

2. NO-4

No.28036/1/2012-Estt(D)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING

** ** *

North Block, New Delhi,
Dated the 3rd April, 2013

OFFICE MEMORANDUM

Subject: Ad-hoc Appointment/Promotion – Review of - Regarding.

The undersigned is directed to say that as per the extant policy of the Government, all posts are to be filled in accordance with provisions of the applicable Recruitment Rules/Service Rules. As explained in this Department's O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 read with O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, promotions/ appointments on ad-hoc basis are to be resorted to only in exceptional circumstances mentioned therein, to a post which cannot be kept vacant in consideration of its functional/operational requirement. In spite of these express provisions, it has come to the notice of this Department that the Ministries/Departments are resorting to ad-hoc arrangements in total disregard to the statutory provisions/instructions on the subject as well as proper manpower management and career advancement of the employees.

2. This Department has been impressing upon all the Ministries/ Departments from time to time to take adequate steps in advance so as to achieve the desired objective of timely convening of the Departmental Promotion Committee (DPC) meetings and preparing the approved select panels for regular appointments/promotions within the prescribed time limits. However, at many a time, due to non-adherence to the prescribed norms and procedures by the Ministries/Departments, the approved select panel is not ready in time and ad-hoc arrangements are resorted to. Some Ministries/Departments have taken non-acceptance of their incomplete proposals for DPCs, by the UPSC, as the reason for resorting to ad-hoc appointments. In this regard, as already emphasized in this Department's O.M. No.22011/3/2011-Estt.(D) dated 24.03.2011, it is reiterated that the responsibility of sending the DPC proposals, complete in all respect, to the UPSC, lies entirely on the administrative Ministries/ Departments concerned.

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3. Other reasons for resorting to ad-hoc arrangements are absence/revision of Recruitment Rules, disputed Seniority Lists etc. With regard to tackling the problem of absence of RRs, it may be pointed out that the OM No. AB 14017/79/2006-Estt. (RR) dated 6th September, 2007 provides that where no Recruitment Rules exist or where the existing Recruitment Rules are repealed as per the prescribed procedure, the option of approaching the UPSC for one time method would be available. These instructions further provide that it will not be feasible or advisable for the UPSC to suggest one time method of recruitment in cases where Recruitment Rules exist even if they are perceived as unworkable. In such situations, the administrative Ministries/Departments will have to process necessary amendments required in the Recruitment Rules and, thereafter, initiate the recruitment process.

4. Ad-hoc appointments/promotions should be made only in rare cases and for exigencies of work, where the post cannot be kept vacant until regular candidate becomes available. Persons appointed on ad-hoc basis to a grade are to be replaced by persons approved for regular appointment by direct recruitment, promotion or deputation, as the case may be, at the earliest opportunity. As already provided in this Department's O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, no appointment shall be made on ad-hoc basis by direct recruitment from open market. Where the vacant post cannot be kept vacant for functional considerations, efforts are required to be made to entrust the additional charge of the post to a serving officer under provisions of FR-49, failing which only appointment by ad-hoc promotion/ad-hoc deputation is to be considered in terms of provisions of this Department's O.M. No.28036/8/87-Estt.(D) dated 30.03.1988.

5. As already provided in this Department's O.M. No.22011/3/75-Estt.(D) dated 29th October, 1975, and reiterated in O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 and O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, an ad-hoc appointment does not bestow on the person a claim for regular appointment and the service rendered on ad-hoc basis in the grade concerned also does not count for the purpose of seniority in that grade and for eligibility for promotion to the next higher grade. As per existing provisions, these facts are to be clearly spelt out in the orders of the ad-hoc promotions/ ad-hoc appointments. Therefore, such ad-hoc arrangements are neither in the interest of the individuals nor the organizations concerned. It is, thus, not appropriate to resort to ad-hoc arrangements in a routine manner.

6. As per existing instructions vide O.M. No.28036/8/87-Estt.(D) dated 30.03.1988 and O.M. No.28036/1/2001-Estt.(D) dated 23.07.2001, the total period for which the appointment/ promotion may be made, on an ad-hoc basis, keeping in view the exceptionalities anticipated in these OMs, by the respective Ministries/ Departments, is limited to one year only. These instructions further provide that in case of compulsions for extending any ad-hoc appointment/promotion beyond one year, the approval of the Department of Personnel and Training is to be sought at least two months in advance before the expiry of the one year period. Also, if the approval of the Department of Personnel & Training to the continuance of the ad-hoc arrangement beyond one year is not received before the expiry of the one year period, the ad-hoc appointment/promotion shall automatically cease on the expiry of the one year term. Notwithstanding these provisions, instances have come to notice of this Department where Ministries/ Departments have continued ad-hoc arrangements beyond one year without express approval of this Department, and later on, approached this Department to seek ex-post facto approval for continuation of such arrangements. It is reiterated that continuation of any ad-hoc arrangement beyond one year and release of pay and allowances for the same, without express approval of this Department is not in order.

7. This Department vide O.M. No.39036/02/2007- Estt.(B) dated 14.11.2008, has requested all the Ministries/ Departments to comply with the regulation-4 of the UPSC (Exemption from Consultation) Regulations, 1958, which provide that if a temporary or officiating arrangement made by ad-hoc appointment to a post falling within the purview of UPSC is likely to continue for a period of more than one year from the date of appointment, the Commission shall immediately be consulted in regard to filling up of the post. For this purpose, the Ministries/Departments are required to furnish monthly and six-monthly returns to the Commission showing all such Group 'A' and 'B' Gazetted appointments and promotions made without reference to the Commission, as emphasized in this Department's OM No. 39021/1/94-Estt.(B) dated 22.07.1994. These instructions are again reiterated and all the Ministries/Departments are requested to ensure that requisite returns are furnished to the Union Public Service Commission as per the time schedule prescribed so as to effectively monitor the ad-hoc appointments being resorted to by various Ministries/Departments without consulting the UPSC.

8. All the administrative Ministries/Departments are requested to review the ad-hoc appointments/promotions made by them, from time to time, and at least once a year, on the basis of the guidelines and instructions in force, so as to bring down the instances of such ad-hoc manpower arrangements to the barest minimum, in respect of both Secretariat as well as non-Secretariat offices under them.

Murman

(Pushpender Kumar)

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

To,

All Ministries/Departments of the Government of India

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4. Cabinet Secretariat, New Delhi
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8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
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Murman

(Pushpender Kumar)

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