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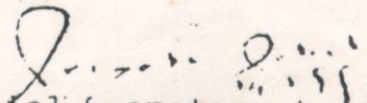
All Departments of Government,
All Heads of Departments,
All Collectors.

Sub:- Promotion of Government servants against whom disciplinary/criminal proceedings are pending- Procedure to be followed.

The undersigned is directed to say that detailed instructions have been issued in G.A. Department Office Memorandum No. 3928 dated 18.2.94 indicating the manner and method to be adopted by the Departmental Promotion Committee while selecting the employees for promotion to the next higher grade. Clause (iii) of Para-3 of the said Office Memorandum provides that the Government servants in respect of whom prosecution for criminal charge is pending should not be promoted to next higher grade and the assessment of the screening Committee including "Unfit for Promotion" and the grading awarded by it will be kept in a sealed cover till finalisation of the said proceedings.

Doubts have been expressed whether after sanction of criminal prosecution against a Government servant, the recommendations of the Departmental Promotion Committee can be kept in a sealed cover. It is, therefore, clarified that as per the decision in "Union of India etc. Vrs. K.V. Janokiraman" reported in AIR 1991 SC 2010, the promotion of an employee can not be with-held merely because a criminal proceeding is pending against him. To deny the said benefit it must be shown that at the relevant time the criminal case is pending at the stage when charge sheet has already been issued to the employee. So, the sealed cover procedure should be adopted only after the charge sheet is issued to the employee and not before it.

The above clarification may be brought to the notice of all concerned.


Special Secretary to Government.

(P.T.O)

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Copy forwarded to all Branches of G.A. Department, Guard File (20 copies) for information.

Deputy Secretary to Government.

HJ.

Faint, mostly illegible text, likely bleed-through from the reverse side of the page. Some words like "promotion", "original", and "grading" are faintly visible.

Special Secretary to Government