

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 24th July 1992

S. R. O. No. 915/92—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to govern the Criteria for promotion to the State Civil Services and Posts, namely:—

1. (1) These rules may be called the Orissa Civil Services (Criteria for Promotion) Rules, 1992.

(2) They shall come into force on the date of their publication in the *Orissa Gazette* and shall apply to all cases of promotion made to the State Civil Services and posts including those pending on the date of such publication.

2. In these rules, unless the context otherwise requires—

(a) "Government" means the Government of Orissa;

(b) 'Recruitment Rules' means the rules framed under the proviso to article 309 of the Constitution of India regulating promotions to different State Civil Services and includes executive orders and instructions issued by the competent Authority from time to time; and

(c) 'Select List' means the list approved by the Government or the appointing authority in the case may be, containing the names of Officers considered suitable for promotion.

3. Notwithstanding anything contained in the Recruitment Rules;

(a) all promotions to the posts or grades of different Services/Civil posts under the Government shall be made by selection;

(b) Selection for such promotion shall be made on the basis of merit and seniority in all respects with due regard to seniority and the names of persons included in the Select List shall be arranged in order of seniority in the feeder service or grade:

Provided that any junior officer of exceptional merit and suitability may be promoted to a place higher than his seniors and in such cases the assignment of higher posts to the junior officer shall be limited to the same batch or year of allotment in the feeder service where an officer of the earlier batch or year of allotment is found unsuitable for promotion:

Provided further that where promotion is made from different services or posts to a common seniority among such officers exists, their names in the Select List shall be arranged on the basis of their merit adjudged during selection.

- (c) In order to judge the suitability of an officer for promotion, the Orissa Public Service Commission or the Departmental Promotion Committee, the Selection Committee or the Selection Board, as the case may be, shall scrutinise the confidential character rolls and other documents, if any, having a bearing on the performance and conduct of all eligible officers of the preceding five years only unless, for reasons to be recorded, it is considered necessary to refer to any earlier record to adjudge an officer's suitability.

NOTE—The expression "preceding five years" means the five years preceding the year in which the officer's performance is, in accordance with the relevant Recruitment Rules, first evaluated.

Consideration
or adverse
remarks.

4. In order that vacancies are filled up by the most suitable persons with the utmost expedition consistent with an officer's right to seek expunction of an adverse remark, the following procedure shall be followed in cases where the records of an officer under consideration contain an adverse remark :—

- (a) If the officer has represented against an adverse remark and the representation has not been disposed of, the adverse remark shall be taken into consideration at the time of selection.
- (b) If the remark has been expunged after consideration of his case by the Departmental Promotion Committee or the Selection Committee or the Selection Board, as the case may be, the fact shall forthwith be reported to the Public Service Commission and if the officer was refused promotion on *ad hoc* basis because of the said remark, his entitlement to such promotion shall be considered once again, notwithstanding that it may involve the reversion of another officer.
- (c) If expunction of the adverse entry is ordered after selection has been made on the recommendation of the Orissa Public Service Commission, his case will be referred once again to the Commission and if the Commission recommends his promotion and Government accept the said recommendation, the officer will be promoted from the date his junior, not being a person of exceptional merit and suitability, was promoted and shall be entitled to all service benefits which he would have received but for the supersession on account of the adverse remarks.
- (d) It, as a result of such retrospective promotion, any junior officer has to be reverted, such reversion shall not entitle the said junior officer to claim continuance in the post on the strength of an earlier recommendation of the Orissa Public Service Commission.

5. The provisions of these rules shall have overriding effect notwithstanding anything to the contrary contained in any other Recruitment Rules or any other orders or instructions for the time being in force.

Interpreta-
tion.

6. It any doubt arises on interpretation of any of the provisions of these rules, it shall be referred to Government in General Administration Department for final decision.

[No. 29904—2R/1-60/92-Gen.]

By order of the Governor

RAMAKANTA RATH

Chief Secretary to Government