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The GOVERNMENT of Orissa have decided to adopt the procedure outlined in Government of India, Home Department Office Memo No.97/44, dated the 13th June 1944 in respect of Government servants under their rule making control.

(Govt. of India, Home Deptt. Office Memo No.97/44 dated 13.6.1944).

Sub:- Decision that merit should be the criterion in making appointment to posts classified as "selection posts" and that when two or more officers are selected on merit to officiate in higher (Selection) grade the officer promoted first should first be confirmed provided that he has maintained the efficiency.

Promotion, whether in an officiating or permanent vacancy to a post or grade classified as a "Selection" post or grade should, as the word signifies normally be made by selection on the basis of merit and not by seniority. In connection with such a selection grade the following case has arisen for consideration. An officer was selected for officiating promotion thereby superseding another officer senior to him in the lower grade. THE SUPERSEDED OFFICER, HOWEVER, WAS on a later date considered fit to be given officiating promotion in the higher grade. Subsequently when a permanent vacancy in the higher grade, occurred the question to be decided was which of the two officiating officers should be confirmed in it. After careful consideration of the matter in consultation with the Federal Public Service Commission it has been decided that the junior officer selected first for officiating promotion to the higher grade in preference to his senior should not lose the advantage he had thus gained, and should be confirmed in the vacancy provided that he has continued to maintain his efficiency.

2. Exceptions to this general rule should be few and really exceptional. An example in the case of ~~an~~ a Government servant on deputation, in foreign service, or lent to a Provincial Government, when a vacancy in a grade higher than his, arises. Obviously in such cases the absentee should be considered and the question decided whether, if he had been available, he would have been promoted. If this question is decided in absentee's favour, provision should be made for his regaining his temporary lost seniority on his return to his cadre and if the vacancy is permanent, he should be promoted thereto officiating or provisionally substantive arrangements in his stead being made during his absence.

(Govt. of India, Home Deptt. Office Memo No. 97/44 Estt. dated 22.12.1944.)

SUB: CRITERION FOR CONFIRMATION IN SELECTION POSTS.

Home Department have in consultation with the Federal Public Service Commission considered the question whether in cases in which two or more officers are appointed to officiate to posts in a selection grade and a permanent vacancy subsequently occurs in that grade, the officer who was promoted earlier and ~~is~~ who is considered fit to continue in that grade should be confirmed or the officers who on a review of the work of all the officers is considered to be the best for appointment in that grade. In accordance with the advice tendered by the Commission it has been decided that the question which one of the several officers should be confirmed in the selection ~~of~~ grade should remain an open question until a vacancy occurs in which one of the officers can be confirmed and that the officer who are at that time is considered to be the most competent should be confirmed.

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which does not modify the instruction Home Department Office memorandum No. 97/145 of 13th June 1944. For while confirmation should normally follow the order of office that grade this is subject to the condition that the relative merits of the officers concerned remain the same. If the officer promoted earlier maintains his relative superiority, he should be confirmed first. If on the other hand the officer promoted earlier deteriorates, or the one promoted later improves so that the later is adjudged to be the better of the two by the competent authority at the time when confirmation is to be made in the selection grade the latter officer should be confirmed first.

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