

No.22011/3/88-Estt(D)

Government of India

Ministry of Personnel Public Grievances and Pensions
Deptt. of Personnel & Training

New Delhi the 11 May, 1990

OFFICE MEMORANDUM

Subject:- Procedure for making promotions and functioning of the Departmental Promotion Committee.

Attention of the Ministry of Finance etc. is invited to para 12.1 of this Department's O.M.No.22011/5/86-Estt(D), dated 10-4-89 in which it is provided that where adverse remarks in the Confidential Report of the officer concerned have not been communicated to him, this fact should be taken note of by the DPC while assessing the suitability of the officer for promotion/confirmation. In this connection, the Staff Side of the National Council (JCN) were of the view that adverse remarks not communicated to a Government servant should not be operated upon and they should be totally ignored. This view of the Staff Side has not been found acceptable by Government. However, it may not be quite appropriate that an officer is passed over only on the basis of adverse remarks against which he has had no opportunity to represent as they have not been communicated. The matter has, therefore, been considered further and it has been decided that paragraphs 12.1 and 12.2 of the aforesaid O.M. dated 10.4.89 may be substituted by the following:

" 12.1 where the Departmental Promotion Committee find that the adverse remarks in the Confidential Report of an officer have not been communicated to him but the adverse remarks are of sufficient gravity to influence their assessment of the officer concerned, then the Committee shall defer consideration of the case of the officer, provided these remarks have been recorded in any of the CRs pertaining to three immediately preceding years prior to the year in which the DPC is held and direct the cadre controlling authority concerned to communicate the adverse remarks to the officer concerned so that he may have an opportunity to make a representation against the same. Where the uncommunicated adverse remarks pertain to a period earlier than the above or where the remarks are not considered of sufficient gravity to influence the assessment of the officer concerned, the DPC may proceed with the consideration of the case but may ignore the remarks while making the assessment.

12.2 After a decision is taken by the competent authority on the representation made by the Government servant or in the event of the Government servant not making any such representation, after the period therefor has expired, the DPC shall assess the suitability of the Government servant on the basis of entries now contained in the CR. While considering the deferred case/above, if the DPC find the /as

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officer fit for promotion, the procedure prescribed in paragraphs 18.4.2 and 18.4.3 shall be followed.

12.3 In a case where a decision on the representation of an officer against adverse remarks has not been taken or the time allowed for submission of representation is not over, the DPC may in their discretion defer the consideration of the case until a decision on representation.

12.4 In both the cases referred to in paragraphs 12.1 and 12.3 above, where the consideration of a case is deferred on account of adverse remarks contained in the Confidential Report, the concerned authority should intimate the result of the representation of the officer against the adverse remarks within a period of three months from the date of submission of the said representation, if any".

2. These instructions may please be brought to the notice of all concerned.


(M. V. KESAVAN)
DIRECTOR

To
All Ministries/Departments of the Government of India

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