

CRITERIA FOR PROMOTION

Serial No.	Reference	Date	Subject
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PART I - RULES			
1.	Notification No. 2402-Gen.	11-02-1987	Orissa Civil Services Rules, 1987
2.	Notification No. 21804-Gen.	29-07-1988	Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988.
3.	Notification No. 29904-Gen.	24-07-1992	Orissa Civil Services (Criteria for promotion) Rule, 1992.
4.	Notification No.20277-Gen	19-07-2003	Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2003.
5.	Notification No.5906-Gen	25-02-2005	Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2005
6.	Notification No.19084-Gen	09-07.2003	Orissa Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.
PART II – INSTRUCTIONS			
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1.	Circular No. 18500-Gen.	17-07-1991	Clarification to Orissa Civil Services (Zone of Consideration for promotion) Rule, 1988.
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2.	Office Memorandum No. 7165-A. I. S,	25-06-1983	Change in Procedure regarding Constitution of Departmental Promotion Committee / Selection Board.
3.	Office Memorandum No. 10280	23-08-1983	Constitution of Departmental Promotion Committee / Selection Board.
4.	Office memorandum No. 14154	06-08-1986	Representation of Women members in the various Committees/Boards concerned with Selection.
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6.	Circular No. 18622-Gen.	12-06-1989	Deficiencies noticed by the P. S. C. in the proposal sent to them for giving promotion to different posts by various departments.
7.	Circular No. 15540-Gen.	20-07-1994	Implementation of the Suggestion and Observation of O. P. S. C.
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1.	Office Memorandum No. 3928-Gen.	18-02-1994	Promotion of Government Servants against whom disciplinary / criminal proceedings are pending – Procedure to be followed.
2.	Office Memorandum No. 14640-Gen.	04-07-1995	- do -
3.	Office Memorandum No. 29699-Gen.	01-11-1997	- do -
4.	Circular No. 1598-Gen.	15-01-1999	- do -

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|----|---|------------|---|
| 5. | Office memorandum No. 3016-Gen. | 28-01-1999 | Promotion prospects of officers during pendency of disciplinary / criminal proceedings date of O.M. No. 29699-(Gen.), dated 01-11-1997. |
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D. Ad hoc Promotion -

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| 1. | Memo No. 6600-Gen. | 22-05-1962 | Question whether appointments made by Government in the exigencies of Public Service beyond six months without the concurrence of the P.S.C. are liable to audit objection. |
| 2. | Office Memorandum No. 6405-Gen. | 22-02-1988 | Validity of <i>ad hoc</i> promotions and appointments made by the Government. |
| 3. | D. O. Letter No. 1617 | 20-01-1992 | Consultation with P. S. C. |
| 4. | Circular No. 21833-Gen. | 28-09-1995 | Instructions regarding promotion on <i>ad hoc</i> basis. |
| 5. | Circular No. 7903-Gen. | 15-04-1997 | Instructions regarding regularisation of promotion and <i>ad hoc</i> basis. |

E. Seniority -

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| 1. | Home (Apptt.) Department Order No. 606-A. | 07-02-1944 | Rules regarding Fixation of Seniority. |
| 2. | P. & S. Department Memo No. 8403-Gen. | 10-07-1961 | Procedure to be followed in making appointments, promotion, confirmation of persons in ex-cadre posts clarification. |
| 3. | Resolution No. 21260-Gen. | 16-06-2000 | Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts. |
| 4. | Office order No. 30083-Gen. | 27-07-2000 | Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts. |
| 5. | Resolution No. 39734-Gen. | 02-11-2000 | Fixation of Seniority between General, Scheduled Caste and Scheduled Tribe candidates in the promotional posts in State Civil Services / Posts. |
| 6. | Circular No. 39846-Gen. | 03-11-2000 | Guidelines to be followed in the matter of officiating appointment / promotion. |
| 7. | Letter No.25954-Gen | 12-09-2003 | Timely references to Orissa Public Service Commission |

PART I – RULES

THE ORISSA CIVIL SERVICES RULES, 1987
GENERAL ADMINISTRATION DEPARTMENT
NOTIFICATION

The 11th February 1987

(Published in *Orissa Gazette* on 12-02-1987)

No. 2402-Gen. – In exercise of the powers conferred by Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules, namely :-

Short Title and commencement.

1. (1) These rules may be called the Orissa Civil Services Rules, 1987.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

Non-counting of *ad hoc* service.

2. The period of service rendered by a Government servant on an appointment or promotion made purely on *ad hoc*, temporary or officiating basis, for which prior consultation with the Orissa Public Service Commission is not necessary under Clause (i) of Regulation 3 (b) of the Orissa Public Service Commission (Limitations of Functions) Regulation shall not count towards fixation of seniority.

3. The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other recruitment rules or orders or instructions for the time being in force.

By order of the Governor

M. P. MODI

Secretary to Government

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THE ORISSA CIVIL SERVICES (ZONE OF CONSIDERATION FOR PROMOTION) RULES, 1988

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 29th July 1988

(Published in *Orissa Gazette* on 08-08-1988)

No. 21804-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate zone of consideration in the cases of promotion made to the Civil Services and Posts of the State, namely :-

Short Title and commencement.

1. (1) These rules may be called the Orissa Civil Services (Zone of Consideration for Promotion) Rule, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette,

Definition

2. In these rules, unless the context otherwise requires:-

- (a) General category “means the category of officers, employees or incumbents not belonging to the Scheduled Castes or Scheduled Tribes;
- (b) “recruitment rules” means the rules framed under the proviso to Article 309 of the constitution of India regulating promotion to the respective State Civil Services and Posts and includes executive orders, instructions issued by the competent authority;
- (c) “zone of consideration” means the zone in the gradation or seniority list of officers, employees, incumbents whose cases are considered for promotion to any Civil Service or Post of the State in a recruitment year.

Zone of consideration.

3. Except in cases where the provisions of the Orissa Reservation of vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975, and the rules framed there-under are applicable, in every case of promotion made by way of selection to any Civil Service or post of the state for which zone of consideration has been prescribed in the relevant recruitment rules; such zone of consideration shall be three times the estimated number of vacancies meant to be filled up from the General category in such Service or Posts notwithstanding anything to the contrary contained in the respective recruitment rule:

¹[Provided that where the estimated number of vacancies meant to be filed up is not more than three, the zone of consideration shall be ten.]

By order of the Governor

R. K. NAYAK

Special Secretary to Government

¹ Added vide G. A. Department Notification No. 37728, dated 29-12-1988 Published in *Orissa Gazette* and given effect to from dated 9-1-1989.

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THE ORISSA CIVIL SERVICES (CRITERIA FOR PROMOTION) RULES, 1992 GENERAL ADMINISTRATION DEPARTMENT NOTIFICATION

The 24th July 1992

(Published in *Orissa Gazette* on 25-7-1992)

No. 29904-2R.-1-60/92-Gen. – In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the criteria for promotion to the State Civil Services and Posts, namely :-

Short Title and commencement.

1. (1) These rules may be called the Orissa Civil Services (Criteria for Promotion) Rules, 1992.

(2) They shall come into force on the date of their publication in the Official Gazette and shall apply to all cases of promotion made to the State Civil Services and Posts including the cases pending on the date of such publication.

Definition

2. In these rules, unless the context otherwise requires:-

- (a) "Government" means the Government of Orissa.
- (b) "Recruitment Rules" means the rules framed under the proviso to Article 309 of the Constitution of India regulating promotions to different State Civil Services and Posts and includes executive orders and instructions issued by the competent authority in this regard from time to time; and
- (c) "Select List" means the list approved by the Government or the appointing authority, as the case may be, containing the names of officers considered suitable for promotion.

Criteria for Promotion.

3. Notwithstanding anything contained in the Recruitment Rules :-

- (a) All promotions to the posts or grades of different Services/Civil posts under the State Government shall be made by selection;
- (b) Selection for such promotion shall be made on the basis of merit and suitability in all respects with due regard to seniority and the names of persons included in the Select list shall be arranged in order of seniority in the feeder service or grade :

Provided that any junior officer of exceptional merit and suitability may be assigned a place higher than his seniors and in such cases the assignment of higher position to the junior officer shall be limited to the same batch or year of allotment except where an officer of the earlier batch or year of allotment is found unsuitable for promotion:

Provided further that where promotion is made from different services or posts and no common seniority among such officers exists, their names in the Select List shall be arranged on the basis of their merit adjudged during selection.

¹[**EXPLANATION** – The expression "batch or year of allotment means the calendar year of the select list on the basis of which an officer is promoted to the next higher rank".]

²“(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission, the Departmental Promotion Committee, the Selection Committee or Selection Board, as the case may be, shall scrutinize preceding five available annual Confidential Character Rolls and other documents, if any, having a bearing on the performance and conduct of all eligible

officers, unless for reasons to be recorded, it is considered necessary to refer to any earlier record to adjudge an officer's suitability:

Provided the available Confidential Character Rolls (C.C.Rs) taken into consideration for promotion as above shall include C.C.Rs covering at least a period of three years in preceding five years."

³[Note I – The expression other documents means papers of whatsoever nature having bearing on the performance and conduct of eligible officers like C. B. I. or Vigilance reports, papers relating to departmental action and other confidential reports having nexus with an officer's performances which might have been prepared after giving an opportunity to an officer of being heard and not reflected in his C. C. R's. or service records.

1. Added vide G. A. Deptt. Notification No. 43691/Gen., dated 28-12-1998 & given effect to from 24-7-1992
2. Substituted vide G. A. Deptt. Notification No. 5906/Gen., dated 25-02-2005 & given effect to from 26-02-2005.
3. Substituted vide G.A. Deptt. Notification NO. 28836/Gen., dated 8-11-1996-Published in *Orissa Gazette* and given effect to from 25-7-1992.

Note II – The expression "Preceding five Years" means the Five years preceding the year in which the Selection Committee, Departmental Promotion Committee or Selection Board as the case may be, sits, but where the said committee sits for more than once such five years shall be reckoned from the date of its first meeting.]

Consideration of adverse remarks.

4. In order that vacancies are filled up by the most suitable persons with the utmost expedition consistent with an officer's right to seek expunction of an adverse remark, the following procedure shall be followed in cases where the records of an officer under consideration contain an adverse remarks :-

- (a) If the officer has represented against an adverse remark and the representation has not been disposed of, the adverse remark shall be taken into consideration at the time of selection.
- (b) If the remark has been expunged after consideration of his case by the Departmental Promotion Committee or the Selection Committee or the Selection Board as the case may be the fact shall forthwith be reported to the Public Service Commission and if the officer was refused promotion on *ad hoc* basis because of the said remark, his entitlement to such promotion shall be considered once again notwithstanding that it may involve the reversion of another officer.
- (c) If expunction of the adverse entry is ordered after selection has been made on the recommendation of the Orissa Public Service Commission, his case will be referred once again to the Commission and if the Commission recommends his promotion and Government accept the said recommendation, the officer will be promoted from the date of his junior, not being a person of exceptional merit and suitability, was promoted and shall be entitled to all service benefits which he would have received but for the supersession on account of the adverse remarks.
- (d) If, as a result of such retrospective promotion any junior officer has to be reverted, such reversion shall not entitle the said junior officer to claim continuance in the post on the strength of an earlier recommendation of the Orissa Public Service Commission.

5. The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other Recruitment Rules or any other order or instructions for the time being in force.

Interpretation.

6. If any doubt arises on interpretation of any of the provisions of these rules, it shall be referred to Government in General Administration Department for final decision.

By order of the Governor

RAMAKANTA RATH

Chief Secretary to Government

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PART II – INSTRUCTIONS

(A) ZONE OF CONSIDERATION

GENERAL ADMINISTRATION DEPARTMENT

To

All Departments of Government

Subject – Clarification to Orissa Civil Service (Zone of Consideration for Promotion) Rules, 1988.

No. 18500-2R/1-22/91-Gen. – The undersigned is directed to say that it has been pointed out by the Chairman, Orissa Public Service Commission that some Departments of Government are not following the procedure laid down in the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988 in the matter of promotion to different posts and services particularly in the meetings of D. P. C./Selection Boards held for the purpose.

2. According to the Orissa Civil Services (Zone of Consideration for Promotion) Rules, 1988 which came into force on the 8th August 1988, where the estimated number of vacancies is more than 3, the zone of consideration is three times the number of vacancies and where the estimated number of vacancies is not more than 3 the zone of consideration shall be 10. The above rules override any zone of consideration which may have been prescribed in different rules “except in case where the provisions of the Orissa Reservation of Vacancies in Posts and Services (for S. C. and S.Ts.) Act, 1975 and the rules framed there under are applicable”.

3. Section 10 (1) of the ORV Act lays down the procedure for promotions to be made on the basis of seniority subject to fitness. Section 10 (3) of the said Act provides that there shall be no zone of consideration in respect of promotions based on seniority subject to fitness. In such cases the S.C./S.T. candidates shall be promoted to the next higher post or grade against the reserved vacancies irrespective of their position in the gradation list subject to satisfaction of prescribed minimum qualification and experience and found fit for such promotion.

3.2. In the event of non-availability of suitable S.C./S.T. candidates, the reserved vacancy shall not be filled up without de-reservation by the competent authority next higher to the appointing authority as per provision under Rule 5 (2) of the O.R.V. Rules.

3.3. In case of general candidates, the Zone of consideration shall be as in Para. 2 above.

4. In the case of promotion made by selection where the element of direct recruitment does not exceed 50% the detailed procedure laid down in Rules 7(a) and 7(b) of the O.R.V. Rules is to be followed. Rule 7(a) read with Section II-A(2) (b) deals with cases of promotion from Class-III to Class-II, within Class-II, from Class-II to Class-I and within Class-I. In these cases the selection will be made only from those S.C and S.T. Officers who are within the common zone of consideration, numbering seven times of the estimated number of vacancies.

ILLUSTRATION

Total No. of Vacancies	...	10
S. C.	...	01
S. T.	...	03
Unreserved	...	06

(i) Common zone of consideration for S. T. and S. C. $10 \times 7 = 70$.

(ii) Zone of consideration for unreserved category $6 \times 3 = 18$.

4.2. In the event of non-availability of suitable S. C./S. T. candidates for promotion, the reserved vacancy shall be filled up by suitable general candidates according to provision under Rule 5(3) of O.R.V. Rules. No de-reservation is necessary in such cases as per second proviso to Section 7 of the O.R.V. Act.

5. In the cases of promotion to Class-III posts and within Class-III posts on the basis of selection, the Zone of consideration numbering 7 is separate for the S.C. and S.T. Officers as per Rule 7 (b) of the O.R.V. Rules read with Section 11-A(2) (a) of the O.R.V. Act.

ILLUSTRATION

No. of Vacancies	...	10
S.C.	...	01
S.T.	...	03
Unreserved	...	06
Zone of consideration for -		
S.C.	...	$1 \times 7 = 7$

S.T.	...	3 × 7 = 21
General	...	6 × 3 = 18

5.2. In case of non-availability of suitable S.C./S.T. candidates the reserved vacancy shall not be filled up without de-reservation by the competent authority, i.e. the next higher authority to the appointing authority as per provision under Rules 5(2) of the O.R.V. rules.

6. The above instructions may be brought to the notice of all concerned in their Departments and the respective Heads of Department, Public Sector Undertakings and Urban Local Bodies, etc., under their administrative control for their future guidance. H & T.W. Department have concurred in the instructions in their U.O.R. No. 68, dated the 21st June 1991.

C. NARAYANASWAMY
Special Secretary to Government

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(B) DEPARTMENTAL PROMOTION COMMITTEE
POLITICAL & SERVICES DEPARTMENT
OFFICE MEMORANDUM

The 29th December 1972/8th Pausa 1894

Subject:– Constitution of Departmental Promotion Committee for promotion – Appointment on *ad hoc* basis.

No. 21376-Gen.– It has been observed that a number of posts which are lying vacant in different Departments and Subordinate Offices are being filled up on an *ad hoc* basis by promotion in the exigencies of public service. While decision to fill up these vacancies cannot be deferred, it is essential that some principles are observed in the matter of selection and the principles are followed consistently. Unfortunately in a number of Departments, proper Rules for recruitment and promotion have not yet been framed. For these Departments and Subordinate Offices, it is all the more necessary that a regular procedure is adopted in filling up the vacancies in a fair and equitable manner. Even where recruitment rules have been framed for particular services, there must be a method to ensure that the principles adopted in the recruitment or cadre rules are actually followed in practice at the time of promotion or selection.

2. With a view to ensuring the above objective, the Departments are requested to set up immediately Departmental Promotion Committees where ever such Committees do not already exist. There is need for setting up such Committees for promotion to all categories of posts in the Departments or Heads of Departments or any subordinate office. Normally the Head of the Office and two other Members should be included in the Committee. Where there is need for co-opting any other specialist in view of the particular discipline for which promotion is being considered there should be provision for such co-option. For example, the Promotion Committee at the level of the Department should include the Secretary of the Department, the Head of the Department and at least one other member and if necessary, a representative of the discipline or division for which the selection is proposed to be made.

3. The Departments who have already set up Promotion Committees may review the existing arrangements in the light of the general guidelines indicated here. Those Departments and the Subordinate Offices who have not made any systematic arrangement in this regard should take immediate steps to set up such Committees. Where the Cadre Rules are under preparation suitable provision should be made in the Rules to set up such standing Committees to ensure that even when there is *ad hoc* promotion or selection, certain broad principles are observed. This is particularly important where *ad hoc* appointments in respect of gazetted posts are required to be referred to the O.P.S.C.

4. Copies of orders constituting such Committees at the level of Departments should be endorsed to P. & S. Department for information. Departments are also requested to ensure that action as outlined here is taken immediately in all these Subordinate Offices and to send a compliance report to Political & Services Department not later than the 15th January 1973.

The receipt of this O.M. may be acknowledged in the first instance.

S. K. PaLIT
Additional Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 25th June 1983

Subject :- Change in procedure regarding constitution of Departmental Promotion Committee/Selection Board.

No. 7165-AIS-1. – Instructions were issued in Office Memorandum No. 14020-Gen., dated the 23rd May 1979 of erstwhile P. & S. Department for associating the Chairman/Member, P.S.C. with the Departmental Promotion Committee/Selection Board with the following objectives :-

- (i) To cut down the delay which being caused as a result of references and counter references made between the Departments of Government and P.S.C. to finalise the select list from which promotions were to be made.
- (ii) To obviate the difficulties that arose as a result of time gap between giving *ad hoc* promotion by the Departments on the recommendation of D.P.C./Selection Board and the receipt of the select list with the concurrence of P.S.C. and also in some cases on account of the P.S.C. not agreeing to include in the select list for promotion, officers who had been given *ad hoc* promotions on the recommendation of the D.P.C./Selection Board.

In accordance with aforesaid office memorandum the Chairman, P.S.C. or Member, P.S.C. functions as the Chairman of the D.P.C./Selection Board at present.

2. Experience has shown that the association of the P.S.C. with the D.P.C./Selection Board has not helped in the matter of expediting the Commission's concurrence to the recommendation of D.P.C./Selection Board. This aspect was reviewed in the Secretaries meeting held on the 13th October 1982 and it was found that the revised procedure adopted in 1979 has not produced the desired results.

3. The question as to whether a convention can be evolved that in no case the recommendation of D.P.C./Selection Board would be modified and changed by the P.S.C. in view of the fact that P.S.C. is associated with the D.P.C./Selection Board, has been examined. It is found that it is not possible to establish such a practice since formal consultation with the Commission is obligatory in the case of promotions to Class-II and Class-I posts and the approval of the Commission to the recommendations of the Selection Board cannot be taken for granted on the ground that a Member of the Commission was associated with it.

4. Consultation with the commission is constitutional obligation in specified cases and this can be ensured only at the last stage when the recommendations of the D.P.C./Selection Board are seen by the entire Commission and their views furnished on the same. Associating the Chairman or Member of the Commission with the D.P.C./Selection Board cannot substitute for such mandatory consultation. It has also not resulted in reducing the time for obtaining the formal recommendations of the P.S.C.

5. In the above circumstances in supersession of this Department Office Memorandum No. 14020-Gen., dated the 23rd May 1979 Government have been pleased to decide to revert to the earlier practice of holding the meeting of the D.P.C./Selection Board independently without associating the P.S.C. with them and forwarding the recommendation of the D.P.C./Selection Board to the P.S.C. for formal concurrence. While adopting the revised procedure the Departments should, however, ensure that the recommendation of the Selection Board/D.P.C. with all relevant records are forwarded to the P.S.C. immediately after the meetings.

6. The Departments of Government are requested to take immediate steps to set up Selection Board/D.P.C. disassociating Chairman/Member, P.S.C. Where Statutory Rules have been framed under proviso to Article 309 of the Constitution of India for appointment to respective services by selection or promotion. Those rules may also be amended suitably disassociating Chairman/Member, P.S.C. from the Selection Board/D.P.C.

7. Necessary action may be taken in this regard by the concerned Departments within one month from the date of issue of this office Memorandum under intimation to General Administration Department.

C. NARAYANASWAMY

Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 23rd August 1983

Subject :- Constitution of Departmental Promotion Committee/Selection Board.

No. 10280 – The question of prescribing fresh guidelines for constitution of Department Promotion Committees/Selection Boards has been under consideration of Government for some time. It has now been decided that the constitution of the Departmental Promotion Committees and Selection boards will be as indicated below :-

- (i) *[For considering the promotion to posts in Senior Class-I and posts of Heads of Departments, the Departmental Promotion committees/Selection Boards will be headed by the Chief Secretary/Principal Secretary as the case may be and the Secretary of the Administrative Department and the Head of Department concerned will be Members. When the post of Head of Department is vacant the committee will consist of only two Members viz.; Chief Secretary/Principal Secretary and the Secretary of the Department. Where more than one Head of Department is concerned in the matter, then all those Heads of Department will be included as Members.]

* Substituted vide Corrigendum No. 315, dated the 16th January 1987.

- (ii) For promotion to O.A.S.-II, O.A.S.-I (Junior Branch) and O.A.S.-I (Senior Branch), the Departmental Promotion Committee/Selection Board will be headed by the Chief Secretary and the Member, Board of Revenue, the Revenue Divisional Commissioners and the Secretary of the Administrative Department will be Members.
- (iii) In all other cases, the Departmental Promotion committee/Selection Board will be headed by the Secretary of the Administrative Department. The Head/Heads of Department concerned and the Joint Secretary/deputy Secretary concerned will be Members.

Action may be taken to reconstitute the Departmental Promotion Committees/Selection Board in respect of your Department on the above lines under intimation to the General Administration Department.

C. NARAYANA SWAMY
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 6th August 1986

Subject—Representation of women members in the various Committees/Boards concerned with selection.

No. 14154 – The undersigned is directed to say that some important aspects relating to the service conditions of women employees, their recruitment and their conditions of service merit greater attention. It is observed that the percentage of women employees in State Government Service and in public sector organisations is quite low. It appears necessary to involve women in greater numbers in the machinery set up for selection of personnel for Government/Public Sector posts; women of proven merit and ability should also be nominated to the Selection Boards and Committees set up for recruitment to various posts and services.

2. On careful consideration, it has been decided that the Departments, Heads of Departments and District Offices should endeavour to nominate, to the extent possible, lady officers of proven ability and experience in the Selection Board/Committees concerned with selection of candidates for various posts & services under them. In case where a good number of lady candidates are expected to be available for the service/post, no effort should be spared in finding a suitable lady officer for inclusion in the Selection Board/Committee. In the event of such an officer not being available in the Department/Heads of Departments and District Offices itself there is no objection to nominate lady officer from any other office at the same station, if she is of the requisite status, ability and experience.

3. It is requested that the above decision may be brought to the notice of all concerned in the Departments/Heads of Department/District Offices and their attached and subordinate offices as also the Public Sector Undertakings and other Autonomous Bodies under their administrative control for appropriate action.

M. P. MODI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 10th February 1987

Subject – Period of validity of Select list recommended by the Public Service Commission.

No. 2288-2R/1-87/86-Gen.- Regarding the period of validity of the recommendation of Public Service Commission for appointment to various posts and services, different provisions have been prescribed in different service rules and executive instructions issued severally in the past. It is felt that difficulties are being experienced in the matter of appointments where the period of validity of such recommendation has expired and fresh recommendation of Public Service Commission has not been received.

It is therefore, considered necessary to remove difficulties following a modified and uniform period of validity of Public Service Commission's recommendation. After careful consideration, Government have been pleased to decide as follows :-

- (1) In case of initial recruitment through competitive examination the recommendation of Public Service Commission shall remain valid for a period of one year from the date of its approval by the Government. In extraordinary circumstances, however, when, for any reason, appointments have not been completed and the list in the recommendation has not been exhausted, Government by special order, may extend the validity period as necessary, but not later than the date of the next recommendation of the Public Service Commission.

- (2) In case of promotions, the recommendation of Public Service Commission shall remain valid for a period of one year from the date of its approval by the Government.

This order issues in supersession of all previous orders issued in this behalf.

All Departments are requested to get their respective service rules amended in pursuance of this order.

M. P. MODI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

No. 18622-2R/1-13/89 (pt.)-Gen.

From

Shri Binoy B. Mishra, Joint Secretary to Government

To

All Secretaries to Government.

Dated the 12th June 1989

Subject - Deficiencies noticed by the P.S.C. in the proposal sent to them for giving promotion to different posts by various departments.

Sir

I am directed to say that the Chairman and Members of the O.P.S.C. met the Chief Minister on the 19th May 1989 and raised the following issues which according to them need urgent attention of the State Government.

A number of deficiencies, as noted below, have been noticed in the proposals being sent to P.S.C. for promotion to different posts in the Government by various Department.

- (a) Incomplete C.C.Rs. are being sent along with the proposals for promotion after giving *ad hoc* promotion to the concerned candidates. The P.S.C. chairman expressed surprise as to how promotion on *ad hoc* basis is given when C.C.Rs. are not complete.
- (b) Attested gradation list is not submitted along with the proposals for promotion.
- (c) There is no indication in the department's proposals as to whether the names of the Scheduled Caste/Scheduled Tribe candidates coming within the zone of consideration (7 times) have been considered.
- (d) The chairman, P.S.C. also stated that long after *ad hoc* promotions are made proposals are sent to O.P.S.C for concurrence which causes avoidable delay. He, therefore, suggested that no proposal for *ad hoc* appointments should be initiated unless reference to P.S.C. has been made with the recommendation of the D.P.C.

You are therefore, requested to comply with the above points raised by the P.S.C. while filling up vacancies and sending proposals to P.S.C. of your Department and take suitable steps to avoid occurrence of such lapses in future. If you have any suggestion for change in this regard, it may kindly be sent to this Department at an early date.

Yours faithfully,
BINOY B. MISHRA
Joint Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

No. 15540-PSC-2/94-Gen.

To

All Departments of Government

Dated the 20th July 1994

Subject :- Implementation of the suggestion and observation of O.P.S.C.

The undersigned is directed to say that the Chairman, Orissa Public Service Commission presented the Annual Report of the Commission for the year 1991-92 to the Governor and Chief Minister during the 2nd fortnight of March, 1994. While examining the report in this Department it is noticed that the Commission have drawn the attention of Government regarding delayed offers of appointment, delayed acceptance of Commission's advice relating to promotion, delayed notification of recruitment rules and delayed acceptance of Commission's advice in disciplinary cases by different Departments of Government. Further, the commission have also drawn the attention of Government on the following issues :-

- (i) Non-acceptance of Commission's advice
- (ii) *Ad hoc* appointment
- (iii) Incomplete references

(iv) Return of cases due to non-receipt of information/documents.

2. The Commission have expressed their deep concern in the matter of non-acceptance of their advice on certain cases and there is a rising tendency in the rate of non-acceptance of their advice. Therefore, due care and caution may be taken while obtaining Government orders in those cases when recommendation of the Commission is proposed to be over-ruled.

3. In the matter of *ad hoc* appointment and incomplete references instructions have already been issued in D.O. letter No. 1617, dated 20-1-1992 of the Chief Secretary, Orissa in which it has been impressed upon all concerned to discontinue the practice of *ad hoc* appointment and to ensure that references to the Commission when furnished should be completed in all respects in absence of which the Commission would not be able to make a recommendation. These instructions may be followed scrupulously.

4. As regards submission of complete/documents to the Commission a clarification has already been issued to all Departments in this Department Memo No. 4229-Gen., dated 21-2-1994. Therefore, while making a reference to the Commission complete documents as required in Rule 3 (c) of the O.C.S. (Criteria for Promotion) Rules, 1992 may be furnished for a quick action at their level.

5. The Commission have further observed that despite repeated observations made by them, proper assessment of vacancies is not being made by the Departments. The concerned Departments do not also intimate the tentative number of vacancies for being included in the Commission's advertisement for the information of the prospective candidates. Apart from failure to furnish forecast of vacancies in time, the Departments, who have to report the vacancies are unable to assess the requirement with exactitude. As a result, in respect of some of these recruitment, the number of vacancies notified initially in the advertisement by the Commission did not bear relation to the number of vacancies finally reported for being filled on the results of those recruitments. These figures are so much at variance with each other that it is difficult for the Commission to accept that there has been any systematic man power planning. The Commission have therefore urged that the recruiting departments should identify the cases of disparities in their initial and final demands and ensure that correct requirements are projected well in advance as far as possible.

6. The Commission have also observed that despite their repeated advice some Departments have not yet framed Rules regulating recruitment by promotion under Article 309 of the Constitution.

7. It is also observed by the Commission that the procedure laid down for imposition of major and minor penalties as provided under Rules 15 and 16 of the O.C.S. (C.C.A.) Rules, 1962 are not followed properly in many cases. Besides, a large number of cases referred to them for advice are found to be incomplete.

It is therefore, requested that the above observations of the Commission may be borne in mind for necessary guidance.

PRITIMAN SARKAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 20th August 1999

Subject :- Foregoing of promotion to Higher Rank/Grade.

No. 24519-S.C./6-35/99-Gen. – Promotion implies the advancement to a higher rank or grade in service career and hence it is normally accepted by a Government servant. It also involves shouldering of larger responsibility.

2. It is possible, however, that a Government employee, who is due for promotion or has already received the offer of promotion, may represent to forego the promotion.

3. A question has arisen whether a Government servant maybe allowed to forego the promotion (a) for a particular period after which he may opt to be considered for promotion once again or (b) forever with the condition that he maybe retained in a particular station or post.

4. After careful consideration, it is hereby clarified as follows :

- (a) It is not desirable to introduce an element of optional deferment of promotion for temporary periods. To forego is to give up. An employee, who does not wish to accept the larger responsibility of a higher rank/grade, may forego the promotion once and for all.
- (b) Secondly, the foregoing of promotion shall not be conditional. For example, no commitment can be given that an employee shall be retained in a particular station/office/post just because he has opted to forego the promotion.
- (c) In case a Government servant opts for permanent and unconditional foregoing of promotion, an Office Order should be issued to that effect and an entry should be made in the Service Book. The resultant vacancy may be filled up by elevating the next eligible an suitable employee.

RAJENDRA KISHORE PANDA
Special Secretary to Government

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(C) SEALED COVER PROCEDURE
GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 18th February 1994

Subject:— Promotion of Government servants against whom disciplinary/criminal proceedings are pending procedure to be followed.

No. 3928-SC/3-2/93-Gen. – The question of the manner and method to be adopted by the Departmental Promotion Committee while selecting employees for promotion to the next higher grade in the context of an employee who is under suspension has been prescribed in this Department office Memorandum NO. 24—Gen., dated the 9th January 1987. This matter has been further considered by the Government and in supersession of this Department Office Memorandum referred to above, it has been decided as follows :-

2. Confirmation in the service

The State Government employees appointed in different cadres of service through relevant source of recruitment shall be confirmed in the service at the end of the period of probation subject to fulfillment of other conditions as prescribed for the purpose. A probationer who is under suspension or against whom disciplinary proceedings have been instituted or against whom a criminal case is pending in a Court, cannot be considered to have completed the period of probation to the satisfaction of State Government and as such, he cannot be confirmed in service before such proceedings are dropped or concluded in his favour.

3. Promotion of officers to the various posts/services

At the time of consideration of cases of officers for promotion, details of such officers in the zone of consideration falling under the following categories should be specifically brought to the notice of the concerned Screening Committee :-

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

4. The Screening Committee shall assess the suitability of the officers coming within the purview of the circumstances mentioned in Para. 2 above, along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution which is pending. The assessment of the Screening Committee including “Unfit for Promotion” and the grading awarded by It will be kept in a sealed cover. The cover will be superscribed “FINDINGS REGARDING THE SUITABILITY FOR PROMOTION TO THE POST/SERVICE OF IN RESPECT OF SHRI (Name of the Officer)”. “NOT TO BE OPENED TILL THE TERMINATION OF THE DISCIPLINARY CASE/CRIMINAL PROSECUTION AGAINST SHRI”. The proceedings of the Screening Committee need only contain the note. “The findings are contained in the attached sealed cover”.

5. The same procedure outlined in Para. 3 above will be adopted by the subsequent Screening Committees convened till the disciplinary case/criminal prosecution against the officer concerned is concluded.

6. On the conclusion of the disciplinary case/criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated, the due date of his promotion will be determined with reference to the findings of the Screening committee kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such findings. The Government servant may be promoted, if necessary, by reverting the junior-most officiating person. He may be promoted notionally with reference to the date of promotion of his junior.

In cases of complete exoneration, the officer will also be paid arrears of salaries and allowances. In other cases, the question of arrears will be decided by the State Government by taking into consideration all the facts and circumstances of the disciplinary/criminal proceedings, but where the Government denies arrears of salary or a part of it, the reasons for doing so shall be recorded.

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

8. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any officer is not unduly prolonged and all efforts to finalise expeditiously the proceeding should be taken so that the need for keeping the cases of officers in a sealed cover is limited to the barest minimum. It has, therefore, been decided that 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 of the first Screening 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 further measures to be taken to expedite their completion.

9. An officer who is recommended for promotion by the Screening committee but in whose case any of the circumstances mentioned in Para. 3 above arise after the recommendations of the Screening Committee are received before he is actually promoted, will be considered as if his cases had been placed in a sealed cover by the Screening Committee. All the subsequent Committees shall assess the suitability of such officers along with other eligible candidates and place their assessment in a sealed cover. The sealed cover(s) will be opened on conclusion of the disciplinary case/criminal prosecution. In case the officer is completely exonerated, he would be promoted as per the procedure outlined in Para. 6 above and the question of grant of arrears would also be decided accordingly. If any penalty is imposed upon him as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover in his case shall not be acted upon.

PRITIMAN SARKAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 4th July 1995

Subject :- Promotion of Government Servants against whom disciplinary/criminal proceedings are pending procedure to be followed.

No. 14640-Gen. – The procedure to be adopted by the D.P.C., while selecting Employees for promotion to the next higher grade when any Disciplinary/Criminal Proceedings is pending has been laid down in G. A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994. It has come to the notice of the Government that difficulties are being experienced in the cases where disciplinary proceeding/criminal prosecutions against the Government Servants are pending for a long period without being disposed of. The delay is unfairly depriving of such Government Servants from getting promotions to the next higher grade.

2. The Government, after careful consideration of all the aspects and in partial modification of the instructions contained in G.A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 referred to above, have been now pleased to decide as follows :-

- (i) The disciplinary authorities, while framing charges against a delinquent Government Servant, should carefully consider the circumstances while deciding whether the delinquency merit framing of charges u/r 15 u/r 16 of O.C.S. (CCA) Rules, 1962, In the cases, where a minor penalty proceedings have been drawn up u/r 16 of O.C.S. (CCA) Rules, 1962, the “Sealed Cover” procedure shall not be applicable.
- (ii) Where, the major penalty proceedings have been drawn up u/r 15 of O.C.S. (CCA) Rules, 1962, the procedure envisaged in G.A. Department Office Memorandum No. 3928, dated the 18th February 1994 should be followed.
- (iii) In the cases, where criminal prosecution/disciplinary cases against the delinquent Government employees, have not come to an end even after the expiry of two years from the date of the meeting of the first Departmental Promotion Committee, the Appointing Authority may review the withheld promotion cases (provided the delinquent Government employees are not under suspension) to consider the desirability of giving the *ad hoc* promotion keeping in view the following aspects :-
 - (a) Whether the promotion of the employee will be against the public interest
 - (b) Whether the charges are grave enough to warrant continued denial of promotion
 - (c) Whether there is likelihood of the case coming to a conclusion in the near future
 - (d) Whether the delay in the finalisation of the proceedings, departmental or in a Court of Law, is not directly or indirectly attributable to the employee concerned.
 - (e) Whether there is any likelihood of misuse of the Official position, that the employee may occupy after *ad hoc* promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

In case the Appointing Authority considers that it would not be against the public interest to allow *ad hoc* promotion to the employee concerned, his case should be placed before the next D.P.C. to be held in the normal course to decide whether the employee is suitable for promotion on *ad hoc* basis. If the employee is considered suitable, on the basis of the totality of his record of service, without taking into account the pending disciplinary case/criminal prosecution against him, an order of promotion may be issued making it clear that :-

- (i) the promotion is being made purely on *ad hoc* basis and the *ad hoc* promotion will not confer any right for regular promotion; and
- (ii) the *ad hoc* promotion shall survive until further orders.
- (iii) It should also be indicated in the orders that the Government reserve the right to cancel the *ad hoc* promotion at any time and revert the employee to the post from which he was promoted without assigning any reason

therefor.

All other conditions contained in the aforesaid Office Memorandum remain unchanged.

SANTOSH KUMAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 1st November 1997

Subject – Promotion of Government servants against whom disciplinary/criminal proceedings are pending –procedure to be followed.

No. 29699-SC-3-5/97-Gen. – The procedure to be adopted by the Departmental Promotion Committee while selecting employees for promotion to the next higher grade when any disciplinary/criminal proceedings are pending has been laid down in General Administration Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 and Office Memorandum No. 14640-Gen., dated the 4th July 1995. It has come to the notice of the Government that the Government servants who have been punished with any of the minor penalties as specified in Clauses (i) to (v) of Rule 13 of the Orissa Civil Services (Classification, Control and Appeal) Rules, 1962 in the disciplinary proceedings drawn up against them under Rule 15 of the above said Rules for imposing major penalties are deprived of getting promotion to higher grades which caused undue hardship to them.

2. The Government after careful consideration of all the aspects have now been pleased to decide to substitute Para. 6 and 7 of G. A. Department Office Memorandum No. 3928-Gen., dated the 18th February 1994 referred to above as follows :

Para. 6 On the conclusion of the disciplinary cases/criminal prosecution, the sealed cover or covers shall be opened. In case the officer is completely exonerated, the due date of his promotion will be determined with reference to the findings of the Screening Committee kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such findings. The Government Servant may be promoted, if necessary by reverting the junior-most employee who has been allowed officiating promotion. He may be promoted notionally with reference to the date of promotion of his junior.

6.2. In case of complete exoneration, the officer will also be paid arrears of Salaries and Allowances. In other cases, the question of arrears will be decided by the State Government by taking into consideration all the facts and Circumstances of the disciplinary/criminal proceeding, but where the Government denies arrear salary or part of it, the reasons for doing so be recorded.

6.3. In cases where, after completion of the disciplinary proceedings an officer has been punished with the following minor penalties, he shall be given promotion considering the findings in the 'sealed cover' from the date his immediate junior has been given promotion and his pay will be notionally fixed in the time-scale of the higher grade with effect from that date, but he will not be eligible for any arrear financial benefits for the period for which he has not actually worked in the higher grade post.

1. Fine
2. Censure
3. Withholding of increments
4. Recovery of any pecuniary loss caused

However, in cases where an officer has been punished with minor punishment of "Suspension" then the officer cannot get promotion with retrospective effect. In such cases, the date of promotion of the officer concerned will be postponed by the period for which he was actually under suspension. That means he will be promoted from the date on which his period of suspension will be over.

Similarly in cases where the punishment of 'withholding or promotion' has been imposed on the officer concerned, then the officer concerned cannot be promoted with retrospective effect even if he was found suitable for promotion as per recommendation kept in sealed cover and his cases will be taken up in the next Departmental Promotion Committee/Selection Board/Selection Committee for consideration of his promotion to next higher grade.

Para. 7 If any major penalty as specified in Clauses (vi) to (ix) of Orissa Civil Services (Classification, control and Appeal) Rules, 1962 is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next Departmental Promotion Committee/Selection Board/Selection Committee in the normal course and having regard to the penalty imposed on him.

3. This has been concurred in by the Finance Department in their U. O. R. No. 508-CS-I. dated the 16th September 1997.

H. S. CHAHAR
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

Dated the 15th January' 1999

To

All Department of Government/

All Heads of Departments/

All Collectors.

Subject – Promotion of Government servants against whom disciplinary/criminal proceedings are pending-Procedure to be followed.

No.1598-SC.-3-5/98-Gen. – The undersigned is directed to say that detailed instructions have been issued in G. A. Department Office Memorandum No. 3928, dated the 18th February 1994 indicating the manner and method to be adopted by the Departmental Promotion Committee while selecting the employees for promotion to the next higher grade. Clause (iii) of Para 3 of the said Office Memorandum provides that the Government servants in respect of whom prosecution for criminal charge is pending should not be promoted to next higher grade and the assessment of the Screening Committee including “Unfit for promotion” and the grading awarded by it will be kept in a sealed cover till finalisation of the said proceedings.

Doubts have been expressed whether after sanction of criminal prosecution against a Government servant, the recommendations of the Departmental Promotion Committee can be kept in a sealed cover. It is therefore, clarified that as per the decision in “Union of India, etc. *Vrs.* K. V. Janakiraman” reported in AIR 1991 SC 2010, the promotion of an employee cannot be withheld merely because a criminal proceeding is pending against him. To deny the said benefit it must be shown that at the relevant time the criminal case is pending at the stage when charge-sheet has already been issued to the employee. So the sealed cover procedure should be adopted only after the charge-sheet is issued to the employee and not before it.

The above clarification may be brought to the notice of all concerned.

PRIYABRATA PATNAIK
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE MEMORANDUM

The 28th January 1999

Subject – Promotion prospects of Officers during pendency of Disciplinary/Criminal Proceedings – Date of effect of General Administration Department Office Memorandum No. 29699-GE., dated the 1st November 1997.

No. 3016-Doubts have been raised regarding the date from which General Administration Department Memorandum No. 29699, dated 1st November 1997 shall be given effect. It is clarified that Government after careful consideration have been pleased to decide that the executive instructions contained in Office Memorandum No. 29699, dated the 1st November 1997 *inter alia* intend to confer a benefit on an employee of the State Government whose career has been adversely affected by a disciplinary proceedings which has resulted in a minor penalty to be inflicted on him. Hence, this benefit is to be conferred on such employee irrespective of the date of disposal of the proceedings. Any other view will be contrary to the principles of equity and natural justice.

PRIYABRATA PATNAIK
Special Secretary to Government

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(D) AD HOC PROMOTION
POLITICAL & SERVICES DEPARTMENT

Memo No. 6600 (18)- PSC.-13/62-Gen.

To

All Departments of Government

Dated the 22nd May 1962

Subject – Question whether appointments made by Government in the exigencies of Public Service beyond six months without the Concurrence of the Public Service Commission are liable to audit objections.

The undersigned is directed to say that the Accountant-General, Orissa has brought to the notice of Government that in a large number of cases extension of the terms of appointment to gazetted posts beyond six months has been made by Departments of Government without obtaining the concurrence of the Public Service Commission in contravention of Regulation 3 (b) (i) of the Orissa Public Service Commission (Limitation of Functions) Regulations. Such extension of the period of appointment according to Accountant-General is unauthorized and irregular and cannot be accepted in audit.

The point raised by the Accountant-General, Orissa was carefully considered by Government with reference to the legal interpretation of the provision of Article 320 (3) of the Constitution and the following clarifications are issued.

Under Regulation 3 (b) (i) of the Orissa Public Service Commission (Limitation of Functions) Regulations, Government can make temporary appointments, for a period not exceeding six months without consulting the Public Service Commission when it is necessary to make such appointments urgently. In cases where due to some reason or other, the recommendations of the Public Service Commission are not received before the expiry of the provisional appointment it become necessary to make fresh appointments not exceeding six months to avoid dislocation of work. If in any case there has been any such so called “extension” it must be conceded that the Limitation of Functions Regulation do not strictly contemplate an extension as such. The position is that there can be no question of extension but merely a question of fresh appointment in an emergent situation under the special provisions of the Regulations. Even if in any context Government while issuing orders used the word ‘extension’ that must virtually be construed as fresh appointments so long as Government have recorded their satisfaction that such an order was essential in the interest of public service and in the light of the Regulation.

A copy of this is being sent to the Accountant-General, Orissa for his information.

R. K. MOHANTY
Joint secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT
OFFICE MEMORANDUM

The 22nd February 1988

No. 6405-SC/1-14/87-Gen. – Doubts and questions have been raised from time to time about the validity of the *ad hoc* promotions and appointments made by Government. Clearly there are two categories :

- (a) Initial *ad hoc* appointments to direct recruitment posts.
- (b) Promotion of Government servants to higher post on *ad hoc* basis.

2. In the erstwhile P. & S. Department Memo No. 6600 (18) – Gen., dated the 22nd May 1962 (copy enclosed for ready reference) it was clarified that the Orissa Public Service Commission (Limitation of Functions) Regulation, 1952 does not, strictly speaking, contemplate an extension of *ad hoc* appointment and that even if any context Government while issuing orders used the word “extension” that must virtually be construed as fresh appointment so long as Government have recorded their satisfaction that such an order was essential in the interest of public service and in the light of the Regulations. Therefore, even if the provisional appointment is extended beyond one year, it will be deemed that fresh provisional appointment has started from the date from which the previous provisional appointment came to an end, and by virtue of extension of such provisional appointment the employee does not get right to the post.

3. (a) In the case of promotion, provisional appointment is extended beyond one year invariably by a Department due to non-receipt of concurrence of P.S.C. in time. Once there is a promotion, there are various consequential changes in the Department as the employees next below the promotees are also promoted to the different ranks. If the *ad hoc* appointment (promotion) is suddenly terminated after expiry of one year, the with then termination of such appointment the employees who have got consequential promotion will also stand reverted and this will cause various administrative inconveniences.

(b) The Law Department who were consulted in the matter have expressed their views that continuance of *ad hoc* appointment beyond one year in case of promotion is neither untenable nor irregular specially when it has been made clear that the appointment at any point of time is within the period of one year of *ad hoc* appointment. It is, however, made clear that the appointment authority shall issue a fresh order of *ad hoc* appointment soon after the previous term of *ad hoc* appointment comes to an end, provided such authority is satisfied in writing that such appointment is necessary in the interest of public service and necessary steps have been taken by the Department for concurrence by the P.S.C. and there is delay at the end of the P.S.C. in according the concurrence.

(c) It is, however, clarified that if due to inadvertence no fresh order has been issued making the *ad hoc* appointment after the expiry of the previous term of *ad hoc* appointment, then it will be deemed as if the period after the expiry of the previous term of *ad hoc* appointment is a fresh appointment extending up to another term of one year. It is further made clear that if fresh *ad hoc* appointment is made on the date on which the former term of *ad hoc* appointment comes to an end (such appointment may also be made retrospectively if the exigencies of the circumstances so require) then there will be no need for reversion of the employees who have got consequential promotion on account of the *ad hoc* appointment.

4. In case of fresh recruitment, however, *ad hoc* appointment should terminate at a specified point of time so as to prevent complications. In issuing such fresh recruitment orders of *ad hoc* appointment, the date of termination of the appointment should be specifically mentioned in the appointment order so that another order of termination does not become necessary.

N. K. PANDA
Chief Secretary to Government

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D. O. No. 1617-Gen.

The 20th January 1992

R. K. Rath, I. A. S.,
 Chief Secretary and
 Chief Development Commissioner, Orissa.

My dear,

I have been noticing that *ad hoc* appointments to posts which are required to be filled up in consultation with the Orissa Public Service Commission have become common practice whereas the power of Government to make such appointments has to be exercised in exceptional cases only. There is little justification in invoking this power to fill up vacancies which can be clearly foreseen. While it may be necessary to make *ad hoc* appointment to a newly created post which needs to be filled up immediately or to a vacancy that has arisen because of the death or resignation of the incumbent or his sudden deputation, there is little justification in resorting to it for filling up vacancies, caused by retirement. Each Department has all the information it needs to find out, well in advance, the date of vacancy and should, therefore, be in a position to convene a meeting of the Departmental Promotion Committee and make a reference to the Commission. There is no justification whatever in waiting till the vacancy actually arises and in filling it up on an *ad hoc* basis.

2. You would also have noticed that, once an *ad hoc* appointment is made, the effort at making a proper reference to the Commission and obtaining its advice expeditiously is far from adequate. In the result, such appointments continue for prolonged periods, sometimes beyond the specified period of one year. This technical difficulty is got over by issuing a fresh order of *ad hoc* appointment on the expiry of the tenure of the previous appointment. This is extremely undesirable and amounts to exercise of a power that, under the rules, should be exercised in consultation with the Commission.

3. I would request you to intervene so that steps are taken in time to fill up, in consultation with the Commission, vacancies that can be clearly foreseen and the tenure of such *ad hoc* appointments as have inevitably to be made is not prolonged unnecessarily or artificially. I would further request you to ensure that references to the Commission are complete in all respects since, in the absence of full information, the Commission will not be able to make a recommendation. An immediate review by you will, I have no doubt, improve matters.

Yours sincerely,
R. K. RATH

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(E) SENIORITY

RULES REGARDING FIXATION OF SENIORITY

[Government of Orissa, Home (Appointment) Department Order No. 606-A., dated the 7th February 1994]

1. The Provincial Government have recently had under consideration the principles to be followed in determining the seniority of officers of the Provincial and Subordinate Services when more than one officer is appointed to a service at the same time. It has been decided that the following principles should be observed in future :-

- (a) When officers are recruited by promotion and by direct appointment at the same time, the promoted officers will take precedence over the officers directly recruited.
- (b) Officers promoted at the same time will ordinarily keep the position *inter se* which they held in the service from which they were promoted. Where promotions are from several services the appointing authority should determine the relative seniority of the officers concerned at the time of appointment.
- (c) The decision regarding the seniority of direct recruits shall be made by the appointing authority at the time of their first appointment. In all cases such decisions shall be final.

2. Government do not consider it practicable to lay down definite criteria to determine the seniority of direct recruits. The following suggestions are, however, made for the guidance of the Departments concerned :-

- (a) Direct recruits at the time of their first appointments maybe given an opportunity to supply any information which may be of value in determining their seniority.
- (b) When direct recruits have been placed in order of merit by the Public Service Commission (or a Selection Committee) full consideration should be given to their opinion.
- (c) Seniority may be determined by general consideration of merit by educational qualifications or by age or any previous experience in any post.
- (d) It is not possible to give a scale showing the relative value of educational qualifications but if Departments experience difficulty, the advice of the Director of Public Instructions may be taken.

3. These instructions shall not apply to the Provincial Civil Service (Judicial Branch).

Memo No. 8403-Gen., dated the 10th July 1961
from the Political & Services Department to the Law Department

Subject – Procedure to be followed in making appointments, promotion, confirmation of persons in ex-cadre posts-Clarification.

With reference to Law Department Memo No. 2921-Est.-140/60-L., dated the 28th April 1961 on the subject noted above, the undersigned is directed to furnish the replies seriatim as below :-

(1) There is no instruction or rule laying down the procedure for filling up ex-cadre posts. Such posts can therefore be filled up either by direct recruitment or by promotion not strictly according to seniority as the appointing authority decides taking into account the duties involved and the ability of the candidates for such work.

(2) The Service in an ex-cadre post will not count for purposes of seniority, promotion and confirmation in the general cadre. On reversion to the regular cadre, the person will occupy his former position in the cadre.

(3) No employee in the general cadre has any legitimate claim for the ex-cadre post. The person who has been holding the ex-cadre post is the only person who can have a claim on the post for confirmation when it is made permanent.

(4) There is no hard and fast rule to give officiating promotion to the ex-cadre post. The appointing authority is at liberty to fill up the officiating vacancy, either from the general cadre of the same Department or any other Department. So far the question whether the holder of the ex-cadre post can be given officiating promotion in the general cadre, this will be permissible, if he retains a lien or claim in the regular cadre and the chances of his promotion has arisen according to his seniority in the general cadre.

(5) The post of Grade I Assistant to the Chief Secretary is an ex-cadre post and the incumbent of the post is not a regular recruit though the P.S.C., but has been given promotion from the rank of diarist. As he does not hold nay permanent post in the general cadre of the P. & S. Department, he has no claim for promotion in the general cadre.

As Home Department deal with the matters relating to Ministerial Government servants, Law Department is advised to get the position confirmed from Home Department.

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No. 21260-2R/1-37/99 (Pt. II)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 16th June 2000

Subject – Fixation of seniority between General, Scheduled Caste and Schedule Tribe candidates in the promotional post in State Civil Services/Posts.

The principle of fixation of seniority of General, Scheduled Caste and Scheduled Tribe candidate in the promotional posts is presently being regulated as per Welfare Department Circular No. 23820-W., dated the 8th August 1997, read with General Administration Department Circular No. 6807-Gen., dated the 13th March 1991. As per the said circular the employees belonging to S. C./S. T. categories are being accorded seniority on the basis of their position in the select list drawn up at the time of promotion. Consequently their seniors belonging to general category in the lower grade, who are promoted later, are being placed below the S.C./S.T. candidates promoted earlier at roster point.

2. Recently, a five-Judge bench of the Hon'ble Supreme Court of India in its judgement delivered on the 16th September 1999 in *Ajit Singh and others Vs. State of Punjab and others* reported in J. T. 1999 (7) S.C.-153, held that the law laid down by the Supreme Court in *Union of India Vs. Virpal Singh Chouhan* reported in 1995 (6) SCC 684 and *Ajit Singh Januja Vs. State of Punjab and others* reported in 1996 (2) SCC 715 is the correct law, but not the law laid down in *Jagdishlal and others Vs. State of Haryana and others* reported in J. T. 1997 (5) SC 387, which must be considered as confined to its own peculiar facts. As per the judgement, dated the 16th September 1999, the roster point promotees (reserved category) cannot count their seniority in the promoted category on the basis of their continuous officiation in the promoted post *vis-a-vis* the general candidates who were senior to them in the lower category and who were promoted later. On the other hand the senior general candidate at the lower level, if he reaches promotional level later, but before the further promotion of the reserved candidate, he will have to be treated as senior at the promotional level, to the reserved candidate, even if the reserved candidate was earlier promoted to the level.

3. The aforesaid directions of the Hon'ble Supreme Court of India in the above judgement is *inter alia* binding on all in view of the provisions contained in Article 141 of the Constitution of India Therefore, the State Government pending suitable amendment to the relevant Act/Rules to conform to the aforesaid decision of the Apex Court have decided that the gradation lists of the different cadres in the State Civil Services/Posts should be revised and the *inter se* seniority of General, Scheduled Castes and Scheduled Tribes candidates should be refixed with effect from the 1st March 1996 by adopting the principles laid down as above by the Supreme Court of India but without causing reversion to the reserved candidates.

4. All the Departments of Government are requested to implement the above decision and issue necessary instruction to all the Heads of Departments and Public Sector undertakings and to other Appointing Authorities under their Administrative control for taking immediate action accordingly.

5. This supersedes the instructions contained in Welfare Department Circular No. 23820-W., dated the 8th August 1997 and General Administration Department Circular No. 6807-Gen., dated the 13th March 1999.

This has been concurred in by the Law Department in their U. O. R. No. 1493-L., dated the 5th October 1999.

Order – Ordered that the resolution be published in the *Orissa Gazettee* and copy forwarded to all Departments of Government/all Heads of Departments/all Collectors/Registrar, Orissa High Court/Registrar, O.A.T./Special Secretary, Orissa Public Service Commission, for information.

By order of the Governor
S. B. AGNIHOTRI
Special Secretary to Government

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GENERAL ADMINISTRATION DEPARTMENT

OFFICE ORDER

The 27th July 2000

Subject – Fixation of seniority between General, Scheduled Castes and Schedule Tribes candidates in the promotional post in the State Civil Services/Posts.

No. 30083-2R/1-37/99 (Part-II)-Gen. – The undersigned is directed to invite reference to the G. A. Department Resolution No. 21260-Gen., dated the 16th June 2000 and to say that certain aspects of this resolution require a re-examination.

2. After carefully considering the issues involved, the Government have been pleased to decide that the G.A. Department Resolution No. 21260-Gen., dated the 16th June 2000 may be kept in abeyance pending such re-examination.

3. Government have further been pleased to decide that pending issue of further instruction after re-examination, promotions may not be processed or given effect to except in following cases –

- (a) Promotions from base level posts;
- (b) Cases where the gradation list remains unchanged whether the “Catch up” principle outlined in the resolution under reference is applied or not.

4. This order shall take immediate effect.

S. B. AGNIHOTRI
Special Secretary to Government

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No. 39734(e)-2R/1-27/2000 (Pt.)-Gen.

GOVERNMENT OF ORISSA

GENERAL ADMINISTRATION DEPARTMENT

RESOLUTION

The 2nd November 2000

Subject – Fixation of seniority between General, Scheduled Castes and Schedule Tribes candidates in the promotional post in the State Civil Services/Posts.

In view of the pendency of a writ petition before the Hon'ble Orissa High Court arising out judgement in O. A. No. 1685/1988, the G. A. Department Resolution No. 21260-Gen., dated the 16th June 2000 and subsequent Office Order No. 30083-Gen., dated the 27th July 2000 on the above subject have been carefully reviewed. After such review, the Government have been pleased to decide that the instructions issued in the above cited Resolution and Office order shall stand modified and the guidelines issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) in their Office Memorandum No. 20011/1/96-Estt. (D) dated the 30th January 1997 and the clarification issued in Office Memorandum on the 21st March 1997 (copies enclosed) on the above subject will be followed as an interim measure. A copy of the above cited Office Memorandum and clarification issued by the Government of India on it are enclosed for reference.

This has been concurred in by the Law Department in their U. O. R. No. 1588-L., dated the 12th October 2000.

Order – Ordered that the Resolution be published in the extraordinary issue of the Orissa Gazette and copy forwarded to all Departments of Government/all Heads, of Departments/ all Collectors/Registrar, Orissa High Court/Registrar, Orissa Administrative Tribunal, Bhubaneswar/ Special Secretary, Orissa Public Service Commission/Secretary, Orissa Staff Selection Commission for information.

U. N. BEHERA
Special Secretary to Government

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GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, P. G. & PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

OFFICE MEMORANDUM

New Delhi, the 21st March 1997

Subject – Seniority of S.C./S.T. Officers promoted earlier *vis-a-vis* General/O.B.C. Officers promoted later, clarification regarding Office Memorandum, dated the 30th January 1997.

No. 20011/2/97-Estt. (D) – The undersigned is directed to refer to the Department of Personnel and Training's Office Memorandum No. 20011/1/96-Estt. (D), dated the 30th January 1997 on the above subject and to say that according to Para 4 therein, the decision contained in the said Office Memorandum is effective from the date of its issue, i.e., 30th January 1997. In this context, it is clarified that the said Office memorandum does not contemplate revision of any seniority lists prevailing on the 30th January 1997, nor does it prohibit promotion of Officers (including S.C./S.T. Officers) on the basis of the seniority list prevailing on the 30th January 1997. If on the basis of the Seniority list prevailing on the 30th January 1997 a junior S.C./S.T. Officer is promoted to a higher post/grade because of the rule of reservation and his senior general O.B.C. officer is promoted subsequently to that higher post/grade, the said senior General/O.B.C. officer will regain his original seniority over his earlier promoted S.C./S.T. Officer in the immediate higher post/grade by virtue of this Departments aforesaid office Memorandum of the 30th January 1997.

2. It is also clarified that as at present seniority list prevailing on the crucial date for determining eligibility for promotion (i.e., the 1st July if A. C. Rs. are written calendar yearwise or the 1st October if A.C. Rs. written financial yearwise, as the case may be) shall be the basis for further promotion.

3. Hindi version will follow.

K. K. JHA
Director (E)

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

OFFICE MEMORANDUM

New Delhi, the 30th January 1997

Subject – Seniority of S.C./S.T. Officers promoted earlier *vis-a-vis* general candidate promoted later.

No. 20011/1/96-Estt. (D) – According to the general principle 5 (i) contained in M.H.A. O. M. No. 9/11/55 – R.P.S., dated the 22nd December 1959 and Para 2.2 in D.O.P.T. O.M. No. 22061/7/86 – Estt. (D), dated the 3rd July, 1986 read with D.O.P.T. O.M. No. 20011/5/90-Estt. (D), dated the 4th November 1992, (copy enclosed) seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades shall be determined in the order of selection for such promotion. Thus, persons appointed through an earlier selection will enbloc be senior to those promoted through subsequent selection.

2. The Supreme Court has in its judgement, dated the 10th October 1995 in the case of Union of India Vs. Virpal Singh Chauhan etc. (Jt 1995 (7) SC. 231) held as follows :-

“Even if a Scheduled Caste/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the

general candidate regains his seniority over such earlier promoted Scheduled Caste/Scheduled Tribe candidate. The earlier promotion of the Scheduled Caste/Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category”.

3. Having regard to the above judgement of the Supreme Court, it has been decided to modify the existing policy of fixing seniority on Promotion on the lines mentioned in Para. 2 above. Accordingly it has been decided to and the following proviso to general principle 5 (i) contained in M.H.A. (now D.O.P.T.) O. M. No. 9/11/55-R.P.S., dated the 22nd December 1959 and Para. 2.2 of this Department O.M. No. 22011/7/86-Estt. (D), dated the 3rd July 1986 :

“Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/O.B.C. candidate who is promoted later to the said immediate higher post grade, the general/O.B.C. candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade”.

4. These order shall take effect from the date of issue of this Office Memorandum.

K. K. JHA

Director (E)

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GENERAL ADMINISTRATION DEPARTMENT

No. 39846-SC/H-1/2000-Gen.

To

All Departments of Government/

All Heads of Departments/

All Collectors.

Dated the 3rd November 2000

Subject – Guidelines to be followed in the matter of officiating appointment/promotion.

The provisions under Rule 2 of the Orissa Civil Services Rules, 1987 provide that the period of service rendered by the Government Servant on an appointment or promotion made purely on temporary or officiating basis which does not exceed the period of one year and for which prior consultation with the Orissa Public Service Commission is not necessary shall not count towards seniority. Instances have come to notice where Appointing Authorities have allowed an employee in the lower post/grade to officiate in a higher post involving different nature of work or in a promotional post in the next higher grade due to administrative exigencies in terms of provision under Rule 31 of the Orissa Service Code.

2. Instances have also come to the notice of Government that incumbents officiating in a higher post/grade for a considerably long period put forth their claim for absorption against the post with benefits of seniority from the date of such officiation. Such claims have also been agitated in Courts of law.

3. In order to avoid such situations, it is decided that henceforth the appointing authorities shall (subject to provisions cited above) adhere to the following guidelines while allowing officiating appointments/promotions.

- (i) In no case the officiating appointment/promotion shall exceed the period of one year and such appointment shall be terminated on completion of this period if not terminated prior thereto.
- (ii) A condition shall be laid down in the appointment order to the effect that the employees concerned shall not be entitled to continue in the post unless otherwise eligible in the normal course and shall not be entitled to seniority on the basis of such officiation.

4. These instructions should be followed meticulously and the officiating appointments under each establishment should be reviewed immediately. In all instances where officiating appointment/promotions have exceeded one year, no further officiating appointment/promotion should be granted.

U. N. BEHERA

Special Secretary to Government

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**GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT**

NOTIFICATIONThe 19th July 2003

No. 20277-2R/1-20/2003-Gen.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Services (Criteria for Promotion) Rules, 1992, namely :-

1. (1) These rules may be called the Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2003.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Civil Services (Criteria for Promotion) Rules, 1992, in rule 3, for clause (c) excluding Note I and Note II there under, the following clause shall be substituted, namely :-

“(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission or the Departmental Promotion Committee or the Selection Committee or the Selection Board, as the case may be, shall scrutinize the confidential character rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers of the preceding 5 years only, unless for reasons to be recorded, it is considered necessary to refer to any earlier records to adjudge an officer’s suitability.”

Governor

By order of the

S.SRINIVASAN

Special Secretary to Government

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GOVERNMENT OF ORISSA
GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATIONThe 9th July 2003

No. 19084-2R/1-11/2003-Gen.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the criteria for selection initial appointment / promotion to the State Civil Services and Posts, namely :-

1. Short title, commencement and application –

(1) These rules may be called the Orissa Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

(2) They shall come into force on the date of their publication in the Orissa Gazette.

(3) They shall apply to all cases of appointment including promotion made to the State Civil Services and Posts.

2. Definitions – In these rules the context otherwise requires -

(a) “Commission” means the Orissa Public Service Commission ;

(b) “Government” means the Government of Orissa ;

(c) “Service” means State Civil Service ; and

(d) “Year” means the calendar year.

3. Initial Recruitment -

The Commission / Orissa Staff Selection Commission / Selection Committee or the appointing authority in case where such bodies do not exist, or do not exercise their jurisdiction, shall, for the purpose of initial appointment to any Service / Post prepare a list through Competitive Examination containing the names of successful candidates 1.10 times the number of vacancies anticipated pertaining to that year :

Provided that in case where the list contains less number of successful Candidates than the vacancies anticipated, the reasons of such shortfall shall be recorded in writing by the recruiting agency.

4. Promotion -

(1) The Departmental Promotion Committee or the Selection Board or the Selection Committee as the case may be , for the purpose of appointment by selection or promotion to any Service / Post shall prepare a list of persons of the feeder grade of that Service / Post who are considered by them to be suitable for such appointment.

(2) The number of persons to be included in the list prepared under sub-rule (1) shall be 1.25 time the number of vacancies anticipated in the promotional Service / Post pertaining to that year : provided that in case of promotion to Service / Post in which prior consultation with the Commission is mandatory the list shall be forwarded to the Commission with all requisite papers for concurrence :

provided further that if the Commission finds any person included in the list unsuitable for appointment to the Service / Post or if any such person included in the list retires from Government Service prior to the concurrence of the Commission, the Commission shall in his / her place insert the name of another person found suitable from out of the list of eligible persons under the zone of consideration.

5. Overriding Effect -

The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other recruitment rules for the time being in force.

6. Interpretation-

If any doubt arises on interpretation of any of the provisions of these rules, the same shall be referred to Government in General Administration Department for decision.

By order of the Governor
S.SRINIVASAN
Special Secretary to Government

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Government of Orissa
General Administration Department

No.2R/1-29/2003/25954/Gen., Dated 12.9.2003

To

All Departments of Government.

Sub:

Timely references to Orissa Public Service Commission

The undersigned is directed to say that instructions were issued in D.O. letter No. 1617 dt. 20.1.92 of the Chief Secretary and G.A. Department letter No. 15540 dtd. 20.7.94 to ensure that proper reference complete in all respects is made to the OPSC for obtaining their advice expeditiously. But it is noticed that many Departments are causing inordinate delay in sending the proceedings of the Departmental Promotion Committee/Selection Board/Selection Committee to the Orissa Public Service Commission for their concurrence and as such adhoc appointments continue for prolonged periods.

1. The Commission have observed that proceedings of the DPC/Selection Board/ Selection Committee are referred to them after lapse of long gaps, which is matter of concern, and advised that complete references should be sent to them soon after the proceedings of the DPC are released.

2. Delay in sending references to the Commission, results in Officers continuing in promotional posts without regularisation of their service by OPSC which is not only irregular but also affects management of cadre. Sometimes the recommendations of the DPC are not fully agreed to by the Commission. The position of the officers in the select list prepared by the DPC is also altered by the Commission on the basis of CCRs and in that case, if the recommendation/concurrence of OPSC is not obtained within one year it may lead to court litigations and Government are needlessly dragged into such controversies.

3. All Departments are, therefore, impressed upon to take prompt and timely action in sending references to the Commission soon after completion of the proceedings of the Departmental

Promotion Committee /Selection Board/Selection Committee and avoid initiating proposals for adhoc promotion unless reference to the OPSC is made along with the recommendations of the DPC.

These instructions may be followed meticulously.

Government

Special Secretary to

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Government of Orissa
General Administration Department

NOTIFICATION

Bhubaneswar , dated the 25th February 2005

No. 5906-2R/1-24/2004 / Gen.----- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules further to amend the Orissa Civil Services (Criteria for Promotion) Rules, 1992, namely :-

1. (I) These rules may be called the Orissa Civil Services (Criteria for Promotion) Amendment Rules, 2005.

(II) They shall come into force on the date of their publication in the Orissa Gazette.

2. In the Orissa Civil Services (Criteria for Promotion) Rules, 1992, in rule 3, for clause (c) excluding Note – I and Note – II thereunder the following clause shall be substituted, namely:-

“(c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission, the Departmental Promotion Committee, the Selection Committee or Selection Board, as the case may be, shall scrutinise preceding five years available Confidential Character Rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers, unless for reasons to be recorded, it is considered necessary to refer to any earlier record to adjudge an officer’s suitability:

Provided the available Confidential Character Rolls (C.C.Rs) taken into consideration for promotion as above shall include C.C.Rs covering at least a period of three years in preceding five years.”

By order of the Governor

T.K. Pandey
Special Secretary to Government

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