Nand Nagari
110	100073	Manish Gupta	RO, Karnataka	Joint Director, RO, Karnataka

111	100075	Girish Kumar Kain	Headquarters	Joint Director, Headquarters
112	100059	Vijay Bokalia	Headquarters	Joint Director, Headquarters
113	103529	Champak Biswas	ESIC Hospital, Joka, West Bengal	Joint Director, RO, West Bengal
114	100071	Vinay Kumar Sharma	Headquarters	Joint Director, Headquarters
115	110730	Kakali Das	ESIC Hospital & Medical College Sanath Nagar, Hyderabad	Joint Director, RO, Telangana
116	120119	Pankaj Kumar	ESIC Hospital, Jhilmil	Joint Director, ESIC Hospital, Okhla
117	111990	Savita R. Chandra	Headquarters	Joint Director, Headquarters
118	115592	Rajendra Ramesh Pillai	Telangana, ESIC Super Specialty Hospital, Sanath Nagar, Hyderabad	Joint Director (I/c), SRO, Thiruvanthapuram
119	114545	Prasun Kumar Sinha	SRO, Marol	Joint Director, RO, Maharashtra
120	108110	Manish Kumar	RO, Maharashtra	Regional Director (I/c), Goa
121	100077	Pranava Kumar	RO, Andhra Pradesh	Joint Director, RO, Andhra Pradesh
122	118455	Azad Singh	ESIC Hospital, Baddi	Joint Director, ESIC Hospital, Alwar
123	100076	Ajay Kumar Mahan	RO, Punjab	Joint Director, RO, Punjab
124	119894	R.Meenakshi Sundaram	Deputy Director (I/c), SRO, Madurai	Joint Director (I/c), SRO, Madurai
125	120603	Mahendra Bhoi	Deputy Director (I/c), RO, Chhattisgarh	Joint Director, RO, Odisha
126	111877	Deepak Kumar Chourasia	ESIC Hospital Bapunagar, Ahmedabad	Joint Director (I/c), SRO, Udaipur

127	115935	Ravi Shankar	SRO, Okhla	Joint Director, ESIC Hospital & Medical College, Basaidarapur
128	104106	Sanjay Kumar Rana	RO, Haryana	Joint Director, ESIC Hospital & Medical College, Faridabad
129	110733	Kodimela Rajnikanth	ESIC HOSPITAL & Medical College Sanath Nagar, Hyderabad	Joint Director, RO, Telangana
130	119893	V. Mohd. Abdul Kareem	SRO, Madurai	Joint Director (I/c), SRO, Kollam

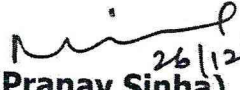
Regular promotion of aforesaid Officers will take effect from the date of assumption of charge to the promoted post. The pay on regular promotion will be fixed in Level 12 in the pay matrix [Rs. 78,800-2,09,200] as per the provisions of FR22(I)(a)(1) and the Officers will exercise their options for fixation of pay within one month from the date of promotion.

Aforesaid Officers shall be entitled for TA/DA/Joining Time etc. wherever admissible under rules.

Regular promotion of aforesaid Officers shall be subject to the final outcome of the following OAs filed before the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi:

- (i) OA No. 2731/2023 filed by Shri Heera Singh & Ors.
- (ii) OA No. 3549/2024 filed by Shri Rajnish Singh & Ors.

Charge/ joining report(s) may be sent to all concerned in due course with a copy to amit.kumar27@esic.gov.in, dpc-e1hq@esic.nic.in & estt1-hq@esic.nic.in.


 26/12/24.
(Pranay Sinha)
Insurance Commissioner (P&A)

To,

1. All Officers concerned.
2. PPS/PS to DG, ESIC.
3. Social Security Section-I, Ministry of Labour & Employment.
4. PPS/PS to all Divisional Heads, Hqrs. Office.
5. Insurance Commissioner (NTA), Dwarka, New Delhi.
6. All Zonal Insurance Commissioners/ All Zonal Medical Commissioners.
7. The Secretary (PD-6), UPSC, Dholpur House, Shahjahan Road, New Delhi, w.r.t. their letter No. F. No. 1/39(03)/2024-PD-6 dated 11.09.2024.
8. All the Additional Commissioners & Regional Directors/ Regional Directors/ Deputy Director (I/c)/ Additional Commissioner-V, Hqrs. Office.
9. D(M)Delhi/ D(M)Noida/ Zonal Training Institute.
10. The Medical Superintendents of all the ESIC Hospitals.
11. The Deans of all the ESIC PGIMSR/ Medical College/ Dental Colleges/ Principal, Nursing Colleges.
12. All the concerned Deputy Directors/ Assistant Directors, Zonal Vigilance.
13. All the Deputy Directors (Fin.)/ Vigilance.
14. W.C.M. for uploading the order on official website of ESIC.
15. Guard File/ Personal File/ Spare Copies.

Annexure - XI

कर्मचारी राज्य बीमा निगम
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
Employees' State Insurance Corporation
(Ministry of Labour & Employment, Govt. of India)
Website : www.esic.nic.in



राष्ट्रीय प्रशिक्षण अकादमी
NATIONAL TRAINING ACADEMY
द्वितीय तल, ई.पी.एफ.ओ. कॉम्प्लेक्स,
सेक्टर-23, द्वारका, नई दिल्ली-110077
IInd Floor, EPFO Complex, Sector 23,
Dwarka, New Delhi-110 077
Tel. : 011- 28093108
E-Mail : dir-nta@esic.nic.in

संख्या: ए-34/12/14/2014-रा.प्र.अ.

दिनांक: 04-11-2025

सेवा में,

बीमा आयुक्त (P&A),
मुख्यालय, क.रा.बी.निगम,
पंचदीप भवन, सी.आई.जी. मार्ग,
नई दिल्ली -110002

(उचित माध्यम से)

विषय :	Request of conducting DPC for the post of Joint Director for DPC year 2016-17, 17-18 and 2018 for considering the undersigned for promotion against these vacancy years. के संबंध में ।
--------	--

महोदय,

उपरोक्त विषय के संदर्भ में श्री हीरा सिंह, संयुक्त निदेशक द्वारा प्रस्तुत पत्र दिनांक 29.10.2025 संलग्नको सहित आपको आवश्यक कार्रवाई हेतु प्रेषित किए जा रहे हैं ।

कृपया उचित कार्रवाही हेतु देखें ।

भवदीय,

संलग्नक: यथोपरि ।

Digitally signed by
SUNITA CHAUDHARY
राष्ट्रीय प्रशिक्षण अकादमी
Date: 04/11/2025
11:18:36
क.रा.बी.निगम

Dated : 29th October, 2025.

From :

Heera Singh, Joint Director (NTA)
National Training Academy, ESIC,
EPFO Complex, Sector 23,
Dwarka, Delhi - 110077.

(THROUGH PROPER CHANNEL)

To,

The Hon'ble Minister for Labour and Employment and
Chairman, Employees' State Insurance Corporation,
Employees' State Insurance Corporation,
CIG Road, New Delhi 110002.

Subject: **Request of conducting DPC for the post of Joint Director for DPC year 2016-17, 17-18 and 2018 for considering the undersigned for promotion against these vacancy years.**

Sir,

1. With due regard, I would like to invite your kind attention on Promotion Order No. 195 of 2024 issued vide file No. A-33/13/01/2024-E.I dated 26.12.2024 **(Annexure I - page No. 1)** whereby I was promoted.
2. Recently, I came across DPC Minutes of DPC meeting held on 11.09.2024 in UPSC **(Annexure II - page No. 11)**. From this minute it was noticed that the DPC had skipped from conducting DPC for vacancy year 2014-15 to 2023. Thus, by doing so the DPC had skipped holding of DPC meeting of vacancy year for 10 years which are 2014-15, 2015-16, 2016-17, 2017-18, 2018, 2019, 2020, 2021, 2022 and 2023.
3. During this period the ESIC had not implemented following Recruitment Rules for the Post of Regional Director Grade 'B' / Joint Director:

Sr.No.	Detail of Recruitment Regulations.	Period of Validity
i)	RR for the post of Regional Director Grade 'B' / Joint Director dated 23.10.2013 <u>(Annexure III - page No. 21)</u> .	01-04-2015 to 12-12-2018

ii)	RR for the post of Regional Director Grade 'B' / Joint Director dated 13-12-2018 (<u>Annexure IV - page No. 29</u>).	13-12-2018 to 22-03-2024
-----	---	--------------------------

4. In DPC meeting prior to year 2024 was held lastly till vacancy year 2013-14. In this meeting the DPC assessed three officers as per the new RR of year 2013 which is communicated vide DPC minutes dated 22nd March, 2016 (**Annexure V - page No. 39**).

5. Five Officers were also promoted on the basis of this pre-revised Recruitment Regulations on ad-hoc basis with the approval of Hon'ble Minister for Labour and Employment. Copy of approval dated 28th January, 2016 in page No. 31 of file No. S-38016/21/2013(pt.) SS.I (**Annexure VI - page No. 49**) is attached.

6. Here it is pertinent to mention that the Establishment of ESIC had also sought approval of Hon'ble Minister for consulting UPSC for regular promotion but the approval of Hon'ble Minister was never implemented.

7. In order to favour some Directly Recruitment Officer and to harm the interest of Promotee cadre officers the department had initiated following actions in violation of Recruitment Regulations and approval of Chairman, ESIC.

8. The ESIC Refrained from submitting DPC proposal for the post of Joint Director to UPSC for year 2014-15 to 2023, in spite of the fact that the undersigned was promoted to the post of Assistant Director in vacancy year 2003-04 (**Annexure XIII - page No. 111**) and Deputy Director in vacancy year 2011-12 (**Annexure VII - page No. 51**) and hence was eligible and available for promotion on 01st of April of 2017 and 1st of April of 2018.

9. In place of filling the post as approved by the Hon'ble Labour Minister and Chairman ESIC, the ESIC on the contrary preferred to fill the post of Joint Director I/c by making officiating appointment of Deputy Director I/c for period exceeding one year without consultation of UPSC was started vide

Order No. 222 of 2016 dated 21-10-2016 (**Annexure VIII - page No. 81**) in violation of first proviso of Sub-section 3 of Section 17 of ESI Act, 1948 which states as under:

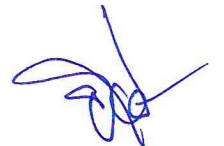
“Every appointment to posts (other than medical posts) corresponding to Group ‘A’ and Group ‘B’ posts under the Central Government shall be made in consultation with the Union Public Service Commission: Proviso: Provided that this sub-section shall not apply to an officiating or temporary appointment for a period not exceeding one years”

10. Further, the Hon’ble Principle Bench of Central Administrative Tribunal Delhi in Case Awadesh Prasad Tripathi & Others vs. ESIC, Case No. OA-4167/2012 (**Annexure IX - page No. 83**) had decided that the adhoc service against the regular vacancy may be treated as regular service.

11. The ESIC filed an appeal against this decision of Hon’ble Principle Bench of CAT. The Hon’ble High Court of Delhi in ESIC & Others vs. Awadesh Prasad Tripathi & Others in case No. W.P.(C) 2723/2014 (**Annexure X - page No. 91**) had clearly decided that the adhoc services against regular vacancy is countable as regular service for purpose of promotion which is in consonance with ratio decidendi of judgment of case S. Sumnyan & Others vs. Limi Niri & Others (2010, SC 292) given by Hon’ble Supreme Court.

12. It was clearly pronounced by Hon’ble High Court of Delhi in ESIC & Others vs. Awadesh Prasad Tripathi & Others in case that the denying of benefit of adhoc service and consequently, anterior dates of promotion is unjust as it is well established fact that :

- i) The Corporation felt the need for services of affected experienced personnel from the feeder cadre.
- ii) The affected persons fulfilled the description of Recruitment Regulations for the post of feeder cadre.
- iii) Due to unknown administrative reasons affected persons were promoted on Adhoc basis against regular vacancy.
- iv) Further, the UPSC also considered promotion of affected persons against relevant year.



13. The ESIC again filed an SLP before Hon'ble Supreme Court of India against the decision of Hon'ble High Court of Delhi. The Apex Court also dismissed the SLP of ESIC (**Annexure XI - page No. 97**).

14. The applicant had served ESIC as adhoc Assistant Director from December, 2003 against regular vacancy (**Annexure XII - page No. 99**). The UPSC had also recommended my promotion against vacancy year 2003-04 (**Annexure XIII - page No. 103**). In same way the applicant had served as ad-hoc Deputy Director from 03, November, 2010 (**Annexure XIV - page No. 115**). The UPSC had also recommended my promotion against vacancy year 2011-12. (**Annexure VII - page No. 51**). Hence, I have completed my AD/DD service of twelve years well before December, 2016 and I am eligible for promotion for the post of Joint Director on 01-01-2017 as well as 01-01-2018.

15. I have submitted my Grievance before the Chairman, Litigation Committee of ESIC vide my representation dated 02-11-2020 (**Annexure XV - page No. 117**) which was duly considered by the Committee. The Committee requested the administration to strictly follow DPC Calendar and timely grant promotions so that the period of adhoc promotions is restricted to the extent of 1 year and in case of failure, accountability should be fixed (**Annexure XVI - page No. 123**). In spite of this observation of Litigation Committee of ESIC the ESIC neither held any DPC meeting for these long 10 years nor fixed any accountability for such act of omission.

16. The matter was raised before the National Commission for Scheduled Castes. The Commission recommended that the DPC for the promotion of DD to JD for the year 2017-18, 2018 and 2019 may be held immediately and the 9 eligible SC officers should be promoted as per their eligibility on 01.01.2016 (**Annexure XVII - page No. 131**).

17. The matter was also raised before the National Commission for Scheduled Tribes. The Commission recommended that the DPC for the promotion of DD to JD for the year 2016-17, 2017-18, and 2018 may be held immediately and the 14 eligible ST officers should be promoted as per their eligibility condition (**Annexure XVIII - page No. 137**).

PRAYER

A. The applicant had served ESIC as adhoc Assistant Director against regular vacancy from 18th December, 2003 (**Annexure XII - page No. 99**). The UPSC had also recommended my promotion against vacancy



year 2003-04 (**Annexure XIII - page No. 103**). In same way the applicant had served as adhoc Deputy Director against regular vacancy from November, 2010 (**Annexure XIV - page No. 115**). The UPSC had also recommended my promotion against vacancy year 2011-12 (**Annexure VII - page No. 51**). I have completed my AD/DD combined service of twelve years well before December, 2016 and I am eligible for promotion for the post of Joint Director on 01-01-2017 as per the positions explained above.

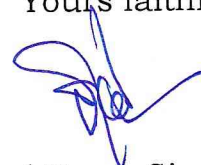
Hence, you are requested to kindly convene DPC for the post of Joint Director for year 2014-15 till year 2023 and consider me for promotion against vacancy year 2016-17, 2017-18 and 2018

in terms of decision of Hon'ble Principle Bench of CAT Delhi in the Case No. OA-4167/2012 (Awadesh Prasad Tripathi & Others vs. ESIC) (**Annexure IX - page No. 83**) and decision of Hon'ble High Court, Delhi in case No. W.P.(C) 2723/2014 (**Annexure X - page No. 91**) and also in the light of recommendations of the Litigation Committee of ESIC, the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes.

Sir, I beg before your good-self to kindly consider my submissions so that I have not to seek legal aid for restoring my right.

Thanking you,

Yours faithfully,



(Heera Singh)
Joint Director (NTA)



Copy to:-

1. The Director General ESIC,