

No. 14020 /Gen., TOP PRIORITY

GOVERNMENT OF ORISSA
POLITICAL AND SERVICES DEPARTMENT

OFFICE MEMORANDUM.

Bhubaneswar dated the 23rd May, 1979

Change in procedure for making promotion and functioning of Departmental Promotion Committee.

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Article 320(3)(b) of the Constitution of India provides that the State Public Service Commission shall be consulted in matters relating to promotion to Civil Services and posts and regarding suitability of candidates for such promotion. Accordingly, the P.S.C. is being consulted in all matters relating to promotion to Gazetted posts under the State Government subject to the exceptions made in the Orissa P.S.C. (Limitation of Functions) Regulations, 1952. The above Regulations provide that for temporary appointments and promotions or transfer from one service to another for a period not exceeding 6 months, it is not necessary to consult the P.S.C. With a view to adopting some principles in the matter of selection for giving such adhoc promotions pending concurrence of the P.S.C., Selection Boards have been constituted in respect of some services by making necessary provisions in the relevant Rules and Regulations framed under proviso to Article 309 of the Constitution. Where Recruitment Rules have not been framed, instructions have been issued in P & S Department Office Memorandum No. 21376/Gen., dated 29.10.72 for constitution of D.P.Cs. (copy enclosed), with a view to ensure that the principles adopted for selection of officers are actually followed.

2. Accordingly, the cases of eligible officers for promotion to different Services are being considered by the Selection Board or D.P.Cs. before these are referred to the P.S.C. for views. The P.S.C. in its turn, take some time to consider the recommendations of the Selection Board/D.P.C. as the case may be. Reference and counter-reference are being made between the Departments of Government and the P.S.C. and in some cases it takes a long time to finalise the select list from which promotions are to be made. It also puts into difficulty the officers, who have been given promotion on adhoc basis, regarding drawal of their pay. Often a number of officers promoted on adhoc basis have to be reverted in the event of their being found unfit by the P.S.C. In the Rules of some Services, provision has been made for filling up vacancies by selection of officers belonging to different cadres. In respect of these vacancies, adhoc appointments are not being made even on the basis of the recommendations of the Selection Board or D.P.C. to avoid reversion of any officer in case the P.S.C. does not agree to his appointment. Thus, appointment to those Services after finalising the select list on receipt of views of the P.S.C. takes a long time.

3. In order to overcome these difficulties regarding appointment to different services by promotion and selection and to ensure speedy finalisation of the select list, it has been decided by Government to associate the State Public Service Commission in the Selection Board/D.P.C. as the case may be. Wherever the P.S.C. is associated with the Selection Board/D.P.C., the Member, P.S.C. will preside over the meeting of the Selection Board/D.P.C.

4. The D.P.C./Selection Board shall include the Secretary of the concerned Department, the Head of the Department and atleast one other Member and, if necessary, a representative of the discipline or Division for which the selection is proposed to be made besides a Member of the State Public Service Commission.

5. The recommendation of the D.P.C./Selection Board shall be legally valid and can be operated upon notwithstanding the absence of any of its Members other than the Chairman provided that the Member was duly invited but he absented himself for one reason or other and, provided further that the majority of the Members constituting the D.P.C./Selection Board are present in the meeting.

6. Each year the Departments of Government shall request the State P.S.C. to convene the D.P.C./Selection Board and to nominate a Member of the State P.S.C. to be its Chairman. The P.S.C. shall also be requested simultaneously to give its concurrence to the select list to be drawn up by the D.P.C./Selection Board thus constituted with a Member of the P.S.C. as Chairman as required under Article 320(3)(b) of the Constitution of India.

7. Where the State P.S.C. is associated with the D.P.C./Selection Board, the State Public Service Commission shall be furnished with a duly authenticated seniority list (containing full particulars) of all officers eligible along with the upto date C.C.Rs. of these eligible officers atleast one month before the date on which it is proposed to hold the meeting of the D.P.C./Selection Board. The meeting of the D.P.C./Selection Board shall ordinarily be held in the Office of the P.S.C.

8. It would be ensured that the information furnished to the P.S.C. is factually correct and complete in all respects.

9. The selection for inclusion in the Select List for promotion to different services shall be made on the basis of principles laid down in the respective Service Rules.

10. Rules have been framed regarding reservation and concessions to Scheduled Castes and Scheduled Tribes in the matter of promotions. These Rules and instructions should be kept in view by the D.P.C./Selection Board in drawing up the Select List.

11. The recommendation of the D.P.C./Selection Board duly signed by all members will be submitted by the Chairman of the D.P.C./Selection Board to the Commission for its concurrence under Article 320(3)(b) of the Constitution of India. The Commission shall record its concurrence on the aforesaid recommendation of the D.P.C./Selection Board and shall send the same to the Government.

12. After the recommendations of the D.P.C./Selection Board duly concurred in by the Commission are received, these shall be placed before the Government to finalise the select list in accordance with the provisions contained in the respective Service Rules. The select list drawn up in the above manner shall ordinarily be in force for one year.

13. The instructions contained in P & S Department resolution No. 21376/Gen., dated 29.12.72 shall be deemed to have been modified to the extent indicated in this Office Memorandum.

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14. The Departments of Government are requested to take immediate steps to set up Selection Board/EF D.P.C. by associating a Member of the P.S.C. Where statutory Rules have been framed under proviso to Article 309 of the Constitution of India for appointment to the respective services by promotion and selection, those Rules may be amended suitably to associate a Member of the P.S.C. in the Selection Board.

15. Necessary action may be taken by the concerned Departments in this regard within one month from the date of issue of this Office Memorandum under intimation to the Political and Services Department.

[Handwritten signature]

SPECIAL SECRETARY TO GOVERNMENT

Memo No. 14021 Gen., dated 23/5/59

Copy forwarded to All Secretaries to Government/ Secretary, O.P.S.C., Cuttack/Service Condition Branch/Special Establishment Branch/ Guard file for information and necessary action.

2. The receipt of this Office Memorandum may please be acknowledged.

[Handwritten signature]

DEPUTY SECRETARY TO GOVERNMENT

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