



भारतीय विमानपत्तन प्राधिकरण  
AIRPORTS AUTHORITY OF INDIA

No. AAI/ER/RTI/PIO/2025/87

Dated : 06/02/25

To  
Shri Debangkar Dey,  
Subject : Information under RTI Act. 2005.

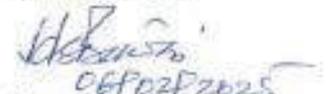
Sir,

Reference is made to your RTI application no. AAIKO/R/E/25/00001 dated 03-01-25.

Enclosed herewith please find information which is received in respect of your above mentioned RTI application.

Enclo : As above.

Sincerely Yours

  
06/02/2025  
(H.S. Biswas)

General Manager(CNS-ER)/PIO-RHQ-ER,  
NSCBI Airport, Kolkata-52

However, if you are not satisfied with the reply/information, you have the option to file an appeal within 30 days from the date of receipt of reply/information to the First Appellate Authority. The details of First Appellate Authority is given below :

To  
Smt Nivedita Dubey, RED(ER)/First Appellate Authority (FAA),  
Airports Authority of India, Regional Head Quarters,  
Eastern Region, N.S.C B.I. Airport, Kolkata-700 052.

दूरभाष कार्यालय : 2511-9600  
भारतीय विमानपत्तन प्राधिकरण  
पूर्वी क्षेत्र, न.सू.प.व.अ. विमानपत्तन, कोलकाता  
संदर्भ संख्या.....  
दिनांक .....



Tel. Office : 2511-9600  
**AIRPORTS AUTHORITY OF INDIA**  
Eastern Region, N.S.C.B.I. Airport, Kolkata-57

Ref. No. AAI/ER/HR/RTI/2025  
Date 06.02.2025

**INTRA OFFICE NOTE**

Sub: **Application under Right to Information Act,2005- i.r.o. Shri Debangkar Dev (Reg. No. AAIKO/R/E/25/00001 dated 03.01.2025).**

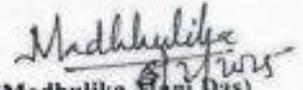
Reference is made to your office letter no. AAI/ER/RTI/PIO/2025/24 dated 06.01.2025 regarding above-mentioned subject.

In this regard, the reply of the information sought by Shri Debangkar Dey is appended below:

Sl. No.	RTI Query	Reply
01.	Corporate HRM circular No. 07/2013 dated 20.09.2013.	Circular is attached herewith.
02.	Promotion order Sr. Asstt(F/S) and Supdt & Sr Supdt(F/S) of Sri Pratick Bhattacharjee, Sri Ajit Kumar, Sri N C Ghosh, Sri Bharat Singh, Shi Umesh Pradhan	The information sought is not specific.

The above information is provided under the purview of RTI Act, 2005.

Encl: as stated above.

  
(Madhulika Mani Das)  
Jt. General Manager (HR)

To  
The Public Information Officer, RHQ-ER, Kolkata



भारतीय विमानपत्तन प्राधिकरण  
AIRPORTS AUTHORITY OF INDIA

सं. ए/2012/53/60011 पी पी

20 सितम्बर, 2013

क्षेत्रीय कार्यपालक निदेशक,  
भारतीय विमानपत्तन प्राधिकरण,  
उत्तरी/पश्चिमी/पूर्वी/दक्षिणी/उत्तर पूर्वी क्षेत्र,  
दिल्ली/मुंबई/कोलकाता/चेन्नई/गुवाहाटी

कार्यपालक निदेशक,  
आरसीडीयू/एफआईयू,  
भारतीय विमानपत्तन प्राधिकरण,  
नई दिल्ली

विमानपत्तन निदेशक,  
भारतीय विमानपत्तन प्राधिकरण,  
कोलकाता/चेन्नई हवाई अड्डा

निदेशक,  
भारतीय विमानन अकादमी  
नई दिल्ली

प्रधानाचार्य,  
नागर विमानन प्रशिक्षण कॉलेज,  
इलाहाबाद

महाप्रबंधक (सीआरएसडी/ई एंड एम कार्यशाला)  
भारतीय विमानपत्तन प्राधिकरण,  
नई दिल्ली

निगमित मा.सं. परिपत्र सं. 7/2013

विषय:- 1.2.2005 से वरिष्ठता का विलयन (मर्जर) - समीक्षा डी पी सी हेतु दिशा-निर्देश

दिनांक 18.12.2012 के निगमित मानव संसाधन परिपत्र सं० 46/2012, जिसमें भा.वि.प्रा. में एक समान संवर्गों के कर्मचारियों के संबंध में एक समान वरिष्ठता लागू किए जाने के बारे में विस्तृत नीति दिशानिर्देश निर्धारित किए गए थे, के अनुक्रम में यह आवश्यक समझा गया है कि कर्मचारियों की वरिष्ठता का विलयन होने पर प्रारम्भ की गई समीक्षा डी पी सी करने के लिए उचित दिशा-निर्देशों का निर्धारण भी किया जाना चाहिए ताकि कार्यपालकों और गैर कार्यपालकों दोनों के ही संबंध में पूरे संगठन में एकरूपता सुनिश्चित की जा सके। तदनुसार समीक्षा डी पी सी करने के लिए अपेक्षित मानदंड जो कि सामान्यतः सरकारी दिशानिर्देशों पर आधारित हैं, अनुवर्ती अनुच्छेदों में वर्णित हैं।

2. समीक्षा डी पी सी करने के लिए सबसे पहली तथा प्रमुख आवश्यकता होगी कि कार्यपालकों व गैर-कार्यपालकों के लिए प्रत्येक एक समान संवर्ग में प्रत्येक ग्रेड के संबंध में 1.2.2005 से की गई समस्त डी पी सी से संबंधित अभिलेखों का पता लगाना क्योंकि सभी एक समान संवर्गों में 1.2.2005 अथवा उसके बाद (आज तक) की गई सभी डी पी सी की समीक्षा की जानी अनिवार्य है। यहाँ यह उल्लेख करना प्रासंगिक है कि पूर्व में वर्ष में दो बार डी पी सी करने की प्रक्रिया अपनाई जाती थी तथा वर्ष 2011 से आगे वर्ष में केवल एक बार डी पी सी करने का निर्णय लिया गया था।

समीक्षा डी पी सी करने के लिए संगत बिंदु

(क) वरिष्ठता: चूंकि वरिष्ठता के विलयन की निर्णायक तारीख (जैसा कि दिनांक 18.12.2012 के निगमित मानव संसाधन पर सं. 46/2012 में उल्लेख है) 1.2.2005 होने का निर्णय लिया गया

६. अतः समस्त ग्रेडों/ संवर्गों में समीक्षा डी पी सी का प्रारम्भिक सेंट शुरू करने के लिए दोनों प्रभागों (रा.वि.प्र. तथा अंरा. वि.प्र.) के संबंध में कार्यपालक एवं गैर कार्यपालक दोनों ही वर्गों में एक समान संवर्गों के सभी ग्रेडों में 1.2.2005 को संयुक्त वरिष्ठता की स्थिति को निगमित मुख्यालय तथा क्षेत्रों में निश्चित करने की आवश्यकता होगी।

वरिष्ठता क्रम के विलय के पश्चात, कार्मिक पहले वरिष्ठता क्रम में अपने पद के लिए पात्रता अर्जित करेंगे तथा तत्पश्चात किसी विशिष्ट पद/ग्रेड के लिए लागू नियमों के अनुसार निर्धारित डी पी सी प्रक्रिया से गुजरेंगे।

वरिष्ठता पदोन्नति का आधार व सह उत्पाद है। अतः ऊपर बताए अनुसार, 1.2.2005 को निर्धारित संयुक्त वरिष्ठता क्रम सूची के आधार पर प्रारम्भिक समीक्षा डी पी सी के पश्चात, प्रत्येक ग्रेड, काडर, श्रेणी (कार्यपालक एवं गैर कार्यपालक) के लिए अगली समीक्षा डी पी सी गठित करने हेतु एक नई वरिष्ठता क्रम सूची बनाई जाएगी। 1.2.2005 के पश्चात आयोजित प्रत्येक मूल डी पी सी के संबंध में उत्तरवर्ती समीक्षा डी पी सी आयोजित करने पर यह प्रक्रिया दोहराई जाएगी।

(ख) विचार क्षेत्र- दोनों प्रभागों के संबंधित ग्रेडों के रिक्त पदों को मिला कर विचार क्षेत्र पुनः निर्धारित करना होगा। संबंधित वर्ष (वर्षों) के लिए सही विचार क्षेत्र चिह्नित करना अनिवार्य है। पैनल में अलग हुए कर्मचारियों के नाम भी शामिल किए जाएं। ऐसे मामलों पर नीचे दिए गए अनुच्छेद (घ) के अनुसार कार्रवाई की जाएगी।

(ग) सतर्कता/ अनुशासनिक अनापति - प्रारम्भिक डी पी सी तथा समीक्षा डी पी सी दोनों अवसरों पर सतर्कता अनापति आवश्यक है। तदनुसार, प्रत्येक कर्मचारी के संबंध में मूल/ नियमित डी पी सी की तिथि तथा मा.सं. निदेशालय द्वारा पदोन्नति आदेश जारी करने से पूर्व सतर्कता व अनुशासनिक अनापति होना आवश्यक है। इस संबंध में यह सूचित किया जाता है कि जब कभी आवश्यकता हो तो दिनांक 14.9.1992 के कार्यालय जापन तथा दिनांक 2.11.2012 (अनुलग्नक I, II, III) के कार्यालय जापन के आधार पर कार्मिक व प्रशिक्षण निदेशालय (डी ओ पी एंड टी) के दिनांक 25.10.2004 के कार्यालय जापन के माध्यम से जारी अनुदेशों का संदर्भ लिया जाए।

(घ) पदोन्नति आरक्षण रोस्टर- पदोन्नति आरक्षण रोस्टर के अनुसार आरक्षित विन्दुओं की स्थिति का पता लगाया जाएगा। इस हेतु दोनों प्रभागों के पदोन्नति आरक्षण रोस्टर के विलय की भी आवश्यकता होगी।

(ङ) अलग हुए कर्मचारी- गत वर्षों के दौरान अलग हुए कर्मचारियों का विवरण एकत्रित करना भी आवश्यक होगा क्योंकि इनके संबंध में डी ओ पी टी के दिनांक 12.10.1998 के कार्यालय जापन (अनुलग्नक-IV) में निर्धारित विशिष्ट प्रक्रिया के अनुसार कार्रवाई की जाएगी। इसमें स्पष्ट अनुबंधित है कि ऐसे कर्मचारियों को पैनल में शामिल किया जाए और उनके विषय में संबंधित वर्ष (वर्षों) के लिए विचार किया जाए। हालांकि उन्हें वास्तविक पदोन्नति का कोई अधिकार नहीं होगा।

(च) सीलबंद सिफाफा प्रक्रिया- डी पी सी के समय अपनाई जा रही प्रक्रिया के अनुरूप सीलबंद सिफाफा प्रक्रिया अपनाई जाए। तथापि डी ओ पी टी के दिनांक 21.11.2002 के कार्यालय जापन (अनुलग्नक-V) में दिए गए स्पष्टीकरण के अनुसार सीलबंद सिफाफा प्रक्रिया, समीक्षा डी पी सी द्वारा नहीं अपनाई जा सकती यदि सरकारी कार्मिक के विरुद्ध कोई विभागीय कार्यवाही या आपराधिक अभियोजन लंबित नहीं है अथवा वह कार्मिक मूल डी पी सी की बैठक के समय या मूल डी पी सी की सिफारिशों के आधार पर उसके कनिष्ठ की पदोन्नति से पूर्व निलंबित नहीं है।

०००

पी ए आर में प्रतिकूल टिप्पणी:- समीक्षा डी पी सी की संवीक्षा को मूल डी पी सी की अपेक्षित अवधि के लिए पी ए आर हेतु सीमित किया जाए। उत्तरवर्ती अवधि के लिए लिखी गई पी ए आर पर विचार न किया जाए। यदि अपेक्षित अवधि से संबंधित कोई प्रतिकूल टिप्पणियां कम अथवा रह की गई है तो संशोधित पी ए आर पर विचार किया जाए और इस तरह से माना जाए कि मूल प्रतिकूल टिप्पणियां अस्तित्व में नहीं है।

(ज) शास्ति के अधीन व्यक्ति :- डी ओ पी टी के दिनांक :15-12-2004 (अनुलग्नक-vi) के कार्यालय जापान के प्रावधानों के क्रम में जो कर्मचारी शास्ति के अधीन है उनकी पदोन्नति पर शास्ति अधिरोधित किए जाने के उपरोक्त आयोजित डी पी सी द्वारा विचार किया जाना चाहिए। ऐसा करते समय शास्ति लगने के सम्पूर्ण तथ्यों पर विचार-विमर्श के पश्चात् यदि वह फिर भी पदोन्नति हेतु योग्य पाया जाता है तो उनकी पदोन्नति शास्ति की अवधि की समाप्ति के पश्चात् प्रभावी मानी जाए।

डी ओ पी टी के दिनांक 03-11-1995 (अनुलग्नक-vii) के कार्यालय जापान में हालांकि ऐसे मामलों में पृथक रूप से यह स्पष्ट किया गया है कि अधिकारी की वरिष्ठता, उसकी पदोन्नति के पैनल में अधिकारी की स्थिति के अनुसार शास्ति की अवधि की समाप्ति पर निर्धारित की जाएगी।

चूंकि पदोन्नति, केवल शास्ति की अवधि की समाप्ति की तारीख से प्रभावी मानी जाए अतः कार्मिक केवल वास्तविक पदोन्नति की तारीख से पदोन्नति ग्रेड में वेतन निर्धारण हेतु पात्र होगा। यदि पैनल में उनके कनिष्ठ कार्मिक की पदोन्नति पहले हो जाती है तो जिस कार्मिक पर शास्ति लगाई गई है, पदोन्नति होने पर वेतन पर कोई बढ़ोतरी का पात्र नहीं होगा और उनके वेतन को बढ़ाया नहीं जाएगा।

इसी प्रकार से शास्ति के अधीन कार्मिक को शास्ति की अवधि के दौरान पदोन्नत नहीं किया जाना है ग्रेड-। अतः अगली पदोन्नति हेतु पदोन्नति ग्रेड (शास्ति अवधि की समाप्ति पर पदोन्नत) में उनकी पात्र सेवा केवल वास्तविक पदोन्नति की तारीख से प्रभावी होगी और किसी भी मामले में इसे पैनल में उनके कनिष्ठ की पदोन्नति की तारीख से नोशनली भी संबद्ध नहीं किया जाए।

(झ) अवरूढ़ मामले :- पदोन्नति (शर्तों के होने के कारण अथवा अन्य किसी कारण वश) की अस्वीकृति के परिणामस्वरूप गत अवरूढ़ मामलों में समीक्षा डी पी सी कार्यवाहियों पर कोई असर नहीं होगा। ऐसे कर्मचारी जो वास्तविक डी पी सी के पश्चात् निर्दिष्ट अवधि के लिए अवरूढ़ रखे गए, वास्तविक निर्दिष्ट अवधि के लिए डी पी सी की समीक्षा के पश्चात् भी अवरूढ़ रखा माना जाएगा। अगले उच्च ग्रेड में भावी पदोन्नति के लिए उनकी पात्रता सेवा तथा वरीयता निर्धारण उसी तरह जारी रहेगी जैसा कि वर्तमान नीति के अनुसार ऐसे मामलों में सामान्यतः किया जाता है।

(ट) पदोन्नति में साक्षात्कार प्रक्रिया :- भा.वि.प्रा. डी पी सी दिशानिर्देशों के प्रावधानों के अनुसार कार्यपालक निदेशक तथा महाप्रबंधक के ग्रेड पर पदोन्नति में साक्षात्कार घटक है। अतः इन दो

०००

ओं में पदोन्नति पर समीक्षा डी पी सी के समय वरीयता के विलय के कारण फीडर रोड में विचाराधीन रिकास्ट जोन हेतु नए प्रवेशकर्ताओं को ( केवल वे कार्मिक जो भा.वि.प्रा. की सेवा में होंगे) आर एण्ड पी नियमावली के संगत प्रावधानों को ध्यान में रखते हुए साक्षात्कार प्रक्रिया का सामना करना होगा।

(ठ) पदोन्नति (याँ) का लाभ - कर्मचारियों को पूर्व में दिए गए पदोन्नति लाभ को अस्थायी आधार पर अधिसंख्य पदों (यदि आवश्यकता हो) का सृजन कर संरक्षित किया जाएगा जो कि उनके पद छोड़ने तक यह कर्मचारी का निजी पद होगा तथा दरिष्ठता के विलय के परिणामस्वरूप सभी पूर्वव्यापी पदोन्नतियां केवल नोशनली (बिना बकाया के) मंजूर की जाएगी तथा वास्तविक वित्तीय लाभ भावी तारीख से दिए जाएंगे अर्थात् इस संबंध में एक एकरूपता लाने के लिए इंटर-से-सीनियारिटी की अंतिम विलय सूची जारी होने की तिथि से लागू होगी।

3 इस आदेश के उल्लिखित प्रावधानों की व्याख्या में यदि कोई संदेह हो, तो केवल निगमित मुख्यालय से स्पष्टीकरण प्राप्त करना होगा जो अंतिम एवं बाध्यकारी होगा।

4 सभी समीक्षा विभागीय पदोन्नति समितियों का शीघ्रातिशीघ्र परन्तु 30-11-2013 से पूर्व किया जाए तथा क्षेत्रीय कार्यपालक निदेशकों/विमानपत्तन निदेशक चेन्नई/कोलकाता द्वारा इस हेतु एक प्रमाणपत्र अधोहस्ताक्षरी को 15-12-2013 तक प्रेषित किया जाए। समय-सीमा का अनुपालन न करने पर कड़ी कार्रवाई की जाएगी।

5 परिपत्र, वेबसाइट, सूचनापट्ट इत्यादि के माध्यम से उक्त निर्णय को कर्मचारियों के बीच व्यापक रूप से परिचालित करें।

अनुलग्नक: जैसा दर्शाया गया है।



( के.के.झा )

सदस्य (मानव संसाधन)

आन्तरिक वितरण :

- अध्यक्ष/सदस्य(योजना)/सदस्य(ए एन एस)/सदस्य(प्रचालन)/सदस्य (वित्त)/मुख्य सतर्कता अधिकारी /सदस्य (मा.सं) का कार्यालय।
- सभी न. प्र., मानव संसाधन विभाग
- महासचिव ए ए ई यू
- अध्यक्ष /महासचिव : ए ए ओ ए (आई)/आई ए ए आई ओ ए /ए सी ओ ए (आई)/ ए टी सी गिल्ड (आई)/भा वि प्रा इंजी० गिल्ड/भा वि प्रा एस सी/एस टी कल्याण संघ
- ✓ वेबसाइट/नोटिस बोर्ड



No.A:60011/53/2012-PP

TIME-BOUND

भारतीय विमानपत्तन प्राधिकरण  
AIRPORTS AUTHORITY OF INDIA

20 September, 2013

The Regional Executive Director  
Airports Authority of India,  
Northern/Western/Eastern/Southern/NER  
Delhi/Mumbai/Kolkata/Chennai/Guwahati

The Executive Director  
RCDU/FIU  
AAI, New Delhi

The Airport Director,  
Airports Authority of India  
Kolkata/Chennai Airport

The Director  
Indian Aviation Academy  
New Delhi

The Principal  
CATC  
Allahabad

The General Manager  
CRSD/E&M Workshop  
AAI, New Delhi

Corporate HRM Circular No.7/2013

Subject:-Merger of seniority with effect from 1.2.2005 -  
guidelines for Review DPCs.

As a sequel to the Corporate HRM Circular No.46/2012 dated 18.12.2012 which lays down detailed policy guidelines as to implementation of common seniority in respect of employees of common cadres in AAI, it has been felt necessary to also prescribe proper guidelines for holding review DPCs necessitated by merger of seniority of employees so as to ensure uniformity across the organization both in relation to executives and non-executives. Accordingly, the required norms for holding review DPCs, which, in general, are based on the Government guidelines, are noted in the succeeding paragraphs.

2. First and foremost requirement to conduct review DPCs would be to locate relevant records of all DPCs conducted since 1.2.2005 in respect of each grade in each common cadre for executives as well as non-executives *since all DPCs conducted on or after 1.2.2005 (till date) in all the common cadres are mandated to be reviewed.* It is pertinent to mention here that there was a practice in the past to hold DPCs twice in a year and from 2011 onwards it was decided to hold DPC once in a year only.

POINTS RELEVANT FOR HOLDING REVIEW DPCs

- (a) Seniority - Since the crucial date of merger of seniority (as noted in the Corporate HRM circular No.46/2012 dated 18.12.2012) has been decided to be 1.2.2005, combined seniority position as on 1.2.2005 in all grades of common cadres in both executive and non-executive categories in respect of two divisions (NAD and IAD) would be required to be firmed up at CHQ and in Regions for conducting *initial set* of review DPCs across the grades/cadres.

*[Signature]*

.....2/-

On merger of seniority, official will acquire the eligibility in terms of their position in the seniority list and will have to go through the DPC process prescribed for the particular post/ grade as per the rules in vogue.

*Seniority is both the basis as well as the by-product of promotion.* Hence, after the initial set of review DPC, conducted on the basis of the finalised combined seniority list of 1.2.2005 as mentioned above, a fresh seniority list would need to be prepared for each such grade, cadre, category (executive and non-executive) for conducting the *next set* of review DPC. This process would need to be repeated in respect of each subsequent review DPC to be conducted in relation to each original DPC held in the past since 1.2.2005.

- (b) Zone of consideration - The zone of consideration would need to be redrawn by clubbing the vacancies of relevant grades of the two divisions. It is imperative to identify the correct zone of consideration for the relevant year(s). Names of the separated employees may also be included in the panel. Such cases would be dealt in accordance with para (e) below.
- (c) Vigilance / disciplinary clearance - Vigilance clearance is to be seen both at the time of initial DPC as well as at the time of review DPC. Accordingly, vigilance and disciplinary clearance would be necessary in respect of every employee for the period pertaining to the date of the original/ regular DPC and before issue of promotion orders by HR Directorate. In this regard it is informed that instructions issued vide DoP&T O.M dated 25.10.2004 based on O.M dated 14.9.1992 and O.M dated 2.11.2012 (Annexure-I, II, III) may be referred to wherever required.
- (d) Promotion reservation rosters - Position of reserved points as per the then promotion reservation rosters will have to be found out. It will necessitate merger of promotion reservation rosters of the two divisions;
- (e) Separated employees - Details of separated employees over the years would need to be collected as they would need to be dealt with in a specific manner as prescribed by DoP&T O.M. dated 12.10.1998 (Annexure-IV) which clearly stipulates that such employees may be included in the panel and would be considered for relevant year(s), however, would have no right for actual promotion.
- (f) Sealed cover procedure - Sealed cover procedure should be followed in accordance with the procedure followed at the time of DPC. The sealed cover procedure as clarified in the DoP&T O.M dated 21.11.2002 (Annexure-V), however, cannot be resorted to by the Review DPC if no departmental proceedings or criminal prosecution was pending against the Government servant concerned or he/ she was not under suspension at the time of meeting of the original DPC or before promotion of his junior on the basis of the recommendations of the original DPC.

*afhs*

- (g) Adverse remarks in PAR- The review DPC should restrict its scrutiny to the PARs for the period relevant to the original DPC. The PARs written for subsequent periods should not be considered. If any adverse remarks relating to the relevant period were toned down or expunged, the modified PAR should be considered as if the original adverse remarks did not exist at all.
- (h) Persons undergoing penalty- In terms of provisions of DoP&T O.M dated 15.12.2004 (Annexure-VI), employees who are undergoing penalty should be considered by the DPC for promotion which meets after imposition of said penalty and after due consideration of full facts leading to imposition of the penalty, if he/she is still considered fit for promotion, his/her promotion may be given effect after expiry of penalty period.

DoP&T O.M dated 3.11.1995 (Annexure-VII), however, separately clarifies that in such cases, seniority would be fixed according to the position of the officer in the panel on the basis of which he is promoted on expiry of penalty period.

Since promotion is to take effect only from a date subsequent to expiry of the penalty period, the official 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 official on whom a penalty was imposed and there shall be no stepping up of his/her pay.

Similarly, as the official undergoing penalty is not to be promoted during currency of the penalty, the eligibility service in the promotional grade (to which he is promoted on conclusion of penalty period) 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.

- (i) Debarment cases:-Review DPC proceeding shall have no bearing on the past debarment cases resulting from non-acceptance of promotions (owing to conditions attached there to or for any other reason) etc. Such employees, who were debarred as such for a specified period after the original DPC, shall, therefore, still be deemed to be debarred after the review DPC for the period as specified originally. Their eligibility service and seniority for further promotion to the next higher grade shall also continue to be determined as is normally done in such cases as per the existing policy.
- (j) Interview component in promotion:-As per provisions of the AAI DPC Guidelines, there is interview component in promotion to the grades of ED and GM. Therefore, at the time of Review DPCs for promotion to these two grades, fresh entrants (only those officials who happen to be still in the service of AAI) to the recast zone of consideration in the feeder grade due to merger of seniority shall have to pass through the interview process in keeping with the relevant provision of the R&P Rules.



- (k) Benefit of promotion(s) - The benefit of promotion(s) already granted to employees shall be protected by creating supernumerary posts (if need be) on temporary basis as personal to the incumbent of the post till he/she vacates it and all retrospective promotions, effected as a result of merger of seniority, shall be granted only notionally (without any arrears) with actual financial benefits accruing from a prospective date, i.e. the date of issue of final merged inter-se-seniority lists in order to have uniformity in this regard.

3. In case of any doubt as to interpretation of the aforementioned provisions of this order, clarification shall be obtained from CHQ only which shall be final and binding.

4. All review DPCs should be conducted at the earliest but not later than 30.11.2013 and a certificate to this effect should be forwarded by the REDs/ APDs, Kolkata and Chennai to the undersigned by 15.12.2013. Non-adherence to the time-frame shall be viewed seriously.

5. The above decisions may be given wide publicity among employees through circulation, website, notice boards etc.

Encls:-as indicated above.

  
(K.K. JHA)  
Member[HR]

Internal Distribution

- Chairman/Member(Ptg)/Member(ANS)/Member(Ops)/Member(Fin)/CVO/o/o Member(HR)
- All GMs in HR Department
- General Secretary, AAEU
- President / General Secretary - AAOA(I)/ IAAIOA/ ACOA(I) / ATC Guild(I)/  
AAI Engg Guild/ AAI SC/ST Welfare Association
- Website / Notice board

No.22012/1/99-Estt(D)

भारत सरकार

Government of India

कार्मिक, लोक शिकायत तथा पेनशन मंत्रालय

Ministry of Personnel, Public Grievances and Pensions

कार्मिक और प्रशिक्षण विभाग

Department of Personnel & Training

नई दिल्ली 110001

New Delhi 110 001

Annexure - I

NOV 2 -

Dated 25 October, 2004

OFFICE MEMORANDUM

Subject:- Cases of persons whose conduct is under investigation or against whom a charge sheet is pending - consideration for promotion - clarification regarding.

The undersigned is directed to refer to the Department of Personnel and Training Office Memorandum No.22011/4/91-Estt-A dated 14<sup>th</sup> September, 1992 (copy enclosed) which has been issued pursuant to the judgment of the Hon'ble Supreme Court in the case of Union of India vs. K.V. Janakiraman etc. (AIR 1991 SC 2010), and is in supersession of all previous instructions on the subject, and to say that para 2.1 of the said Office Memorandum provides that the DPC shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned in para 2 of the Office Memorandum, along with other eligible candidates, without taking into consideration the disciplinary case/criminal prosecution pending. Therefore, it is made clear that only a bare statement that case of an employee in the zone of consideration/extended zone of consideration is covered by any of the three situations indicated in para-2 of the said Office Memorandum is to be furnished to the DPC to enable it to place its recommendations in the sealed cover. No other details about the pending inquiry or the nature of charges etc. are to be furnished to the DPC lest these details weigh with the DPC in making its recommendations, which are to be placed in the sealed cover.

2. Considerable doubts also persist about the furnishing of the vigilance clearance and integrity certificate to the DPC. It is clarified that the DPC is required to consider the cases of all persons who are otherwise eligible in terms of the Recruitment Rules as on the relevant crucial date and are in the zone of consideration. If, however, case of an employee in the zone of consideration is covered by any of the three situations, only this fact is to be furnished to the DPC so that the recommendations could be placed in sealed cover. Where none of the three situations has arisen, a simple vigilance clearance would need to be furnished. Vigilance clearance/status would have no other significance and would not be a factor in deciding the fitness of the officer for promotion on merit.

Contd...2/-

3. It is also clarified that there is no requirement of furnishing a separate integrity certificate to the DPC. In terms of the judgment of the Hon'ble Supreme Court in the case of Union of India vs. K.V. Janakiraman etc. (AIR 1991 SC 2010), no promotion can be withheld merely on the basis of suspicion or doubt or where the matter is under preliminary investigation and has not reached the stage of issue of charge sheet etc. If in the matter of corruption/derelection of duty etc., there is a serious complaint and the matter is still under investigation of CBI or otherwise, the Government is within its right to suspend the official. In that case, the officer's case for promotion would automatically be required to be placed in the sealed cover.

4. If the conditions indicated in para-2 of DoPT Office Memorandum dated 14<sup>th</sup> September, 1992, arise only after the DPC has made its recommendations and therefore, the recommendations could not be placed in the sealed cover, para-7 of the said Office Memorandum provides that the recommendations of the DPC shall be deemed to have been placed in the sealed cover and he shall not be promoted until he is exonerated of the charges. Therefore, after the recommendations of DPC have been approved by the competent authority, it is necessary to again seek the status position from the concerned vigilance division before issuing promotion order in respect of any officer included in the approved panel of names to ensure that there is no hindrance in issuing the promotion order in respect of the concerned officer.

5. Hindi version will follow.

*Sharma*

**21/5**  
(Alok Saxena)  
Director

केंद्र प्रमुख, दिल्ली  
प्रमाणित किया गया  
दिनांक 20/05/92  
205A  
Copy to: D  
For: Stg.

- All Ministries/Departments of Government of India.
1. The President's Secretariat, New Delhi.
  2. The Prime Minister's Office, New Delhi.
  3. Central Vigilance Commission
  4. All State Governments
  5. Cabinet Secretariat, New Delhi
  6. Rajya Sabha Secretariat/ Lok Sabha Secretariat, New Delhi.
  7. The Registrar General, The Supreme Court of India.
  8. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
  9. The Comptroller and Audit General of India, New Delhi.
  10. Secretary, Union Public Service Commission, (20 copies).
  11. Secretary, Staff Selection Commission, New Delhi.
  12. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.

Contd...3/-

15

- 11 National Commission for SC/ST, New Delhi.
- 12 Secretary, National Council(JCM), 13, Ferozeshah Road, New Delhi
- 13 Establishment Officer & A.S.(10 copies)
- 14 National Commission for OBCs, New Delhi
- 15 All Officers and Sections in the Department of Personnel and Training.
- 16 Facilitation Center, DoP&T(20 copies).
- 17 NIC (DoP&T) for placing this Office Memorandum on the Website of DoP&T
- 18 Establishment (D) Section (200 copies).

\*\*\*\*\*

OFFICE MEMORANDUM

Subject: Promotion of Government servants against whom disciplinary/court proceedings are pending or whose Conduct is under investigation - Procedure and guidelines to be followed.

S.No.  
9359-Est.A dt.31.8.88  
2893-Est.A dt.27.12.81  
2011/377-Est.A  
1.14.7.77  
2011/179-Est.A  
1.21.1.82  
2011/286-Est.A  
1.12.1.88  
2011/194-Est.A  
1.31.7.91

Cases of Government servants to whom Sealed Cover Procedure will be applicable.

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

Procedure by subsequent DPCs.

Action after conclusion of disciplinary case/criminal prosecution.

Six Monthly review of "Sealed Cover" cases.

The undersigned is directed to refer to Department of Personnel & Training OM No.22011/286-Est.(A) dated 12th January, 1988 and subsequent instructions issued from time to time on the above subject and to say that the procedure and guidelines to be followed in the matter of promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation have been reviewed carefully. Government have also noticed the judgement dated 27.08.1991 of the Supreme Court in Union of India etc. vs. K.V. Janki-man etc. (AIR 1991 SC 2010). As a result of the review and in supersession of all the earlier instructions on the subject (referred to in the margin), the procedure to be followed in this regard by the authorities concerned is laid down in the subsequent paras of this OM for their guidance.

2. 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.

2.1 The Departmental Promotion Committee shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned above 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 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.

2.2 The same procedure outlined in para 2.1 above will be followed by the subsequent Departmental Promotion Committees convened till the disciplinary case/criminal prosecution against the Government servant concerned is concluded.

3. On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Govt. servant, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior-most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceeding/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.

3.1 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.

3.2 It is also clarified that in a case where disciplinary proceedings have been held under the relevant disciplinary rules, "warning" should not be issued as a result of such proceedings. If it is found, as a result of the proceedings, that some blame attaches to the Government servant, at least the penalty of "censure" should be imposed.

4. 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. It has, therefore, been decided that the appointing authority 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 his findings in the sealed cover. Such a review should be

Scale for ad-hoc promotion.

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.

5. In spite of the six monthly review referred to in para 4 above, there may be some 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. 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 any 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.

5.1 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 year 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 Departmental Promotion Committee 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.

5.2 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 the ad-hoc promotion and revert at any time the Government servant to the post from which he was promoted.

5.3 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 his 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 national promotion as envisaged in para 3 above.

5.4 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 exonerated in the departmental proceedings, the ad-hoc promotion granted to him should be brought to an end.

6. The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension, etc. A permanent vacancy should be reserved for such an officer when his case is placed in sealed cover by the DPC.

7. A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 2 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 OM will be applicable in his case also.

8. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

9. Hindi version will follow.

(M.S. BALI)  
DIRECTOR

To  
All Ministries and Departments of the Government of India with usual number of spare copies.  
No. 22011/491-1(Et)(A) Dated the 14th Sept., 1992.  
Copy forwarded for information to:-

- 1. Central Vigilance Commission, New Delhi.
- 2. Central Bureau of Investigation, New Delhi.
- 3. Union Public Service Commission, New Delhi.
- 4. Comptroller and Auditor General, New Delhi.
- 5. President's Secretariat/Vice-President's Secretariat, Lok Sabha Secretariat/Rajya Sabha Secretariat and Prime Minister's Office.
- 6. Chief Secretaries of A) States and Union Territories.
- 7. All Officers and Administrative Sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

(M.S. BALI)  
DIRECTOR

used for procedure confirmation.

used cover procedure applicable to officers being under cloud after ending of DPC but before promotion.

F.No.22034/4/2012 -Estt. (D)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel & Training)

North Block,  
New Delhi  
Dated the 2<sup>nd</sup> November, 2012

**OFFICE MEMORANDUM**

Subject : **Comprehensive review of instructions pertaining to vigilance clearance for promotion-regarding.**

Instructions issued vide O.M. No. 22012/1/99-Estt. (D) dated 25.10.2004 based on the O.M. No. 22011/4/1991-Estt. (A) dated 14.09.1992 (issued on the basis of procedure laid down by Supreme Court in K.V. Jankiraman case AIR 1991 SC 2010) makes it clear that vigilance clearance for promotion may be denied only in the following three circumstances:-

- (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.

Withholding of vigilance clearance to a Government servant who is not under suspension or who has not been issued a charge sheet and the disciplinary proceedings are pending or against whom prosecution for criminal charge is not pending may not be legally tenable in view of the procedure laid down in the aforesaid O.Ms.

2. Existing instructions provide for processing the cases of disciplinary proceedings in a time bound manner. A number of cases have however, come to notice where initiation of disciplinary proceedings/issue of chargesheet/processing of the case is considerably delayed by the administrative Ministries/Departments. Such delays allow an officer whose conduct is under cloud, to be considered for promotion. It becomes essential in respect of officer(s) in whose case disciplinary proceedings are contemplated or pending and are included in consideration zone for promotion, necessary action be taken for placing the proposal before the DPC so that vigilance clearance is not allowed as per conditions mentioned in para 1 above.

3. The Hon'ble Supreme Court in its judgment dated 27.08.1991 in Union of India Vs. K.V. Jankiraman etc.(AIR 1991 SC 2010) has held

"5. An employee has no right to promotion. He has only a 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 interests. An employee found guilty of misconduct cannot be placed on par with the other employees and his case has to be treated differently. There is therefore, no discrimination when in the matter of promotion, he is treated differently".

4. The issue of promotion of an officer who may be technically cleared from vigilance angle but in whose case it may not be appropriate to promote him/her in view of doubtful integrity or where a charge-sheet is under consideration etc, has been under examination in this Department.

5. The O.M No. 22012/1/99-Estt. (D) dated 25<sup>th</sup> October, 2004 further provides that a DPC shall assess the suitability of the Government servant coming within the purview of the circumstances mentioned in para 2 of the Office Memorandum No. 22011/4/91-Estt.(A) dated 14.09.1992, alongwith other eligible candidates, without taking into consideration the disciplinary case/criminal prosecution pending. No promotion can be withheld merely on the basis of suspicion or doubt or where the matter is under preliminary investigation and has not reached the stage of issue of charge sheet etc. If in the matter of corruption/dereliction of duty etc., there is a serious complaint and the matter is still under investigation, the Government is within its right to suspend the official. In that case, the officer's case for promotion would automatically be required to be placed in the sealed cover.

6. When a Government servant comes under a cloud, he may pass through three stages, namely, investigation, issue of charge sheet in Departmental Proceedings and/or prosecution for a criminal charge followed by either penalty/conviction or exoneration/acquittal. During the stage of investigation prior to issue of charge sheet in disciplinary proceedings or prosecution, if the Government is of the view that the charges are serious and the officer should not be promoted, it is open to the Government to suspend the officer which will lead to the DPC recommendation to be kept in sealed cover. The sealed cover procedure is to be resorted to only after the charge memo/charge sheet is issued or the officer is

placed under suspension. The pendency of preliminary investigations prior to that stage is not sufficient to adopt the sealed cover procedure.

7. The law on sealed cover based on the judgment of the Apex Court in Union of India vs. K.V. Janakiraman etc. (AIR 1991 SC 2010), is by now well settled. The O.M. dated 14.9.92 confined the circumstances for adopting sealed cover to the three situations mentioned in para 2 of the said O.M. Even after recommendation of the DPC, but before appointment of the officer if any of the three situations arise, the case is deemed to have been kept in sealed cover by virtue of para 7 of the O.M. dated 14.9.92.

8. As regards the stage when prosecution for a criminal charge can be stated to be pending, the said O.M. dated 14.9.92 does not specify the same and hence the definition of pendency of judicial proceedings in criminal cases given in Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 is adopted for the purpose. The Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 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”.

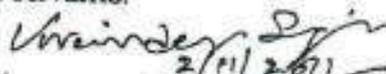
9. For the purpose of vigilance clearance for review DPC, instructions exist in O.M. No. 22011/2/99-Estt.(A) dated 21.11.2002 that review DPC will take into consideration the circumstances obtaining at the time of original DPC and any subsequent situation arising thereafter will not stand in the way of vigilance clearance for review DPC. However, before the officer is actually promoted it needs to be ensured that he/she is clear from vigilance angle and the provision of para 7 of O.M. No. 22011/4/91-Estt.(A) dated 14.09.1992 are not attracted.

10. Opening of sealed cover on conclusion of proceedings, is covered in the instructions in para 3 of the O.M. dated 14.9.92. In cases where by the time the Departmental Proceedings are concluded and the officer is fully exonerated but another charge sheet has been issued, the second charge sheet will not come in the way of opening of sealed cover and granting promotion notionally from the date of promotion of the junior and para 7 of O.M. dated 14.9.92 will not apply as clarified in the O.M. No. 22011/2/2002-Estt.(A) dated 24.2.2003. After the disciplinary proceedings are concluded and penalty is imposed, vigilance clearance will not be denied. The details of the penalty imposed are to be conveyed to the DPC.

11. This Department has issued separate instructions for accordance of vigilance clearance to a member of Central Civil Services/holder of Central Civil post with respect to (a) empanelment (b) deputation (c) appointments to sensitive posts and assignments to training programmes (except mandatory training) vide O.M. No. 11012/11/2007-(Estt. A) dated 14.12.2007. It has been further clarified in the O.M. No. 11012/6/2008-Estt. (A) dated 07.07.2008 that these instructions do not apply to promotions. While consideration for promotion is a right of an employee but empanelment, deputation, posting and assignment for training (except mandatory training) is not a right of an employee and is decided keeping in view the suitability of the officer and administrative exigencies.

12. It may thus be noted that vigilance clearance cannot be denied on the grounds of pending disciplinary/criminal/court case against a Government servant, if the three conditions mentioned in para 2 of this Department's O.M. dated 14.09.1992 are not satisfied. The legally tenable and objective procedure in such cases would be to strengthen the administrative vigilance in each Department and to provide for processing the disciplinary cases in a time bound manner. If the charges against a Government servant are grave enough and whom Government does not wish to promote, it is open to the Government to suspend such an officer and expedite the disciplinary proceedings.

13. All Ministries/Departments are, therefore, requested to keep in view the above guidelines while dealing with cases of vigilance clearance for promotion of the Government servants.

  
2/11/2011  
(Virender Singh)

Under Secretary to the Government of India  
Tel. No. 2309 3804

To,

All Ministries/Departments of the Government of India

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi

6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies)
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (200 copies).

North Block, New Delhi 110001  
October 12, 1998

OFFICE MEMORANDUM

**Subject:- Procedure to be followed by the Departmental Promotion Committees (DPCs) in regard to retired employees.**

The undersigned is directed to invite reference to the Department of Personnel and Training (DOP&T) Office Memorandum No. 22011/5/86-Estt(D) dated April 10, 1989 containing the consolidated instructions on DPCs. The provisions made in paragraph 6.4.1 of the aforesaid Office Memorandum lay down the following procedure for preparation of year-wise panel(s) where for reasons beyond control, DPC (s) could not be held for the year(s) even though vacancies arose during the year(s):-

- (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.

2. Doubts have been expressed in this regard as to the consideration of employees who have since retired but would also have been considered for promotion if the DPC(s) for the relevant year(s) had been held in time.

3. The matter has been examined in consultation with the Ministry of Law (Department of Legal Affairs). It may be pointed out in this regard that there is no specific bar in the aforesaid Office Memorandum dated April 10, 1989 or any other related instructions of the Department of Personnel and Training for consideration of retired employees, while preparing year-wise panel(s), who were within the zone of consideration in the relevant year(s). According to legal opinion also it would not be in order if eligible employees, who were within the zone of consideration for the relevant year(s) but are not actually in service when the DPC is being held, are not considered while preparing year-wise zone of consideration/panel and, consequently, their juniors are considered (in their places) who would not have been in the zone of consideration if the DPC (s) had been held in time. This is considered imperative to identify the correct zone of consideration for relevant year(s). Names of the retired officials may also be included in the panel(s). Such retired officials would, however, have no right for actual promotion. The DPC(s), may, if need be, prepare extended panel(s) following the principles prescribed in the Department of Personnel and Training Office Memorandum No. 22011/8/87-Estt(D) dated April 9, 1996.

4. Ministries/Departments are requested to bring these instructions to the notice of all concerned including their attached and subordinate offices.

  
(K.K. JHA)  
Director (Establishment)

To

All Ministries/Departments of the Government of India

Copy to:-

The Union Public Service Commission, Dholpur House, Shahjehan Road, New Delhi 110011.

Annexure-V

No. 22011/2/99 - Estt. (A)  
Government of India  
Ministry of Personnel, P.S. & Pensions  
(Department of Personnel & Training)

New Delhi, dated the 21<sup>st</sup> November, 2002

**OFFICE MEMORANDUM**

Sub. : Instructions on sealed cover procedure - Applicability to review DPC - clarification regarding.

The undersigned is directed to refer to the instructions on sealed cover procedure as contained in this Department's OM No. 22011/4/91- Estt. (A) dated 14.09.1992 and to say that a question whether the sealed cover procedure is to be followed by a Review DPC has been under consideration of this Department in the light of the decision of the Central Administrative Tribunal in certain cases. The matter has been considered in consultation with the Ministry of Law and it has been decided that the sealed cover procedure as contained in the OM dated 14.09.1992 cannot be resorted to by the Review DPC if no departmental proceedings or criminal prosecution was pending against the Government servant concerned or he/she was not under suspension at the time of meeting of the original DPC or before promotion of his junior on the basis of the recommendations of the original DPC.

2. In so far as the persons serving in the Indian Audit and Accounts Department are concerned these instructions are issued after consultation with the Comptroller and Auditor General of India.

P. Mohan  
(Smt. Pratibha Mohan)  
Director (E-II)

To : All Ministries/Departments of the Government of India.

Copy to :

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

P. Mohan  
(Smt. Pratibha Mohan)  
Director (E-II)

Annexure-VI

No.22034/5/2004-Estt (D)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
(Department of Personnel & Training)

December 15, 2004

## OFFICE MEMORANDUM

**Subject:-** Promotion of persons undergoing a penalty – clarification regarding.

The undersigned is directed to refer to DoPT OM No. 21/5/70-Estt (A) dated 15th May, 1971(reiterated vide O.M. No. 22011/2/78-Estt(A) dated 16.2.1979) and to say that in terms of the provisions of these Office Memoranda, a Government servant, on whom a minor penalty of withholding of increment etc. has been imposed should be considered for promotion by the Departmental Promotion Committee which meets after the imposition of the said penalty and after due consideration of full facts leading to imposition of the penalty, if he is still considered fit for promotion, the promotion may be given effect after the expiry of the currency of the penalty. It has, however, been separately clarified vide Office Memorandum No. 22011/2/92-Estt (D) dated 30th November, 1995 that in such cases, the seniority 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.

2. Doubts have been expressed regarding the pay fixation and date of commencement of the eligibility service in such cases. It is clarified that 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.

3. 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.

(Alok Saxena)  
Director

To  
All Ministries/Departments of the Government of India.

## Copy to:-

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

No. 20011/2/92-Estt.(D)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel and Training)

New Delhi, the 3<sup>rd</sup> Nov., 1995

OFFICE MEMORANDUM

Subject:- Fixation of seniority in the case of delayed promotion due to penalty.

The undersigned is directed to refer to the instructions contained in DOP&AR O.M.No. 21/5/70-Estt.(A) (reiterated vide O.M.No. 22011/2/78-Estt.(A) dated 16.2.79) according to which a Govt. servant on whom a minor penalty of withholding of increment etc. has been imposed should be considered for promotion by the DPC which meets after the imposition of said penalty and if he is considered fit for promotion despite the imposition of penalty the promotion may be given effect to after the expiry of the penalty. References have been received from various Departments seeking clarification on the question of seniority of such officers on their promotion.

2. It is clarified that the officer who has been recommended for promotion by a DPC despite his penalty will be promoted only on the basis of the recommendation of the said DPC after the expiry of the penalty and his seniority would be fixed according to his position in that panel.

  
(K.K. Jha)  
Director (E)

To

All Ministries/Departments etc.

Copy to:-

1. Comptroller and Auditor General of India.
2. Rajya Sabha Sectt./Lok Sabha Sectt.
3. UPSC (with 10 spare copies) w.r.to their letter No. 2/8/95-S-II dt. 13.9.95.
4. All Union Territory Administrations.
5. All attached/subordinate offices under the DOP&T.
6. Commissioner for SC/ST, New Delhi.
7. Secretary, Staff Side, National Council (JCM), 9, Ashoka Road, New Delhi.
8. All Sections.
9. 200 spare copies for Estt.(D).