

DOPT GUIDELINE FOR DPC

No.DOPT-1721625311004

Government of India

**Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training**

ESTT.(Estt. D)

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OFFICE MEMORANDUM

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□ **Guidelines on Departmental Promotion Committees**

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

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

1.1

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

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- a. 'Promotion' to 'Selection' as well as 'Non-Selection' posts.
 - b. Appointment of existing incumbent(s) to post(s) which has(have) been upgraded, in the event of up gradation of post(s) held by the officer(s), in accordance with provisions of DoPT O.M. No. 22011/10/ 84-Estt (D) dated 04.02.1992 and O.M. No. AB-14017/66/2008-Estt.(RR) dated 09.03.2009.
 - c. Confirmation of direct recruits in their respective entry grades/posts, confirmation of those promoted in case of change of Group on Promotion or confirmation for officers re-employed before the age of superannuation (**by the Departmental Confirmation Committee**).
 - d. Assessment of work and conduct of the probationers for the purpose of determining their suitability for retention in service or their discharge from it or extending their probation.

Ref:

- [O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989,
- O.M. No. 22011/10/ 84-Estt (D) dated 04.02.1992,
- O.M. No. AB-14017/66/2008-Estt.(RR) dated 09.03.2009 and
- O.M. No. 28020/3/2018-Estt.(C) dated 11.03.2019]

1.2 Composition of DPC for Group ‘A’ and Group ‘B’ posts

1.2.1.

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

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

1.3 Association of UPSC with DPCs/DCCs

1.3.1 Cases of promotion:

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

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

[Notification No. 39018/1/98-Estt.(B) dated 21.05.1999, Notification No. 39018/01/98-Estt.(B) dated 04.12.2003 and Para 2.4 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

1.3.2 Cases of confirmation:

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

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

1.3.3 Composition of DPC for Group 'C' posts.

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

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

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

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

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

[O.M. No. F.16/1/74-Estt.(SCT) dated 23.05.1975,
O.M. No. 41013/16/80-Estt.(SCT) dated 10.08.1981,
O.M. No. 36011/22/82-Estt.(SCT) dated 18.08.1983 and
Para 2.6 and 2.7 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

2. FREQUENCY OF DEPARTMENTAL PROMOTIONAL COMMITTEE MEETINGS

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

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

2.1.2

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



2.1.3

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

MODEL CALENDAR FOR CONDUCTING DEPARTMENTAL PROMOTION COMMITTEES(DPCs)

A. ACC Cases

Sl. No.	Events	Timeline
1.	Crucial date for determining eligibility	1st January of the Vacancy Year
2.	Compilation of ACRs (APARs)/ Vigilance Clearance/ Seniority List/ Penalty and Vacancy position etc., and forwarding DPC proposal to UPSC	January – to 15th April of the year preceding the vacancy year
3.	Last date for sending complete proposal along with relevant Recruitment / Service Rules to the UPSC. (Efforts should be made to send the proposal to the UPSC as soon as possible without waiting for the last date)	15th April of the year preceding the vacancy year
4.	DPC to be held	15th April – August of the year preceding the vacancy year

MODEL CALENDAR FOR CONDUCTING DEPARTMENTAL PROMOTION COMMITTEES(DPCs)

A. ACC Cases

5.	On receipt of DPC minutes from the UPSC, post-DPC follow-up action by the administrative Ministry/ Department	September of the year preceding the vacancy year
6.	Approval of the ACC including communication of its approval to the administrative Ministry/ Department	October – December of the year preceding the vacancy year
7.	Last date for getting ready the approved select panel by the administrative Ministry / Department	31st December of the year preceding the vacancy year

Note : Dates/periods suggested in the Model Calendar for DPCs put no bar on earlier completion of various pre-post DPC related actions. Every effort may, as such, be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested by the Model Calendar for DPCs.

MODEL CALENDAR FOR CONDUCTING DEPARTMENTAL PROMOTION COMMITTEES(DPCs)

B. Non-ACC Cases

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

MODEL CALENDAR FOR CONDUCTING DEPARTMENTAL PROMOTION COMMITTEES(DPCs)

B. Non-ACC Cases

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

Note : Dates/periods suggested in the Model Calendar for DPCs put no bar on earlier completion of various pre-post DPC related actions. Every effort may, as such, be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested by the Model Calendar for DPCs.

[Para 3.1 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989,
O.M. No. 22011/3/2011-Est.(D) dated 24.03.2011 and
O.M. No. 22011/4/2013-Estt.(D) dated 08.05.2017]

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

2.2.1

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

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

2.3 Non-holding of the regular DPC for valid reasons

2.3.1

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

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

3. PREPARATORY ACTION FOR HOLDING DPCs

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

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

3.1.2

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

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

3.1.3

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

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

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

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

3.2 Papers to be put up for consideration by the DPCs

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

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

3.2.1 Annual Performance Appraisal Reports (APARs)

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

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

(ii) If the APAR for a particular year/period is not available and for valid/justifiable reasons it cannot be made available, a certificate (No Report Certificate) should be recorded to that effect and placed in the respective APAR dossier. [Para 4.2.4 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

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

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

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

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

3.2.2 Statement of penalties imposed on the officer

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

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

3.2.3 Consideration of some special cases

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

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

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

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

A certain number of years of service in the lower grade is prescribed as a condition for becoming eligible for consideration for promotion to a higher post/grade. In such cases, **the period of service rendered by an officer on deputation/foreign service, should be treated as comparable service in his parent Department for purposes of promotion as well as confirmation.** This is subject to the condition that the deputation/foreign service is with the approval of the competent authority and it is certified by the competent authority that but for the deputation/foreign service, the officer would have continued to hold the relevant post in his parent department. Such a certificate would not be necessary if he was holding the departmental post in a substantive capacity. **[Para 4.3.2 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]**

On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, **the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.** **[Para 2.6 of O.M. No. 28020/1/2010-Estt.(C) dated 17.08.2016]**

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

An officer proceeding on study leave should be treated on the same basis as an officer proceeding on deputation if the study leave was duly sanctioned by the competent authority and the competent authority certifies that he would have continued to officiate but for his proceeding on study leave. Such a certificate would not be necessary if he was holding the said departmental post substantively. These instructions would also apply in the cases of Government Servants who are granted special leave for training abroad under the various training schemes. [Para 4.4 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

(iv) Consideration of officer already recommended for Direct Recruitment It may happen that a Government servant who is recommended for appointment to a post as a direct recruit may also be among those eligible for consideration for promotion to the same post. **An officer does not lose his right of consideration for such promotion merely because he has been recommended for appointment against the direct recruitment quota.** Therefore, such officers, if they are within the field of eligibility, should be included in the list of officers for consideration by the DPC, except where an officer was holding the lower post in a temporary capacity and has been appointed to the higher post as a direct recruit before the date of the meeting of the DPC. [Para 4.5 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

(v) Reservation for SCs/ STs

- (a) Instructions have been issued from time to time by the Department of Personnel and Training regarding reservations and concessions to SCs and STs in the matter of promotions and confirmations. These instructions should be duly taken into account by the appointing authorities while formulating proposals for promotion/confirmation for consideration of the DPC. [Para 4.6 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]
- (b) Consequent upon the implementation of the Supreme Court Judgement in the case of **R.K. Sabharwal vs. State of Punjab**, **provision of vacancy based roster has been replaced with that of post based roster**. All the Ministries / Departments are required to prepare the respective rosters based on the principles elaborated in the O.M. No. 36012/2/96-Estt.(Res) **dated 02.07.1997**. [O.M. No. 36012/2/96-Estt.(Res) dated 02.07.1997]

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

- (i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;
- (ii) Application of this data to each cadre separately; and
- (iii) If a roster exists, the unit for operation of the roster would be the cadre
for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

- d.** All the Ministries/ Departments are required to ensure that the above conditions are complied with before implementing the policy of reservation in promotions and carrying out any promotions based thereon. For this purpose, they are required to ensure the following:
- (i)** In terms of DoPT's O.M. No.43011/153/2010-Estt (Res) dated 04.01.2013, the Liaison Officer shall ensure that the reservation rosters are strictly maintained as per the instructions/ guidelines, laid down in DoPT OM No. 36012/2/96-Estt(Res) dated 02.07.1997.
 - (ii)** In order to ensure maintenance of efficiency of administration, the DPC shall carefully assess the suitability of the officers, being considered for promotion.
 - (iii)** The Appointing Authority shall issue the appointment/ promotion orders only after satisfying itself that the conditions mentioned in Sub-paras (d), (f)(i) & (f)(ii) above have been fully complied with.

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

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

4. PROCEDURE TO BE OBSERVED BY DEPARTMENTAL PROMOTION COMMITTEES

4.1 Furnishing of the certificate by the Chairperson/Members

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

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

4.2 Interviews in promotions

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

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

SELECTION METHOD

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

4.3 Zone of Consideration for promotion by Selection

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

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

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

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

[Paras 2.2.1 and 2.2.2 of O.M. No. .20011/1/2008-Estt.(D) dated 11.11.2010]

4.4 Guidelines for conducting the proceedings of the DPCs

4.4.1

Each Departmental Promotion Committee should decide its own method and procedure for objective assessment of the suitability of the candidates. [Para 5 of O.M. NO. 22011/5/86-Estt.(D) dated 10.04.1989]

4.4.2

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

4.4.3

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

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

4.4.4 Consideration of Annual Performance Appraisal Reports (APARs)

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

- (a) The DPC should consider APARs for equal number of years in respect of all officers considered for promotion subject to (c) below.
- (b) The DPC should assess the suitability of the officers for promotion on the basis of their service record and with particular reference to the APARs for five years preceding T-2nd year as reckoning APARs. It is also clarified that if more than one APAR have been written for a particular year, all the APARs for the relevant years shall be considered together as the APAR for one year.
- (c) Where one or more APARs have not been written for any reason during the relevant period, the DPC should consider the APARs of the years preceding the period in question and if in any case even these are not available the DPC should take the APARs of the lower grade into account to complete the number of APARs required to be considered as per (b) above. If this is also not possible, all the available APARs should be taken into account.

- (d) Where an officer is officiating in the next higher grade and has earned APARs in that grade, his APARs in that grade may be considered by the DPC in order to assess his work, conduct and performance, but no extra weightage may be given merely on the ground that he has been officiating in the higher grade.
- (e) The DPC should not be guided merely by the overall grading, if any, that may be recorded in the APARs but should make its own assessment on the basis of the entries in the APARs, because it has been noticed that sometimes the overall grading in a APAR may be inconsistent with the grading under various parameters or attributes. [Paras 6.2.1 (a) to (e) of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989 and O.M. No. 22011/4/2013-Estt.(D) dated 08.05.2017]
- (f) Government also desires to clear the misconception about “Average” performance. While “Average” may not be taken as adverse remark in respect of an officer, at the same time, it cannot be regarded as complimentary to the officer, as ‘Average’ performance should be regarded as routine and undistinguished. It is only performance that is above average and performance that is really noteworthy, which should entitle an officer to recognition and suitable rewards in the matter of promotion. [Para 6.1.3 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

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

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

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

[O.M. No. 22011/3/2007-Estt.(D) da18.02.2008]

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

now prescribed, the DPC may put a note in the minutes that the assessment of the remaining employees in the zone of consideration is not considered necessary, as sufficient number of employees with prescribed benchmark have become available.

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

4.4.5 Overall Assessment by DPC

- (a) In the case of each officer an overall grading should be given. The grading shall be one among the gradings prescribed in the APAR.
- (b) Before making the overall grading after considering the APARs for the relevant years, the DPC is also required to take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him, as reflected in the APARs.

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

- (c) In assessing the suitability of the officer on whom a penalty has been imposed, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of the general service record of the officer and the fact of the imposition of the penalty, the officer should be considered for promotion. The DPC, after due consideration, has the authority to assess the officer as 'unfit' for promotion. However, where the DPC considers that despite the penalty, the officer is suitable for promotion, the officer will be actually promoted only after the currency of the penalty is over.

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

4.4.6 Preparation of panel

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

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

(b) Bench-mark

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

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

The mode of promotion shall be 'selection'. The benchmark for promotion shall continue to be 'very good'. This will ensure element of higher selectivity in comparison to selection promotions to the grades lower than the aforesaid level where the benchmark, as indicated in the following paragraphs, shall be 'good' only. The DPC shall, for promotions to the said pay level and above, grade officers as 'fit' or 'unfit' with reference to the benchmark of 'very good' and overall assessment. Only those who are graded as 'fit' shall be included in the select panel prepared by the DPC in order of their inter-se seniority in the feeder grade. There shall be no supersession in promotion among those who are found 'fit' by the DPC in terms of the aforesaid prescribed benchmark of 'very good'.

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

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

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

4.4.7 Consideration of SC/ST Officers

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

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

- (b) In promotions by Selection to posts within Group 'A' (Class-I) carrying Grade Pay of Rs. 8700/- (Pay Level-13) or less, the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in the zone of consideration for promotions, so as to be within the number of vacancies for which the select list has been drawn up, would be included in that list, provided they are not considered unfit for promotion. [O.M. No. 36028/8/2009-Estt.(Res) dated 07.06.2013]

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

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

- (i) Determine the actual number of regular vacancies that arose in each of the previous year (s) immediately preceding and the, actual number of regular vacancies proposed to be filled in the current year separately.
- (ii) Consider in respect of each of the years those officers only who would be within the field choice with reference to the vacancies of each year starting with the earliest year onwards.

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

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

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

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

4.4.9 Cases of occurrence of additional vacancies in a year

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

- (i) Vacancies due to death, voluntary retirement, new creations, etc., clearly belong to the category, which could not be foreseen at the time of placing facts and material before the DPC. In such cases, another meeting of the DPC should be held for drawing up a panel for these vacancies as these vacancies could not be anticipated at the time of holding the earlier DPC. If, for any reason, the DPC cannot meet for the second time, the procedure of drawing up of year wise panels may be followed when it meets next for preparing panels in respect of vacancies that arise in subsequent year(s).
- (a) With regard to the zone of consideration, the eligibility list for the supplementary DPC and whether officers who are included in the panel by the original DPC or in the extended panel but could not be promoted as these anticipated vacancies do not actually become available could be appointed against the additional vacancies later becoming available for the same vacancy year. These issues have been examined in consultation with UPSC and the following is decided.

- (b) The zone of consideration, in case of holding supplementary DPC, shall be fixed as indicated in para 4.3 keeping in view total number of vacancies arising in a particular vacancy year i.e. vacancies accounted in Original DPC + additional vacancies becoming available subsequently during the same year.
- (c) The eligibility list for supplementary DPC shall be prepared by removing the names of all such officers who have already been assessed by earlier DPC as fit, unfit or placed in the sealed cover by the original DPC before placing the same for consideration by the supplementary DPC.
- (d) The officers who have already been empanelled or placed in the extended panel but could not be promoted due to these vacancies not actually becoming available; need not be re-assessed by the supplementary DPC as the assessment matrix remains the same. They may be appointed against the additional vacancies of the same vacancy year as per recommendations of the earlier DPC. In such situation the number of vacancies for supplementary DPC shall be accordingly adjusted.
- (e) While calculating the regular vacancies for a DPC, it is incumbent upon administrative department to ensure that there is no arbitrariness in calculation of anticipated vacancies

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

- (ii) The second type of cases of non-reporting of vacancies due to error or omission (i.e. though the vacancies were there at the time of holding of DPC meeting but they were not reported to it) results in injustice to the officers concerned by artificially restricting the zone of consideration. The wrong done cannot be rectified by holding a second DPC or preparing a year wise panel. In all such cases, a review DPC should be held keeping in mind the total vacancies of the year. [O.M. No. 6.4.2(ii) of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]
- (iii) For the purpose of evaluating the merit of the officers while preparing year-wise panels, the scrutiny of the record of service of the officers should be limited to the records that would have been available had the DPC met at the appropriate time. However, if on the date of the meeting of the DPC, departmental proceedings are in progress and under the existing instructions sealed cover procedure is to be followed, such procedure should be observed even if departmental proceedings were not in existence in the year to which the vacancy related. The officer's name should be kept in the sealed cover till the proceedings are finalized.
- [O.M. No. 6.4.3 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]
- (iv) While promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies relate to earlier year(s). [O.M. No. 6.4.4 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

4.4.10 Extended panel

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

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

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

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

5. NON-SELECTION METHOD

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

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

(6) Confirmation

(7) Probation

(6) Confirmation

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

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

(7) Probation

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

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

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

- (a) At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee: -
 - (i) Government servants under suspension;
 - (ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
 - (iii) Government servants in respect of whom prosecution for a criminal charge is pending.

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

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

[Para 2 of O.M. No. 22011/4/91-Estt.(A) dated 14.09.1992; and Para 8 of O.M. No. 22034/4/2012-Estt.(D) dated 02.11.2012]

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

9. Adverse remarks in APAR

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

[OM No. 21011/1/2005-Estt.(A) (P t-II) dated 14.05.2009, OM No. 21011/1/2010-Estt.(A) dated 13.04.2010 and OM No. 43012/1/2015-Estt.(A-II) dated 21.04.2020]

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

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

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

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

- (a) DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them, including those officers on whom penalty has been imposed.
- (b) The DPC should not be guided merely by the overall grading, if any, that may be recorded in the ACRs/APARs but should make its own assessment on the basis of the entries in the ACRs/APARs as it has been noticed that sometimes the overall grading in a ACR/APAR may be inconsistent with the grading under various parameters or attributes. Before making the overall recommendation after considering the APARs (earlier ACRs) for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty.

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

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

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

(d) If the official under consideration is covered under any of the three condition mentioned in (c) above, the DPC will assess the suitability of Government servant along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the DPC including 'unfit for promotion' and the grading awarded are kept in a sealed cover. (Para 2.1 of DoPT O.M. dated 14.9.92).

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- (e) A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para (c) above arises after the recommendations of the DPC are received but before he is actually promoted, the recommendations of DPC will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him.
 - (f) If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he/she is found guilty in the criminal prosecution against him/her, the findings of the sealed cover/covers shall not be acted upon. His/her case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him/her (para 3.1 of DoPT O.M. dated 14.09.1992).
 - (g) In assessing the suitability of the officer on whom a penalty has been imposed, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of general service record of the officer and the fact of imposition of penalty, the officer should be considered for promotion. The DPC, after due consideration, has authority to assess the officer as 'unfit' for promotion. However, where the DPC considers that despite the penalty the officer is suitable for promotion, the officer will be actually promoted only after the currency of the penalty is over (para 13 of DoPT O.M. dated 10.04.1989).

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- (h) Any proposal for promotion has to be assessed by the DPC, on case to case basis, and the practice of down gradation of APARs (earlier ACRs) by one level in all cases for one time, where a penalty has been imposed in a year included in the assessment matrix or till the date of DPC should be discontinued immediately, being legally non-sustainable.
 - (i) While there is no illegality in denying promotion during the currency of the penalty, denying promotion in such cases after the period of penalty is over would be in violation of the provisions of Article 20 of the Constitution of India.
 - (j) The appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, inter alia, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite the completion. (Para 4 of O.M. dated 14.09.1992)

(k) In cases where the disciplinary case/criminal prosecution against the Government servant is not concluded even after the expiry of two years from the date of the meeting of the first DPC which kept its findings in respect of the Government servant in a sealed cover then subject to condition mentioned in Para 5 of this Department's O.M. dated 14.09.1992, the appointing authority may consider desirability of giving him ad-hoc promotion (Para 5 of this Department's O.M. dated 14.09.1992). [O.M. No. 22011/4/2007-Estt.(D) dated 28.04.2014]

(l) The seniority of such officer who have been found fit by the DPC in terms of provisions in sub-para (g) above, would be fixed according to the position of the officer in the panel on the basis of which he is promoted on expiry of the period of currency of the penalty. Since the promotion is to take effect only from a date subsequent to the expiry of the currency of the penalty, the officer would be entitled to pay fixation in the promotional grade with effect from the date of actual promotion only. Even if a person junior to him in the panel is promoted earlier, it will have no bearing on the pay to be allowed on promotion to the officer on whom a penalty was imposed, and there shall be no stepping up of his pay. Similarly, as the officer undergoing penalty is not to be promoted during the currency of the penalty, the eligibility service in the promotional grade for further promotion shall commence only from the date of actual promotion and in no case, it may be related, even notionally, to the date of promotion of the junior in the panel. [O.M. No. 22011/2/92-Estt.(D) dated 03.11.1995 and O.M. No. 22034/5/2004-Estt.(D) dated 15.12.2004]

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

Sub-paragraphs (d), (f) and (g) cited above are applicable in all the recognized penalties under CCS (CCA) Rules including the minor penalty of Censure as well for which no currency has been prescribed, it would mean that as per sub-para (g), if the DPC considers the officer fit for promotion notwithstanding the award of censure, he / she can be promoted without referring to the currency of penalty.

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

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

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

The proceedings of the Departmental Promotion Committee shall be legally valid and can be acted upon notwithstanding the absence of any of its members other than the Chairman provided that the member was duly invited but he absented himself for one reason or the other and there was no deliberate attempt to

exclude him from the deliberation of the DPC and provided further that the majority of the members constituting the Departmental Promotion Committee were present in the meeting.

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

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

12.1 Processing of recommendations of DPC

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

(a) Consultation with UPSC

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

- (i) Consultation with the Commission is mandatory under Article 320(3) of the Constitution, read with UPSC (Exemption from Consultation) Regulations, 1958. However, a reference may be made to the Regulations, as and when necessary.
- (ii) The Member of the Commission who presides over the DPC specifically desires that the Commission should be consulted.

(b) Approval of ACC

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

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



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

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

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

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

- (i) Where the appointing authority, being lower than the President of India, does not agree with the recommendations of the DPC, such appointing authority should indicate the reasons for disagreeing and refer the entire matter to the DPC for reconsideration of its earlier recommendations. In case the DPC reiterates its earlier recommendations, giving also reasons in support thereof, the appointing authority may accept the recommendations, if the reasons adduced by the DPC are convincing; if that authority does not accept the recommendations of the DPC it shall submit the papers to the next higher authority with its own recommendations. The decision of the next higher authority shall be final.
- (ii) Where the appointing authority is the President of India, the recommendations of the DPC should be submitted to the Minister-in-Charge of the Department concerned for acceptance or otherwise of the recommendations. In case the circumstances do necessitate, the Minister may refer the matter again to the DPC for reconsideration of its earlier recommendations. If the DPC reiterates its earlier recommendations giving also reasons in support thereof, the matter should be placed before the Minister for his decision. The decision taken by the Minister either to accept or to vary the recommendations of the DPC shall be final.

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

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

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

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

12.3 Fresh Vigilance clearance before actual promotion/confirmation

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

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

13. Order in which promotions to be made

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

[Para 17.2 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

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

[Para 17.3 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

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

[Paras 17.4.1 - 17.4.2 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

- 14.1 If the panel contains the name of a person who has gone on deputation or on foreign Service in the public interest including a person who has gone on study leave, provision should be made for his regaining the temporarily lost seniority in the higher grade on his return to the cadre. Therefore, such an officer need not be reconsidered by a fresh DPC, if any, subsequently held, while he continues to be on deputation/foreign service/study leave so long as any officer junior to him in the panel is not required to be so considered by a fresh DPC irrespective of the fact whether he might or might not have got the benefit of proforma promotion under the NBR, The same treatment will be given to an officer included in the panel who could have been promoted within the currency of the panel but for his being away on deputation.
- 14.2 In case the officer is serving on an ex-cadre post on his own volition by applying in response to an advertisement, he should be required to revert to his parent cadre immediately when due for promotion, failing which his name shall be removed from the panel. On his reverting to the parent cadre after a period of two years he will have no claim for promotion to the higher grade on the basis of that panel. He should be considered in the normal course along with other eligible officers when the next panel is prepared and he should be promoted to the higher grade according to his position in the fresh panel. His seniority, in that event, shall be determined on the basis of the position assigned to him in the fresh panel with reference to which he is promoted to the higher grade. (If the panel contains the name of an officer on study leave, he should be promoted to the higher post on return from the study leave. He should also be given seniority according to his position in the panel and not on the basis of the date of promotion).

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

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

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

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

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

- 16.1 The general principle is that promotion of officers included in the panel would be regular from the date of validity of the panel or the date of their actual promotion whichever is later.
- 16.2 In cases where the recommendations for promotion are made by the DPC presided over by a Member of the UPSC and such recommendations do not require to be approved by the Commission, the date of Commission's letter forwarding fair copies of the minutes duly signed by the Chairman of the DPC or the date of the actual promotion of the officers, whichever is later, should be reckoned as the date of regular promotion of the officer. In cases where the Commission's approval is also required the date of UPSC's letter communicating its approval or the date of actual promotion of the officer whichever is later will be the relevant date. In all other cases the date on which promotion will be effective will be the date on which the officer was actually promoted or the date of the meeting of the DPC whichever is later. Where the meeting of the DPC extends over more than one day the last date on which the DPC met shall be recorded as the date of meeting of the DPC.
- 16.3 Appointments to posts falling within the purview of ACC can, however, be treated as regular only from the date of approval of ACC or actual promotion whichever is later except in particular cases where the ACC approves appointments from some other date.

17. Refusal of Promotion

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

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

18. Validity period of the panel

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

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

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

19. Review of Panels

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

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

20. REVIEW DPCs

[Para 18.1 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989 and O.M. No. 220131/1/97-Estt.(D) dated 13.04.1998]

20.1

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

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

These instances are not exhaustive but only illustrative.

20.2

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

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

20.3 Scope and procedure of Review

20.3.1

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

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

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

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

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

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

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

[Para 18.4.2 of O.M. No. 22011/5/86-Estt.(D) dated 10.04.1989]

20.4 Consequential benefits in case of retrospective promotion

20.4.1

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

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

20.4.2

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

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

20.4.3 A Government servant who is not recommended in the panel by the original / supplementary DPC but later on is recommended in the panel by a review DPC but has since retired may be given the benefit of notional promotion w.e.f. the date of promotion of his immediate junior in the reviewed panel and fixation of notional pay subject to the fulfillment of the following conditions:

- (i) That the officer who is immediate junior to the retired Government servant assumed charge of the higher post on or before the date of superannuation of the retired Government servant.
- (ii) That the said retired Government servant was clear from vigilance angle on the date of promotion of his immediate junior.
- (iii) A retired Government servant who is considered for notional promotion from the date of promotion of his immediate junior on the recommendation of a review DPC would also be entitled to fixation of pension on the basis of such notional pay.
- (iv) The notional promotion, notional pay fixation and revision of pension shall be further subject to extant rules on promotion, pay fixation and CCS (Pension) Rules, 1972. Actual increase in pension shall be given only from the date of approval of reviewed panel by the competent authority. No arrears shall be paid.

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



Thanks and Regards

For

patient hearing

and

interaction

Harish Chandra Yadav

Advisor IRPOF