8403

Copy of Memo No.8403 Gen, dated 10.7.61 from the Political & Services Department to the Law Department.

Sub:- Procedure to be followed in making appointments, promotion, confirmation of persons in ex-cadre posts - clarification.

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With reference to Law Department Memo No. Est.140/60-2921-L dated 28.4.61 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 as 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. As for 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 ~~his promotion~~ 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 through the P. S. C., but has been given promotion from the rank of Diarist. As he does not hold any 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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