

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

LOK SABHA
STARRED QUESTION NO. 251
(TO BE ANSWERED ON 02.08.2017)

PROMOTION POLICY FOR BUREAUCRATS

***251. SHRI SUDHEER GUPTA:**
SHRI S.R. VIJAYAKUMAR:

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

- (a) whether the Government has developed a new comprehensive policy on promotion of bureaucrats;
- (b) if so, the details thereof along with the aims and objectives thereof;
- (c) the manner in which the new system of promoting bureaucrats is better than the earlier system and the steps taken/being taken by the Government to prevent discrimination;
- (d) whether the Government has also reviewed the performance of Government servants and if so, the details thereof; and
- (e) the number of officers who have been compulsorily retired due to non performance during each of the last three years and the current year?

ANSWER

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (DR. JITENDRA SINGH)

(a) to (e): A statement is laid on the table of the House.

STATEMENT REFERRED TO IN LOK SABHA STARRED QUESTION NO. 251 BY SHRI SUDHEER GUPTA AND SHRI S.R. VIJAYAKUMAR FOR REPLY ON 02/08/2017 REGARDING PROMOTION POLICY FOR BUREAUCRATS

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

- i.** OM No. 22011/6/2013-Estt(D) dated 28/05/2014 regarding Eligibility of officers to be considered for promotion by DPC-Fixing of Crucial Date.
- ii.** OM No. 22011/4/2013-Estt.(D) dated 28/01/2015 regarding Review of Model Calendar for the Departmental Promotion Committees (DPCs) being conducted by the Ministries/Departments.
- iii.** OM No. 22011/2/2014-Estt.D dated 30/01/2015 regarding Procedure for conduct of supplementary DPC.
- iv.** OM No. 22011/3/2013-Estt. (D) dated 25/01/2016 regarding promotion of Government Servants exonerated after retirement-procedure and Guidelines to be followed.
- v.** OM No. 22011/4/2007-Estt. (D) dated 21/11/2016 regarding Guidelines on treatment of effect of penalties on promotion - role of Departmental Promotion Committee.

(d) &(e): Yes Madam. Instructions have been issued to all Cadre Controlling Authorities (CCAs) to review the performance / service records of government servants of all levels with a view to identifying officials who may not be fit to be retained in government service for various reasons. This is not a new mechanism because the provisions of rules under FR 56(j), Rule 48 of Central Civil Services (CCS) (Pension) Rules, 1972 and Rule 16(3) of All India Service (Death-cum- Retirement Benefits) Rules, 1958 already provide for such periodic reviews. Government has only reiterated the existing rules and has begun strict monitoring thereof. The monitoring mechanism for reviewing the performance in conformity with the Rule provisions has been strengthened and speeded up by activating Review Committees and Representation Committees for various levels and their work is now closely monitored.

As per information made available by various Ministries / Departments till May, 2017, the service records of 11,828 Group 'A' and 19,714 Group 'B' officers have been reviewed so far and provision of premature retirement have been invoked/recommended against 30 Group 'A' and 103 Group 'B' officers. The year-wise breakup is as follows:

Year	No. of officers against whom provisions of premature retirement have been invoked/ recommended
2015-16	77
2016-17	44
2017-18	12
Total	133

No.22011/6/2013-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi
Dated the 28th May, 2014

OFFICE MEMORANDUM

Subject: - Eligibility of officers to be considered for promotion by DPC- Fixing of Crucial Date - Regarding.

The undersigned is directed to invite reference to the Department of Personnel and Training's Office Memorandum No. 22011/3/98-Estt(D) dated September 17, 1998 regarding subject mentioned above, which provides that the crucial date for determining eligibility for promotion in case of financial year-based vacancy year would fall on January 1, immediately preceding such vacancy year and in case of calendar year-based vacancy year also, the first day of the vacancy year i.e. 1st January itself would be the crucial date.

2. In case of financial year-based vacancy year, there is a clear gap of 3 months between the crucial date of eligibility and the date of commencement of vacancy year i.e. between January 1 and April 1. Due to this gap, for any such vacancy year, even if the Departmental Promotion Committee (DPC) meeting is held in time as per the Model Calendar, there is always a possibility of few officers not fulfilling the eligibility criteria as on the crucial date of eligibility, though they are fulfilling the same as on the date of commencement of the vacancy year.

3. The matter has been examined in consultation with Union Public Service Commission. It has been decided that the crucial date of eligibility shall be 1st April of the vacancy year in case of financial year based vacancy year i.e. where the Annual Performance Appraisal Reports (APARs) are written financial year-wise. In case of calendar year based vacancy year, i.e. where APARs are written calendar year-wise, the crucial date of eligibility shall remain as 1st January of the vacancy year. These instructions shall come into force in respect of vacancy year 2015-16 (financial year) commencing from April 1, 2015 and vacancy year 2015 (calendar year) commencing from January 1, 2015 and shall, accordingly, be applicable to all such subsequent vacancy years.

4. These instructions shall be applicable to all services/posts. All Ministries/Departments are requested to bring these instructions to the notice of all concerned including attached and subordinate offices.




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

North Block, New Delhi
Dated: 28th January 2015

OFFICE MEMORANDUM

Subject: Review of Model Calendar for the Departmental Promotion Committees (DPCs) being conducted by the Ministries/Departments.

Reference is drawn to this Department's instructions on Model calendar for DPCs vide OM No.22011/9/98-Estt (D) dated 8th September, 1998. The Model Calendar envisages initiating action in advance of the commencement of the vacancy year so as to have the approved select panels ready before start of the vacancy year and ensure timely promotions of employees.

2. The Annual Performance Assessment Reports (APAR) schedule separately provide a time schedule for preparation/completion of APARs O.M. No.21011/1/2005-Estt.(A) (Pt.II) dated 23rd July, 2009. The crucial date of eligibility is 1st April of the vacancy year (Financial year based vacancy year) and 1st January (Calendar year based vacancy year) as per OM no. No.22011/6/2013-Estt(D) dated 28th May, 2014.

3. The schedule of Model Calendar for conduct of DPCs in line with the time schedule for completion of APARs so that the panel as approved by the Competent Authority is available before the commencement of the vacancy year has been further examined. It has been decided to reschedule the time frame for the DPCs being conducted by Ministries/Departments themselves as below:-

Model Calendar for DPCs conducted by the Ministries/Departments
(For Grades/posts not associated with UPSC)

Events	Financial Year based vacancy year	Calendar Year based vacancy year
Vacancy Year	2016-17	2016
Crucial date of eligibility	1 st April 2016	1 st January 2016

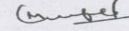
1. Calculation of vacancy; Finalization of Seniority List; Completion of APARs including disposal of representations received on entries/grading in ACRs/APARs; Collection of information on vigilance clearance status; Completion of Penalty statement for last ten years.	April-November, 2015	January-August, 2015
2. Submission of proposal complete in all respects, to Chairman DPC for convening of DPC	December 31, 2015	September 30, 2015
3. DPC to be held	January 2016 to February 2016	October 2015 to November 2015
4. Submission of DPC minutes for the approval of competent authority.	March 15, 2016	December 15, 2015
5. Last date for getting ready the approved select panel by the administrative Ministry/Department.	March 31, 2016	December 31, 2015
NOTE:- Dates/periods suggested in the Model Calendar for DPC 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.		

4. It has been decided to make the aforesaid Model Calendar for DPCs operational with effect from April 1, 2015 in relation to the financial year based vacancy year 2016-17 commencing from April 1, 2016. In the case of calendar year-based vacancy year commencing from January 1, 2016, the Model DPC Calendar will take operational effect from January 1, 2015. These instructions shall, accordingly, be applicable to all such subsequent vacancy years.

5. The success of the Model Calendar depends upon the Ministries/Departments initiating timely action in advance and furnishing the complete proposals to the DPCs with relevant APARs, copy of Service/Recruitment Rules, seniority list, penalty statement and correct vacancy position etc. All Ministries/Departments are, therefore, requested to give these instructions wide circulation and ensure strict compliance so that the desired objectives of convening of DPC meetings/preparation of the approval select panels as per the aforesaid prescribed time-frame may be achieved.

6. Model calendar for DPCs conducted by UPSC both for ACC and Non-ACC cases is separately under review. Meanwhile, cadre controlling authorities are advised for timely completion of calculation of vacancy; finalization of Seniority List; collection of information on vigilance clearance status; completion of Penalty statement for last ten years so that the proposal for seeking the date from UPSC for holding DPC may be taken up on completion of APARs including disposal of representations received on entries/grading in ACRs/ APARs. The instructions with regard to JS level officer as designated authority for timely holding of DPCs and requirement of complete proposal as contained in OM No. 22011/1/2011-Estt.(D) dated 25th March, 2011 and OM No. 22011/3/2011-Estt.(D) dated 24th March, 2011 are reiterated.

7. Hindi version will follow.




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Office Memorandum

Subject:- Procedure for conduct of supplementary DPC

This Department instructions issued vide OM No. 22011/5/86-Estt (D) dated 10.4.89 [para 6.4.2 (i)] provide that vacancies occurring due to death, voluntary retirement, new creations etc. could not be foreseen at the time of placing facts and material before the DPC, therefore, another meeting of DPC (commonly referred to supplementary DPC) should be held for drawing up a panel for these vacancies.

2. References have been received 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.

3. These issues have been examined in consultation with UPSC and following is decided:-

(i) The zone of consideration, in case of holding supplementary DPC, shall be fixed as per the provisions in this Department OM No. 22011/2/2002-Estt(D) dated 6.1.2006 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.

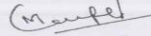
(ii) The eligibility list for supplementary DPC shall be prepared by removing the names of all such officers who have already been assessed by earlier DPC as fit, unfit or placed in the sealed cover by the original DPC before placing the same for consideration by the supplementary DPC.

(iii) 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.

4. 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.

5. To provide clarity in implementation of these instructions some situation specific illustrations are enclosed as Annexure to this OM.


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IllustrationOriginal DPC

No. of vacancies	-	5
Normal zone	-	$5 \times 2 + 4 = 14$
Extended zone	-	$5 \times 5 = 25$

Supplementary DPC

No. of vacancies - 2

Zone of consideration will be decided taking into account total number of vacancies in the vacancy year, i.e. 7 (Vacancies at the time of original DPC + unanticipated vacancies for the same year i.e. 5+2) in this case.

For 7 vacancies, normal zone is $7 \times 2 + 4 = 18$

Extended Zone $7 \times 5 = 35$

Situation 1 - In the original DPC, first 5 officers are assessed as 'Fit' and no officer is assessed for extended panel or assessed as 'Unfit' and/or kept in 'Sealed Cover'

Zone of consideration for Supplementary DPC will now be 13 (Normal Zone of consideration for total number of vacancies for that year – number of officers assessed by earlier DPC i.e 18-5).

As such, in the eligibility list of Supplementary DPC in the above illustration, 13 officers (9 left over officers from the original DPC and 4 additional officers) shall be included.

Situation 2 - In the original DPC, first 5 officers are assessed as 'Fit' and next 3 officers are assessed for extended panel and no officer is assessed as 'Unfit' and /or kept in 'Sealed Cover'

Zone of consideration for Supplementary DPC will now be 10 (Normal Zone of consideration for total number of vacancies for that year – number of officers assessed by earlier DPC i.e 18-8).

As such, in the eligibility list of Supplementary DPC in the above illustration, 10 officers (6 left over officers from the original DPC and 4 additional officers) shall be included.

Situation 3 - In the original DPC, 5 officers are assessed as 'Fit', 2 officers are assessed for extended panel and 4 officers are assessed as Unfit' and/or kept in 'Sealed Cover'

Zone of consideration for Supplementary DPC will now be 7 (Normal Zone of consideration for total number of vacancies for that year – number of officers assessed by earlier DPC i.e 18-11)

As such, in the eligibility of Supplementary DPC in the above illustration, 7 officers (3 left over officer not assessed in the original DPC and 4 additional officers) shall be included in the normal zone.

Extended Zone in situation 1,2 & 3 above:

Extended zone in the Supplementary DPC, wherever resorted to, may be operated accordingly leaving out the SC/ST officers assessed by the original DPC.

Important- In the Supplementary DPC, (a) Zone of consideration (Normal as well as Extended) shall be decided taking into account total number of vacancies in the relevant vacancy year; and (b) all the officers already assessed in the original DPC are not to be included in the fresh zone of consideration in respect of the S-DPC.

OFFICE MEMORANDUM

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

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

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

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

....2/-

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

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

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

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

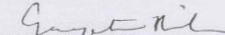
6. The provisions contained in this Office Memorandum shall become operational from the date of issue of this Office Memorandum. Past cases settled in accordance with the earlier provisions shall not be reopened.


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

North Block, New Delhi – 110 011

November 21, 2016

OFFICE MEMORANDUM

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

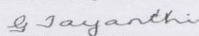
The Department of Personnel & Training *vide* its OM of even number dated 28.4.2014 issued instructions on the above subject. Paragraph 7(d), 7(f) and 7(g) of the said OM provides as follows:

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

Sharma

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

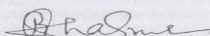
2. Questions have been raised by the Ministries and Departments asking whether this is applicable in the case of 'Censure' also. In this regard, it is reiterated that paragraphs 7(d), 7(f) and 7(g) cited above are applicable in all the recognized penalties under CCS (CCA) Rules including the minor penalty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


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 - (a) OM's / Orders → Establishment → Promotion; and
 - (b) OMs / Orders → Establishment → CCS (CCA) Rules.


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