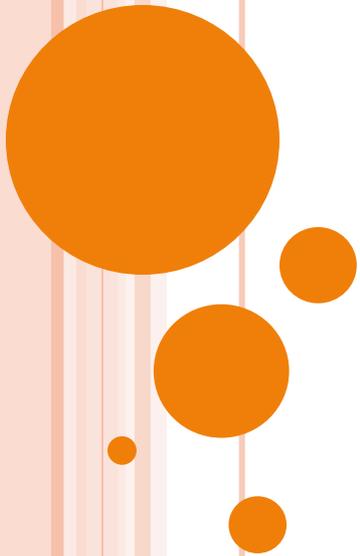


PROBATION AND CONFIRMATION



PROBATION

- 'PROBATION' – A mere formality
- TESTING OF **CONDUCT** OR **CHARACTER** OF A PERSON AFTER WHICH HE/SHE IS FOUND SUITABLE FOR CONTINUATION IN A POST/SERVICE.
- PROBATION IS NECESSARY TO **ASSESS** THE **OUTLOOK**, **CHARACTER** AND **APTITUDE**
- FOR THE KIND OF WORK THAT IS EXPECTED IN THE SERVICE FROM A GOVERNMENT SERVANT.

FACTORS FOR ASSESSMENT

- CONDUCT
- ATTITUDE
- INITIATIVE
- BEHAVIOUR AT WORK PLACE
- PERFORMANCE
- TARGET ACHIEVEMENT

METHODOLOGY

- PERFORMANCE
 - QUALITATIVE
 - QUANTITATIVE
 - PERIOD OF TIME
 - KNOWLEDGE EVALUATION
- EXAMINATION
- SKILL TESTS
- TRAINING

WHERE PROBATION REQUIRED

- Direct Recruitment
- Promotion – from one Group to another
- Re-employment of officers before superannuation



○ UNIFORM FOR ALL CATEGORIES ?

- DEGREE/ PERIOD VARIES
- TASK BASED
- LEVEL OF RESPONSIBILITY

- DIFFERENT PERIODS OF PROBATION
- PRESCRIBED FOR DIFFERENT CLASSES OF POSTS IN GOVERNMENT SERVICE

DIRECT RECRUITS PROBATION PERIOD

POSTS OF LEVEL 12 OR ABOVE	1 YEAR
POST FOR WHICH THE MAXIMUM AGE LIMIT IS 35 YEARS OR ABOVE AND WHERE NO TRAINING IS INVOLVED AFTER APPOINTMENT	1 YEAR
FOR OTHERS	2 YEARS
Officers re-employed before the age of superannuation	2 YEARS



PROBATION – ON PROMOTION

PROMOTION WITHIN THE SAME GROUP OF POSTS

NO PROBATION

Promotion from one Group
to another
OR
Change in service

SAME AS PROBATION
PERIOD PRESCRIBED FOR
DR

IF NO PERIOD
PRESCRIBED, THEN 2
YEARS



ANY EXEMPTIONS?

- NO PROBATION IN CASES OF PERSONS APPOINTED ON
 - SHORT-TERM CONTRACT BASIS
 - DEPUTATION
 - TENURE BASIS
 - RE-EMPLOYMENT AFTER ATTAINING THE AGE OF SUPERANNUATION
 - TRANSFER.

TRAINING / DEPARTMENTAL EXAM

- During period of probation
- probationer may be required to undergo requisite training or examination
- as deemed fit, as a condition for the satisfactory completion of probation
- If not completed
- Extend probation period

(DoPT O.M. No. 28020/1/2010-Estt(C) dt. 21.07.2014)



- Mandatory Training of at least two weeks in case of DR
- Provision to be included in Rules
- (DoPT O.M. No. 28020/3/2018-Estt.(C) dt. 11.03.2019)



- GS is appointed to another post by **direct recruitment** either in the **same** department or a **different department**
- Necessary to consider him for confirmation in the new post
- Persons who are **inducted into a new service through promotion** shall also be placed on probation.



DELINKING

- Confirmation delinked from availability of permanent vacancy in the grade
- If RR does not prescribed probation
- Officer appointed/ promoted after following prescribed procedure will have all benefits that a person confirmed in that grade would have



EXTENSION OF PROBATION PERIOD



EXTENSION OF PROBATION PERIOD

- WHERE PERIOD OF PROBATION IS EXTENDED (NOT BEYOND MAXIMUM PERIOD OF PROBATION), ANOTHER MEETING OF DCC BE CONDUCTED
- DCC WILL MAKE ASSESSMENT ON THE BASIS OF ASSESSMENT REPORTS/APARs

OUTCOME OF THE DPC

➤ COMPLETED PERIOD OF PROBATION SATISFACTORILY

OR

➤ EXTEND THE PERIOD OF PROBATION

OR

➤ THE PERFORMANCE IS NOT SATISFACTORY AND DISCHARGE THE GS OR TERMINATE HIS SERVICES.

OR

➤ REVERT HIM TO THE POST HELD BY HIM/HER IMMEDIATELY PRECEDING HIS APPOINTMENT – HAD LIEN TO THAT POST



- THE DECISION SHOULD BE TAKEN, ON THE RECOMMENDATIONS OF DCC, BY THE APPOINTING AUTHORITY.
- THEREAFTER, NECESSARY ORDERS SHALL BE ISSUED.



MAXIMUM PERIOD ?

- PROBATION SHOULD NOT BE EXTENDED FOR MORE THAN A YEAR,
- NOT TO BE KEPT ON PROBATION FOR **MORE THAN DOUBLE** THE NORMAL PERIOD.
- IF UNDER SUSPENSION, OR CHARGE-SHEET HAS BEEN ISSUED AND DISCIPLINARY PROCEEDING ARE PENDING OR A CRIMINAL CASE IS PENDING, THE OFFICER WILL CONTINUE TO BE ON PROBATION.

LEAVE DURING PROBATION

- Employee avails any kind of leave permissible to a probationer.
- Employee does not complete 75% of the total duration prescribed probation period due to leave availed.
- Probation period may be extended by the length of the leave availed, but not exceeding double the prescribed period of probation.



CHECK LIST - PROBATION

- MAINTAIN A REGISTER FOR COMPLETION OF PROBATION PERIOD – PREFERABLY - MONTH-WISE & GRADE-WISE.
- INITIATE ACTION TO GET ASSESSMENT REPORT OF THE EMPLOYEE CONCERNED, AT LEAST 3 MONTHS BEFORE COMPLETION....
-
- OBTAIN DISCIPLINARY/VIGILANCE CLEARANCE.
- OBTAIN CONFIDENTIAL RECORDS/ASSESSMENT REPORTS AND CONDUCT DPC BY CIRCULATION OF PAPERS/SITTING DPC.

CHECK LIST – PROBATION -CONTD

- OBTAIN APPROVAL OF THE APPOINTING AUTHORITY TO ISSUE ORDER FOR COMPLETION OF PROBATION PERIOD SUCCESSFULLY WITHIN 6 TO 8 WEEKS FROM THE DATE OF COMPLETION OF PROBATION.
- IN CASE PROBATION PERIOD IS EXTENDED, INFORM THE OFFICER CONCERNED ABOUT SHORT COMINGS.
- IN CASE OFFICER IS TO BE DISCHARGED/REVERTED, ORDERS SHOULD BE ISSUED AND SERVED ON THE CONCERNED OFFICER.



ENSURE BEFORE CONFIRMATION

- THAT HE IS **EDUCATIONALLY QUALIFIED** (UNLESS RELAXED) AT THE TIME OF RECRUITMENT TO HOLD INITIAL APPOINTMENT
- MEETS THE **EDUCATIONAL QUALIFICATIONS PRESCRIBED** UNDER THE **RECRUITMENT RULES**.
- SATISFIED THE **AGE LIMITS** PRESCRIBED IN RECRUITMENT RULES AT THE TIME OF APPOINTMENT IN THE GRADE **UNLESS** EXEMPTED OR RELAXED AT THE TIME OF APPOINTMENT BY COMPETENT AUTHORITY.

CONTD FROM PREVIOUS SLIDE

- HAS BEEN **MEDICALLY EXAMINED** BY APPROPRIATE MEDICAL AUTHORITY AND FOUND FIT UNLESS EXEMPTED BY THE MINISTRY OF FINANCE
- HAS PASSED ALL THE **PRESCRIBED TESTS/TRAINING** LAID DOWN FOR THE PARTICULAR POST.



CONFIRMATION



CONFIRMATION

- Confirmation de-linked with availability of vacant posts
 - Confirmation done only once – in the entry grade post / service/ cadre
 - Successful completion of probation – may be considered confirmed
 - further confirmation shall be necessary when there is fresh entry subsequently in any other post / service / cadre by way of direct recruitment or otherwise.
- 

- If probation on promotion prescribed
- Assess – if found fit – pass order declaring successful completion of probation
- Or extend probation or revert



DATE OF CONFIRMATION

- Date from which confirmation should be given effect
- Date following the date of satisfactory completion of the prescribed period of probation or the extended period of probation
- Decision to be communicated within 6-8 weeks
- What if decision is not communicated?



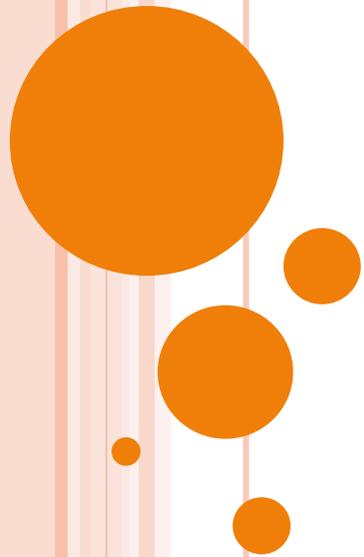
- Deemed completion of probation period
- if
- no order confirming, discharging or reverting the officer is issued within eight weeks after expiry of **double the normal period** of prescribed probation.



 **THANKS**



**WELCOME
TO
SESSION
ON
PROMOTION AND DPC**



- Functions and composition of DPC
- Frequency of DPC meetings
- Preparatory action for holding DPC meetings
- Procedure to be observed by DPCs in Selection method
- Non-selection method
- Confirmation and probation
- Procedure in case of GS under cloud
- Adverse remarks in APAR
- Effect of penalty – role of DPC
- Review DPC



PROMOTION

- What is **Promotion** ?
- **A mode of Appointment**
- **Other mode of Appointments are**
- **Direct Recruitment, Deputation, Departmental Exam., Re-employment, Short term Contract, absorption etc**



PROMOTION & DPC

- **For promotion – suitability of candidates to be considered in an objective and impartial manner**
- **DPC to be formed in each Ministry / Department / Office**



FUNCTION OF DPC



DPC - FUNCTIONS

- **DPC shall consider the suitability of officers**
 - ❖ for **promotion** by “Selection” and “Non-Selection” method,
 - ❖ for **confirmation** of **DR**
 - ❖ In case of change of **Group** on promotion
 - ❖ for assessment of the work and conduct of probationers –
 - **For retention in service**
 - **For discharge from service**
 - **Extension of probation period**
 - **Reversion to the post from which promoted**



COMPOSITION OF DPC

Group A & B posts –

- **Members are at least one level above the posts in which promotion/confirmation is made**
- **DoPT nominee to be included in case ACC**



UPSC CONSULTATION

promotion from Group A to Group A (below level 12) by selection

NOT REQUIRED

Promotion from Group B to Group A -

REQUIRED

Confirmation to Group A or B service or post, when recruited directly to such service or post through UPSC

NOT REQUIRED

(UPSC associated, Chairman/Member, UPSC will preside)

- **Departmental members must ensure their participation in UPSC DPC meetings to avoid its adjournment due to lack of quorum**
- **If none of the officers as per DPC composition is an SC/ST officer, to co-opt a member belonging to the SC or ST within the Ministry/Department**
- **If no such officer is available, may be taken from another Ministry/Department**



Group C posts-

- Chairman of the DPC should be an officer of a sufficiently high level**
- One of the members of appropriate level from a Department not connected with the one in which promotions are considered**
- The other members familiar with the work of the persons whose suitability is to be assessed**
- For a technical post, the officer nominated by another Department to have the requisite technical competence**



FOR GROUP A, B AND C

Representation for SC/ST/Minorities

- **Recruitment to 10 or more vacancies – mandatory to have one member belonging to SC/ST and one member belonging to minority community in Committees/Boards**
- **A lady member whether from the general category or from the minority community or from SC/ST should be co-opted on the Committees/Boards**
- **For vacancies less than 10, no effort should be spared in finding a SC/ST/Minority officer for inclusion in the Committee**



FREQUENCY OF DPC MEETINGS



FREQUENCY OF DPC MEETINGS

- DPCs to be convened at **regular annual intervals** to draw panels
- DPC **meeting** to be held **in advance** – approved select panel is available when vacancy arises
- If no vacancies to be filled by promotion or no officers are due for confirmation – appointing authority to certify for dispensation of meeting of DPC



VACANCY YEAR – SHIFTED TO CALENDAR YEAR

- Shifted to calendar year from the year 2018 onwards
- From 2019 onwards, the **crucial date for determining eligibility** shall be the **1st of January of the Vacancy Year**
- Identify Nodal Officer for ensuring timely convening of DPCs
- For Group A services/posts – JS level
- For others, Min/Deptt to identify



TIMELINES FOR NON-ACC CASES

Sl.No.	Events	Timelines
1.	Crucial date for determining eligibility	1 st January of the vacancy year
2.	Compilation of APARs/Vig. Clearance/penalty/ seniority list and vacancy position	Jan-April of the year preceding the vacancy year
3.	Last date for sending complete proposal to DPC	30 th April of the year preceding the vacancy year
4.	DPC to be held	May-Oct of the year preceding the vacancy year
5.	On receipt of DPC minutes, post-DPC follow-up action (getting approval of CA)	November-December of the year preceding the vacancy year
6.	Last date for getting ready the approved select panel by the administrative Min/Deptt	31 st December of the year preceding the vacancy year

DPC AND RRS

- **DPC not to be delayed or postponed when RRs are reviewed/amended**
- **Amendments to RRs have only prospective effect, existing vacancies to be filled as per RRs in force at that time**



**PREPARATORY ACTION
FOR HOLDING DPC**



PREPARATORY ACTION FOR DPC

- **Determination of regular vacancies – retirement, promotion, deputation for a period exceeding one year**
- **vacancies arising in a post/grade/service due to death, retirement, resignation, creation of additional posts**
- **Chain vacancies – on account of promotion, retirements in the higher posts**
- **Supplementary DPC – for vacancies which arise during the vacancy year – like death, resignation, VR etc.**
- **The crucial date of eligibility to be applied while resorting to *ad hoc* promotions also – 1st January of vacancy year**



PAPERS FOR CONSIDERATION BY DPCs

- **Recruitment Rules** - Gazette copy of notified RRs, whether consultation with UPSC is provided, any relaxation involved and if so relevant notes with DOP&T approval
- **Seniority list**
- **Eligibility list**



- **Note for DPC** – self contained note for DPC signed by officer not below the rank of US
- **DPC Proforma** – to be duly signed by competent officer for referring to the UPSC



APARS

- **APARs complete and upto-date available**
 - Involves 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
- **No APAR Certificate – for valid and justifiable reasons**
- **Year-wise statement of APAR**

- **Where UPSC associated – DS level to sign the certificate**
- **UPSC not associated – officer in charge of administration**



- **Vigilance Clearance** – VC in respect of all eligible officers, specific by name
- **Penalties** – statement of penalties for the last 10 years
- **Miscellaneous** – certificate from Liaison Officer (SC/ST), whether all officers recommended by the previous DPCs have been promoted
- **Completion Certificate** – certificate for the designated officer (JS/AS or equivalent) to be enclosed



- **Officers on deputation** – **both** those on deputation on their **own volition** or **public interest** to be included in the list for consideration for promotion/confirmation
- **Officers on Study Leave** – to be treated on the same basis as an officer proceeding on deputation
- **Reservation** – instructions issued in this regard to be taken into consideration



○ On technical resignation

- Seniority in the post held on substantive basis continues to be protected.
- If GS rejoin his substantive post, the period spent in another department after technical resignation **will not count** for minimum qualifying service for promotion in the higher post.



APEX COURTS JUDGMENT IN JARNAIL SINGH AND ORS. V. LACHHMI NARAIN GUPTA AND ORS. ON 28.01.2022

- Apex Court has set out conditions to be satisfied by Govt. for implementing reservation policy in promotion
- (i) Collection of quantifiable data regarding inadequacy of representation of SCs/STs
- (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.



DOPT OM 12.04.2022

- L.O. to ensure maintenance of reservation register/roster
- To **ensure maintenance of efficiency of administration**, the **DPC shall carefully assess the suitability** of the officers, being considered for promotion.
- NOTE -Any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.



**PROCEDURE TO BE
OBSERVED BY DPC**



- MEMBERS/CHAIRMAN TO CONFIRM THAT THEY ARE NOT INTEREST ANY PARTICULAR CANDIDATE
- INTERVIEWS – For appointment/promotion/dep–
UPTO GROUP B (Non-Gazetted)
- Discontinued (oct 2015)
- Skill Test / physical test may continue
- For isolated Group B (Non-Gazetted) if interview deemed necessary, consult DoP&T

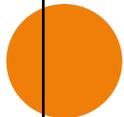


ZONE OF CONSIDERATION FOR PROMOTION BY SELECTION

Number of vacancies	Zone of consideration	Extended Zone of consideration (5 times vacancies)
1	5	5
2	8	10
3	10	15
4	12	20
5 to 10	Twice the number of vacancies + 4	5 times the no. of vacancies
For more than 10	1.5 times the number of vacancies(rounded off to next higher integer) + 3, but shall not be less than 24	5 times vacancies

Number of vacancies	Zone of consideration	Extended Zone of consideration (5 times vacancies)
11	24	55
12	24	60
13	24	65
14	24	70
15	26	75
18	30	90
20	33	100
60	78	300
100	153	500

No. of vacancies	Normal size of zone of consideration	Extended zone of consideration for SC/ST
1	5	5
2	8	10
3	10	15
4	12	20
5	14	25
6	16	30
7	18	35
8	20	40
9	22	45
10	24	50
11	24	55
12	24	60
13	24	65
14	24	70
15	26	75
16	27	80
17	29	85
18	30	90
19	32	95
20	33	100
30	48	150
40	63	200
50	78	250
60	93	300
70	108	350
80	123	400
90	138	450
100	153	500



CONSIDERATION OF APAR

- Equal number of years in respect of all officers considered for promotion subject to (c) below.
-
- APARs for five years preceding T-2nd year as reckoning APARs. For vacancy year 2019 (2017-16, 2016-15, 2015-14, 2014-13, 2013-12)
- 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.



- (iii) The APARs for five years preceding T-2 nd year may be taken as reckoning APARs, i.e. for the vacancy year 2019 (January 2019 to December, 2019), the reckoning APARs shall be 2016-17, 2015- 16, 2014-15, 2013-14 and 2012-13.
- (iv) The year of 2018 being the transitional year, the vacancy period shall be from 1st April 2018 to 31st December, 2018. The reckoning APARs for this vacancy year shall be 2015-16, 2014- 15, 2013-14, 2012-13 and 2011-12. The crucial date of eligibility shall be 1st April, 2018 for the transitional year.
- [DoPT O.M. No.22011/4/2013-Estt\(D\) dated 08/05/2017](#)



APARS

- **One or more APARs have not been written for any reason during the relevant period -**
- **Consider the APARs of the years preceding the period in question**
- **In case even these are not available - take the APARs of the lower grade into account to complete the number of APARs required to be considered. If this is also not possible, all the available APARs should be taken into account.**
- **APARs in higher posts- take into account but no extra weightage**



APARS

DPC should not be guided merely by the overall grading- make overall assessment

Assessment by DPCs not in line with the grades in the APARs

DPC to 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.



APARS

- ADVERSE REMARKS – DISCLOSED
- DECISION ON REPRESENTATION IS NOT A SPEAKING ORDER
- 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).



ASSESSMENT OF SUITABILITY OF ALL ELIGIBLE EMPLOYEES ?

- The DPC **need not** assess and grade all the officers in the eligibility list.
- Assess eligible employees in ZoC for inclusion in the panel for promotion only up to a number - sufficient for preparing the normal panel w.r.t. number of vacancies as also for preparing the extended panel for promotion
- For rest in ZoC, a Note in the Minutes - assessment of the remaining employees in ZoC is not considered necessary, as sufficient number of employees with prescribed benchmark have become available.



- **Where major / minor penalty imposed**
- DPC will take into account the **circumstances** leading to the imposition of the penalty
- **and** decide
- in the light of the **general service record** of the officer and the fact of the imposition of the penalty
- Assess 'Fit' or 'Unfit' for promotion

- If assessed 'Fit' - promotion only after end of currency of penalty



PREPARATION OF PANEL

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



- If 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



BENCH MARK CONTD.....

DOPT GUIDELINES FOR BENCH MARK

LEVEL OF POST	BENCH MARK
Posts PB-2 and PB-3 up to Grade pay Rs. 6600/-(Level 11)	GOOD
Posts with Grade Pay 7600 and above(Level 12)	VERY GOOD
Posts in Level 14 and above	VERY GOOD IN ALL FIVE APARS

OM dated 19.5.2009

BENCH MARK

○ APAR NUMERICAL GRADING:

- 8 to 10 [Outstanding] -SCORE OF 9 FOR PROMOTION
- 6- short of 8 [Very good] – SCORE OF 7
- 4- short of 6 [Good] - SCORE OF 5
- below 4 - SCORE OF ZERO

- **Bench Mark = minimum standard of performance that the person must possess**
- **Persons who have been assessed below the Bench Mark cannot be promoted**
- **DPC will determine the suitability according to the benchmark and grade them as ‘fit’ or ‘unfit’.**

PROCEDURE

- **No personal interview unless specifically provided in the Rules (For group A only)**
- **Interview discontinued up to Group B (Non-gazette) and below**



CONSIDERATION OF SC/ST OFFICERS

- There is no reservation in case of promotion by 'selection' from a Group A post to another Group A post.
- However, following **concession** is there in promotion.
- In promotions by Selection to posts **within** Group 'A' **carrying 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.



CONSIDERATION OF SC/ST OFFICERS

(PROMOTIONS IN ALL GROUPS UPTO LOWEST RUNG OF GROUP A)

- Zone of consideration and extended zone of consideration as mentioned in earlier slide
- 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 or 'bench mark' but who are considered fit for promotion.**



PANEL AND EXTENDED PANEL

- **Normally** the number of persons recommended in the panel by DPC should be **equal** to the number of vacancies reported.
- **EXTENDED PANEL** IN FOLLOWING CASES ONLY :
- (I) Persons included in panel are due to proceed on deputation shortly for more than a year
- (II) Person included in panel have refused promotion earlier and are under debarment
- (III) officers included in the panel are retiring within the same year, provided no change in zone of consideration by date of retirement



NON-SELECTION METHOD

- DPC NOT TO MAKE COMPARATIVE STATEMENT
- 'FIT' OR 'NOT YET FIT'
- CONFIRMATION
- 'FIT OR 'NOT YET FIT'



SUPPLEMENTARY DPC

- Vacancies not anticipated at the time of DPC meeting
- Due to creation of new posts, voluntary retirement, death, resignation etc.
- Nothing but another meeting of DPC
- Zone of consideration based on total vacancies including those for which DPC has already been conducted
- Eligibility list to be prepared by removing names assessed as fit/unfit/sealed cover by original DPC
- Officers already empanelled by original DPC need not be re-assessed



○ Original DPC

- Number of vacancies 5
- Normal zone $5 \times 2 + 4 = 14$
- Extended Zone $5 \times 5 = 25$

○ Supplementary DPC

- Number of additional vacancies 2
- Total vacancies in the vacancy year 7
- Normal zone 18
- Extended zone 35



DPC- INDEPENDENT AND IMPARTIAL BODY

- 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.
- 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 entries in the APARs.....



REVIEW DPCs

- 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 e.g.,-
 - (a) Where eligible persons were omitted to be considered;
 - (b) Where ineligible persons were considered by mistake.

Contd.....



CONTD... **REVIEW DPCs**

- (c) Where seniority revised with retrospective effect.
 - (d) Where some procedural irregularity was committed by the DPC
- or
- (e) where adverse remarks in the CRs were toned down or expunged after the DPC had considered the case of the officer.



REVIEW DPC

- OVER REPORTING OF VACANCY MAY ALSO REQUIRE REVIEW DPC
- **BUT**
- 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.



SCOPE AND PURVIEW OF REVIEW DPC

- Should consider only those persons who were eligible as on the date of meeting of original DPC.
- Persons who became eligible on a subsequent date should not be considered.
- APARS PERIOD -CONSIDERED BY ORIGINAL DPC
- IN CASE ADVERSE REMARKS TONED DOWN, THAT MAY BE CONSIDERED



CONSEQUENTIAL BENEFITS IN CASE OF RETROSPECTIVE PROMOTION

- IF JUNIOR ALREADY PROMOTED
- PROMOTE GS IMMEDIATELY
- REVERT JUNIOR IF VACANCY NOT AVAILABLE
- NOTIONAL PAY FROM THE DATE JUNIOR WAS PROMOTED. NO ARREARS
- MINIMUM PERIOD OF QUALIFYING SERVICE- GIVE BENEFIT FROM THE DATE OF PROMOTION OF JUNIOR



CONFIRMATION ON REVIEW DCC

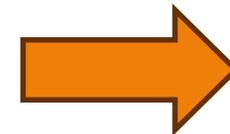
- Should be confirmed and the **seniority** already allotted to him on the basis of review **should not be disturbed** by the delay in confirmation.



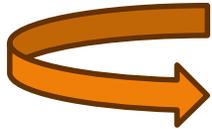
REVIEW DPC – RETIRED GOVT SERVANT

- GS NOT RECOMMENDED BY ORIGINAL / SUPPLEMENTARY DPC
- RECOMMENDED BY REVIEW DPC
- BUT GS HAS RETIRED

- GIVE 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 CONDITIONS**



REVIEW DPC – RETIRED GOVT SERVANT



- **Immediate junior assumed charge** of the higher post **on or before the date** of **superannuation** of the retired Government servant

- RETIRED **GS** was clear from **vigilance angle** on the date of promotion of his immediate junior.

- RETIRED GS would also be entitled to fixation of pension on the basis of such notional pay.



- 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.



SEALED COVER

○ Circumstances

- GS under suspension
- GS in whose respect charge sheet has been issued and Disciplinary Proceedings are pending
- GS in respect of whom prosecution for criminal charge is pending

○ Bring it to notice of DPC

○ Action by DPC

- Assess suitability
 - Assessment including Fit/Unfit for Promotion and grading awarded to be kept in sealed cover
- 

PENDENCY OF PROSECUTION?

- PENDENCY OF JUDICIAL PROCEEDINGS PENDING-
- DEFINITION OF PENDENCY OF JUDICIAL PROCEEDINGS AS PER RULE 8 OF CCS(PENSION) RULES, 2021 IS ADOPTED
- JUDICIAL PROCEEDINGS SHALL BE DEEMED TO BE INSTITUTED IN THE CASE OF CRIMINAL PROCEEDINGS, ON THE DATE ON WHICH THE COMPLAINT OR REPORT OF POLICE, OF WHICH THE MAGISTRATE TAKES COGNIZANCE, IS MADE



REVIEW EVERY 6 MONTHS AND TWO YEARS

- 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.
- 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:-



POINTS TO BE KEPT IN MIND WHILE GIVING AD-HOC PROMOTION –WHEN IN SEALED COVER

- (a) Whether promotion will be **against public interest**;
- (b) Whether the **charges are grave** enough to warrant continued denial of promotion;
- (c) Likelihood of **conclusion of case** in the near future;
- (d) **Delay** in the finalization of DP or court proceedings, is not **directly or indirectly attributable** to the Government servant concerned; and
- (e) Likelihood of **misuse of official position** which the after ad-hoc promotion, which may adversely affect the conduct to the departmental case/criminal prosecution.



AD-HOC PROMOTION – CONSULT CBI

- 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.



AD HOC PROMOTION

- IF EXONERATED IN DP OR ACQUITTED IN CRIMINAL PROSECUTION
- TREAT AD HOC AS REGULAR

- IF NOT ACQUITTED ON MERIT IN THE CRIMINAL PROSECUTION BUT PURELY ON TECHNICAL GROUNDS
- AND GOVT. INTENDS TO APPROACH HIGHER COURT OR PROCEED DEPARTMENTALLY
- END AD HOC PROMOTION



EXONERATED / ACQUITTED

- OPEN SEALED COVER AND GRANT PROMOTION W.R.T. DUE DATE OF PROMOTION
- IF NECESSARY REVERT JUNIOR
- OR GRANT NOTIONAL PROMOTION
- TAKE A DECISION ON GRANT OF ARREARS
- (EX- IF DELAY DUE TO GS OR EXONERATED / ACQUITTED WITH BENEFIT OF DOUBT OR NON-AVAILABILITY OF EVIDENCE ATTRIBUTABLE TO GS.)



EFFECTS OF PENALTY

- IF **PENALTY IMPOSED** AFTER DP OR FOUND GUILTY IN THE CRIMINAL PROSECUTION
- **FINDINGS OF THE SEALED COVER SHALL NOT BE ACTED UPON**
- HIS CASE FOR PROMOTION MAY BE **CONSIDERED BY THE NEXT DPC** IN NORMAL COURSE AND HAVING REGARD TO PENALTY IMPOSED ON HIM



EFFECTS OF PENALTY -CONTD

- PENALTY IMPOSED
- SUBSEQUENT DPC CONSIDERS OFFICER SUITABLE FOR PROMOTION
- HE SHOULD BE ACTULLY PROMOTED ONLY AFTER CURRENCY OF THE PENALTY IS OVER

- CENSURE – NO CURRENCY HAS BEEN PRESCRIBED
- GS CAN BE PROMOTED WITHOUT REFERRING TO CURRENCY OF PENALTY IN THE CASE OF CENSURE



RECOMMENDATION OF DPC

- RECOMMENDATION ARE ADVISORY IN NATURE
- REQUIRES APPROVAL OF APPOINTING AUTHORITY

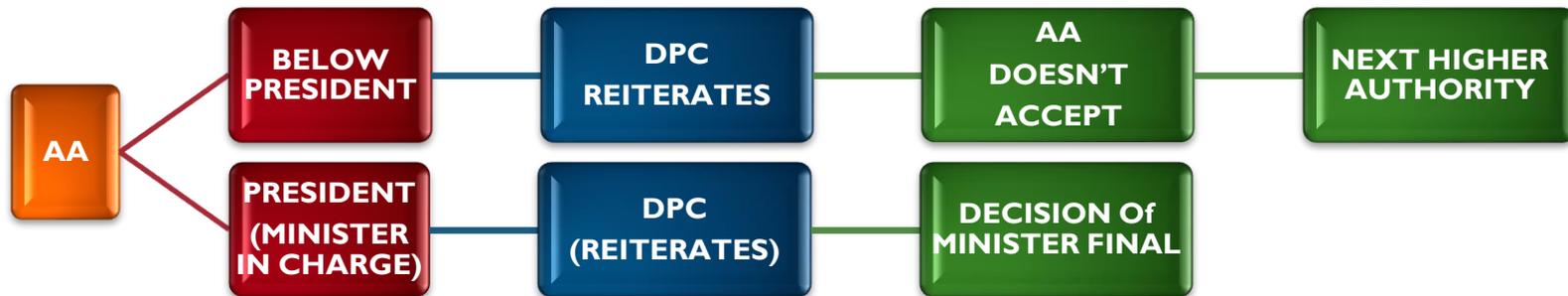
- AA DISAGREES WITH DPC

- SEND BACK TO DPC FOR RECONSIDERATION, INDICATING REASONS
- IF DPC REITERATES ITS RECOMMENDATIONS

- TWO SCENARIOS



DISAGREEMENT



VIGILANCE CLEARANCE

- OBTAIN FRESH CLEARANCE
- BEFORE MAKING ACTUAL PROMOTION OR CONFIRMATION OF OFFICER APPROVED BY DPC
- TO ENSURE THAT NO DISCIPLINARY PROCEEDINGS ARE PENDING AGAINST THE OFFICER CONCERNED.



REFUSAL OF PROMOTION

- 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.**



VALIDITY OF PANEL

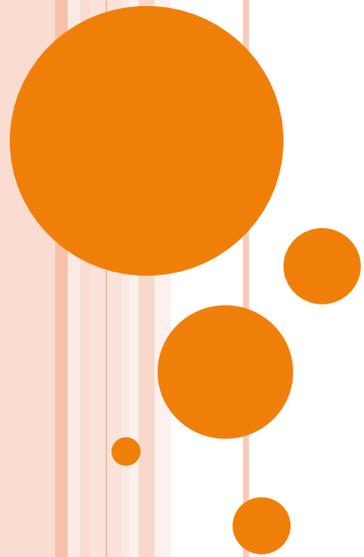
- **Normally valid for 1 year in 'selection' posts;**
- **It should cease to be in force on the expiry of 1 year & 6 months or when a fresh panel is prepared, whichever is earlier;**



 **THANKS**



SENIORITY



- Compilation of all relevant instructions on “determination of seniority in Central Civil Posts and Service”
- Available in DoP&T O.M. No. No.DOPT-1667564806251 dated 16th September 2022
- These principles shall apply to the determination of seniority in Central Civil Services and Civil Posts **except for such Services and Posts where separate principles have already been laid down or may be issued by the Government.**



- Seniority of Direct Recruits
- Seniority of Promotees
- Relative seniority of DRs and Promotees
- Seniority of absorbees
- Seniority in special types of cases



SENIORITY OF DIRECT RECRUITS

- **Relative seniority determined by the order of merit in which they were selected for appointment**
- **Persons appointed as a result of an earlier selection - senior to those appointed as a result of subsequent selection**
- **Prior to 4.11.1992, relative seniority used to be determined according to the date of confirmation and not the original order of merit. Discontinued since 4.11.92**



SENIORITY OF DIRECT RECRUITS

- **Candidate nominated from Reserve Panel- inter-se seniority as per consolidated merit given by UPSC/SSC/ Rectt.Agency**



RESERVE PANEL - CONTD

- **Where candidate doesn't join.**
- **Joins and resigns or dies within one year of joining**
- **In such cases can request for reserve panel**
- **Provided fresh panel not available by then.**

- **Such vacancy not to be treated as fresh vacancy**



MORE THAN ONE SELECTION PANEL

- Two separate requisitions sent
- RA send two panels of DRs on same date

- (i) chronology of recommendation letter
- (ii) if date of recommendation letter same, chronology of interview board report
- (iii) if (i) and (ii) are same, chronology of requisition made

- In case of recruitment through examination – date of publication/announcement of result will be criteria.



- **Persons appointed as a result of an earlier selection will be en bloc senior to those appointed on the basis of the results of subsequent selection, irrespective of their order of confirmation**



SENIORITY OF PROMOTEEES

Promotions (by Selection or Non-Selection) on the basis of DPC recommendations

- **If the officer is assessed as 'fit', seniority in the higher grade shall be same as in the feeder grade, irrespective of their date of confirmation**



SENIORITY OF PROMOTEES -CONTD

- In case of supersession by a junior officer (where senior assessed 'unfit'), the senior officer shall not take seniority in the higher grade over the junior officers**
- Persons appointed by earlier selection shall be senior to those appointed as a result of subsequent selection**



BENCH MARK CONTD.....

DOPT GUIDELINES FOR BENCH MARK

LEVEL OF POST	BENCH MARK
Posts PB-2 and PB-3 up to Grade pay Rs. 6600/-(Level 11)	GOOD
Posts with Grade Pay 7600 and above(Level 12)	VERY GOOD
Posts in Level 14 and above	VERY GOOD IN ALL FIVE APARS

OM dated 19.5.2009

ZONE OF CONSIDERATION FOR PROMOTION BY SELECTION

Number of vacancies	Zone of consideration	Extended Zone of consideration (5 times vacancies)
1	5	5
2	8	10
3	10	15
4	12	20
5 to 10	Twice the number of vacancies + 4	5 times the no. of vacancies
For more than 10	1.5 times the number of vacancies(rounded off to next higher integer) + 3, but shall not be less than 24	5 times vacancies

Number of vacancies	Zone of consideration	Extended Zone of consideration (5 times vacancies)
11	24	55
12	24	60
13	24	65
14	24	70
15	26	75
18	30	90
20	33	100
60	78	300
100	153	500

SENIORITY OF PROMOTEEES CONTD....

MORE THAN ONE FEEDER GRADE

Promotions to a grade made from more than one grade and quotas laid down for each feeder grade

- **Eligible persons arranged in separate lists in the order of their relative seniority in their respective grades**
- **Officers assessed as 'Fit' by DPC shall be interpolated in the ratio prescribed for each grade in the RRs for the post**



SENIORITY OF PROMOTEEES

RESORTING TO ELIGIBILITY LIST *CONTD....*

- Promotions to a grade made from more than one grade and no quota has been fixed for various feeder grades due to small number of posts in the promotion grade
- Incorporate specific criteria in RRs for preparation of combined eligibility list of the candidates from various feeder grades



BROAD PARAMETERS FOR PREPARATION OF ELIGIBILITY LIST

- To prepare a **combined eligibility** list keep in view
 - a) **Date of completion of the qualifying service prescribed in the relevant recruitment rules**
 - b) **if the aforesaid date is same, then date of completion of the qualifying service in the feeder-to-feeder grade**
 - c) **inter-se seniority of the officers in each feeder grade will be maintained**



SENIORITY OF PROMOTEEES *CONTD....*

- **SC/ST officers** on their promotion on account of instructions on reservation roster **entitled to consequential seniority also.**
- **Candidates belonging to general/OBC category promoted through a later DPC will be placed junior to SC/ST officers promoted through earlier DPC**



RELATIVE SENIORITY OF DIRECT RECRUITS AND PROMOTEES

- Vacancy register to be maintained in prescribed format
- To determine the number of vacancies to be filled during a year under each of the methods of recruitment prescribed in the Recruitment Rules,
- a running account of the vacancies arising and being filled from year to year basis.
- Where RR prescribes appointment to the grade by 50% by Promotion and 50% by DR then the rotation of quota between Promotion and DR would be in the ratio of 1:1.



1. Total number of vacancies arising during the year ...

2. BY DIRECT RECRUITMENT

(i) No. of vacancies to be filled:

(a) Vacancies of the year (as per quota prescribed) ...

(b) Vacancies of the previous year(s) brought forward ...

(c) Total ...

(ii) No. of vacancies actually filled ...

(iii) No. of vacancies carried forward ...

3. BY PROMOTION

(i) No. of vacancies to be filled

(a) Vacancies of the year (as per quota prescribed) ...

(b) Vacancies of previous year(s) brought forward ...

(c) Total ...

(ii) No. of vacancies actually filled ...

(iii) No. of vacancies carried forward ...

- Start new vacancy register
- From date of notification of RRs
- When RRs are amended varying the % of the method of recruitment



RELATIVE SENIORITY OF DIRECT RECRUITS AND PROMOTEEES

- Relative seniority of DR and Promotees is determined according to rotation of vacancies between **available** direct recruits and promotees, **based on quota of vacancies** reserved for direct recruitment and promotion in the RRs
- Rotation of quotas based on vacancies for DR and Promotion in the RRs.
- Rotation limited to the extent of vacancies available.
- OM NO.35014/2/80-ESTT(D) DT 7/2/1986
- OM No: No. 35014/2/80-Estt.(D) Dated: 7/2/1986



PROMOTION:DR 50:50

2020 – 10 VACANCIES. 5 P, 3 DR JOINED

2021-10 VACANCIES, 5 P, 5 DR JOINED,

2 CARRIED FORWARD DR ALSO JOINED

2020	2021
P1	P1
D1	D1
P2	P2
D2	D2
P3	P3
D3	D3
P4	P4
P5	D4
	P5
	D5
	D6
	D7



DOPT OM DATED 19.11.2019

(BASED ON PRINCIPLES LAID DOWN BY APEX COURT IN
K. MEGHACHANDRA SINGH CASE)

- **Recruitment year** – the year in which **vacancy arises**
- **Inter se Seniority** between DR and promotes appointed against respective quota, to be reckoned w.r.t. the **year in which they are appointed**
- **Seniority delinked from vacancy or year of vacancy**
- **Determination of seniority w.r.t. the date of joining of the person against a vacancy (irrespective of whether vacancy arose previous year and not being carried forward)**



- If adequate number of direct recruits (or promotees) do not become **available**, "rotation of quotas" for the purpose of determining seniority, **would stop** after the available direct recruits and promotees are assigned their slots on joining in a particular year.
- '**Available**', both in the case of direct recruits as well as promotees, for the purpose of rotation and fixation of seniority, shall be the **actual year of appointment**



- Thus appointees who join in the concerned recruitment year and those who join in subsequent year(s), would figure in the seniority list of the respective years of their being appointed.



- **To the extent the direct recruits are not available the promotees will be bunched together at the bottom of the seniority list below the last position**
- **The additional direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee /direct recruit for that year**
- **The principle holds good for determining seniority in the event of carry forward of direct recruitment or promotion quota in the subsequent year**



- The **year of availability**, both in the case of direct recruits as well as the promotees , for the purpose of rotation and fixation of seniority, shall be **the actual year of appointment** after declaration of results/selection and completion of pre-appointment formalities as prescribed



- DR/PROMOTEE, as the case may be, belonging to two or more selections/panel approved for promotion, join in the same year
- Then those who have been appointed/joined as a result of earlier selection/panel would be placed senior in the seniority list to those been appointed/joined as a result of a subsequent selection.



INTER-SE-SENIORITY – STARTING POINT IN THE RECRUITMENT ROSTER.

- **Starting point in the roster is the mode of recruitment prescribed in the RRs for which selection process has been **completed first.****

DOP&T's O.M.No.28011/6/76- Estt.(D) dated 24th June, 1978.



DIRECT RECRUITMENT

Examination conducted by UPSC or any other RA	Date of publication/announcement of results
Through interviews conducted by UPSC or other RA	Date of Commission's letters containing their recommendations



PROMOTION

UPSC associated	Date of UPSC's letter containing their recommendations
UPSC not associated	Last of date of DPC meeting where UPSC is not associated
LDCE	Date of announcement of results in case of LDCE



INTER-SE-SENIORITY – STARTING POINT IN THE RECRUITMENT ROSTER

A new roster will be started when the date the recruitment rules are notified in the gazette, when there is an amendment in the RRs which changes the percentage allotted for the various modes of recruitment



SENIORITY IN CASE OF ABSORPTION

- If appointment is by deputation followed by Absorption, the seniority will be
 - from the date of holding the post on deputation
 - or
 - the date from which the officer has been appointed on a regular basis to the same or equivalent grade in the parent department, **whichever is earlier**
 - **This will, however, not affect any regular promotions made to the next higher grade prior to such absorption**
- Above provisions would also apply in case of officers taken on transfer on absorption basis directly.



POSTS/GRADES MERGED IN 6TH CPC

- posts in one or more pre-revised scales are merged with a higher pre-revised scale and given a common replacement scale/ grade pay/ pay scale,
- suitability of the incumbents need not be assessed for granting them the higher replacement scale/ grade pay/pay scale
- also no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay.



SENIORITY – DELAY IN JOINING

- OFFER OF APPOINTMENT TO INDICATE PERIOD (ONE/TWO MONTHS) AFTER WHICH IT WILL LAPSE
- IF DOESN'T JOIN- **IT WILL LAPSE**

- **UNLESS**
- Candidate requests within that period for extension
- Normally extension beyond 3 months not to be given
- Extension beyond 3 months but up to **maximum 6 months** to be granted only in **exceptional cases** and in **public interest**

- .



- **Joins within six months** from the date of issue of original offer of appointment - **No depression of seniority**
- Beyond six months from the – fix the seniority below those who have already joined the posts
- If the candidate joins after some or all the candidates of the next selection examination
- in case of selection through interview - Placed at the bottom of the all the candidates of next batch;
- in the case of examination allotted to the next year's batch and placed at the bottom



SENIORITY IN SPECIAL TYPE OF CASES

- **Staff rendered surplus :**
- the surplus employees are to be treated as **fresh entrants** in the matter of their seniority, promotions, etc. are not entitled for benefit of the past service rendered for the purpose of their seniority



RE-EMPLOYED OFFICERS

- Determination of seniority of re-employed officers should arise only in cases where the officers are re-employed before they attain the age of normal superannuation
- (A)
- Officers re-employed after they had retired/discharged, whether from Defence or Civil employment prior to the attainment of the age of superannuation under the civil rules, will, if appointed to civil posts under the provisions of the Recruitments applicable to direct recruits, be treated as direct recruits and their seniority in the grade fixed accordingly



RE-EMPLOYED OFFICERS

(B)

- In case of re-employment as a **distinct mode of recruitment**
- **Inter-se-seniority** shall be determined in accordance with the order of their selection
- **relative seniority** of persons re-employed in relation to direct recruits and promotees shall be determined
 - Where RRs prescribed specific quota for each category- on the basis of rotation of vacancies
 - In other cases, on the basis of chronology of selection



F.R. 15- TRANSFER TO LOWER POST ON OWN VOILITION

Place below all officers appointed regularly to the lower grade on the date of transfer



PENALTY

- **Suspension and completely exonerated, seniority fixed as per his position in the select list**
- **Recommended for promotion by the DPC despite imposition of minor penalty – Promote only after expiry of the penalty and seniority fixed as per position in that panel**



PENALTY -CONTD

- **Govt. servant reverted to a lower post/grade/ service as a measure of penalty and subsequently promoted to a higher post**
- **The order should specify the period of reduction and whether the GS will regain his original seniority on such re-promotion.**



PENALTY-CONTD

- reduction to **lower post/grade/ service** is for a specified period and is **not** to operate to postpone future increments
- seniority of the Govt. servant may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time scale at what it would have been but for his/her reduction.



- Reduction is for a specified period **and is to operate** postpone future increments

the seniority of the Govt. servant on re-promotion may, *unless the terms of the order of punishment provide otherwise*, be fixed **by giving credit** for the period of service rendered by him/her in the higher service, grade or post or higher time-scale.



THANK YOU



