

No.22011/5/2013-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 9th May, 2014

OFFICE MEMORANDUM

Subject:- Procedure to be observed by Departmental Promotion Committees (DPCs) - Assessment of entries and gradings in ACRs/APARs - Reg.

The undersigned is directed to invite reference to this Department's OM No.22011/5/86-Estt.D dated 10th April 1989 as modified from time to time wherein detailed guidelines on Departmental Promotion Committees (DPCs) has been provided. As per extant instructions and rulings of Hon'ble Supreme Court in various court cases, the Departmental Promotion Committees enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of the candidates who are to be considered by them. Para 6.2.1 of the OM dated 10th April 1989 provides that the Confidential Rolls (now APARs) are the basic inputs on the basis of which assessment is to be made by each DPC. The evaluation of CRs (now APARs) should be fair, just and non-discriminatory.

2. In terms of this Department's OM No.35034/7/97-Estt.(D) dated 8th February 2002, the DPC is required to determine the merits of those being assessed for promotion with reference to the prescribed bench-mark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded 'fit' i.e. who meet the prescribed bench-mark by the DPC shall be included and arranged in the select panel in order to their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' in terms of prescribed bench-mark by the DPC shall not be included in the select panel. There is no supersession in promotion among those who are graded 'fit' by the DPC.

3. Further, all the Ministries/ Departments have time and again been advised by this Department to ensure compliance of instructions on mandatory provisions regarding proper disposal of representations on adverse remarks/below bench-mark gradings contained in the APARs in a quasi-judicial manner as prescribed in this Department's OM No.21011/1/2005-Estt(A) (Pt.II) dated 14.05.2009, OM

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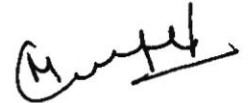
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No.21011/1/2010-Estt.A dated 13.4.2010 and OM No.21011/1/2005-Estt.A(Pt.II) dated 19.05.2011 before placing the same for consideration of the DPC. These provisions have been reiterated vide this Department's O.M. No.21011/1/2005-Estt.(A)(Part.III) dated 31st January, 2014 and all the Cadre Controlling Authorities, Ministries/Departments have been advised to ensure compliance of these provisions before sending proposals for consideration of DPCs.

4. It has been brought to the notice of this Department that in certain cases the Departmental Promotion Committees while assessing suitability of officers have given recommendations as 'unfit' on grounds including non-fulfilment of procedural requirements of disposal of representations preferred on entries/gradings in APAR.

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

6. All the Ministries/Departments are requested to give wide circulation to this OM and to ensure that extant guidelines on the subject are followed scrupulously.



(Mukta Goel)
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To

All Ministries/Departments of the Government of India