

No. 22011/3/98-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi- 110001
August 14, 2003

OFFICE MEMORANDUM

Subject:-Eligibility of officers to be considered for promotion by DPC
-- Fixing of crucial date of - Clarification regarding.

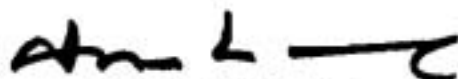
The undersigned is directed to invite attention to this Department's Office Memorandum of even number dated September 17, 1998 on the above-mentioned subject (copy enclosed) and to say that as stated therein, crucial date for determining eligibility of officers for promotion in the case of financial year based vacancy year would fall on 1st January immediately preceding such vacancy year and in the case of calendar year based vacancy year, the first day of January would be taken as crucial date. Therefore, in the case of calendar year based vacancy year, the crucial date coincides with the date of commencement of the vacancy year, whereas in the case of financial year based vacancy year, the crucial date is prior to date of commencement of the vacancy year so as to be nearer to the date of meeting of the Departmental Promotion Committee (DPC), as per the model calendar.

2. While preparing an eligibility list for reference to the DPC for preparation of a panel for the financial year based vacancy year, a doubt has been expressed whether those persons who are in the feeder grade as on the crucial date of 1st January, but who are due to retire before the commencement of the relevant financial year based vacancy year, are to be considered for inclusion in the eligibility list.

3. The matter has been considered. It is clarified that crucial date is only a fixed reference date or a cut off date on which the eligibility of officers in the feeder grade in terms of the provisions of the relevant Recruitment Rules e.g. educational qualification, eligibility service etc. is to be checked before they are considered for inclusion in the eligibility list for reference to the DPC.

However, such eligibility is to be checked only in respect of those officers who will be in service as on the date of commencement of the relevant vacancy year for which the panel is to be prepared. The eligibility is not to be checked in respect of those officers who may be in position as on the crucial date but who are due to retire before commencement of the relevant vacancy year. Such officers were entitled for consideration for promotion, subject to eligibility, only against vacancies arising, if any, in the vacancy year in which they are due to retire on superannuation. The Ministry of Law has also agreed that consideration of officers for promotion who retire before the vacancy year actually begins would be open to challenge as arbitrary and violative of Article of 14 of the Constitution. Therefore, while preparing the eligibility list for reference to DPC for preparation of a panel for promotion against vacancies arising in the ensuing vacancy year linked to financial year, eligibility as on the crucial date of 1st January is to be checked only in respect of those officers in the feeder grade who are not due for retirement before the date of commencement of the relevant financial year based vacancy year.

4. **Hindi version will follow.**



(ALOK SAXENA)

Director

All Ministries/Departments of the Govt. of India.

Copy to:-

- 1) President's Secretariat/Vice-President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/UPSC/CVC/C&AG/CAT (Principal Bench), New Delhi.
- 2) Secretary, UPSC, New Delhi w.r.t. letter no. 10/6/20001-AUC dated July 15,2003
- 3) All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
- 4) All Offices in DoP&T.
- 5) Secretary, National Commission for Minorities, New Delhi.
- 6) Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
- 7) Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
- 8) Facilitation Centre, DoP&T - 20 copies.
- 9) Establishment (D) Section - 300 copies.
- 10) NIC (DoP&T) for placing this Office Memorandum on the Website of DoP&T (persmin.nic.in).