

वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
अनुसंधान भवन, 2 रफी मार्ग, नई दिल्ली - 110001
Anusandhan Bhawan, 2, Rafi Marg, New Delhi - 110 001



सां/No. : 5-1(565)/2018-PD

दिनांक/Dated: 02.01.2019

प्रेषक / From :

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

सेवा में / To :

सी.एस.आई.आर. की सभी राष्ट्रीय प्रयोगशालाओं/संस्थानों/मुख्यालय/एककों के निदेशक/प्रधान
The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units

महोदय/Sir / महोदया/Madam,

मुझे भारत सरकार द्वारा जारी की गई निम्नलिखित कार्यालय ज्ञापनों को आपकी जानकारी, मार्गदर्शन और अनुपालन के लिए अग्रेषित करने का निदेश हुआ है:

I am directed to forward herewith the following Office Memoranda issued by the Government of India for your information, guidance and compliance:

क्रम सं. Sl. No.	कार्यालय ज्ञापन सं/ . Office Memorandum No.	विषय/ Subject
1.	भारत सरकार ,कार्मिक ,लोक शिकायत तथा पेंशन मंत्रालय, कार्मिक और प्रशिक्षण विभाग कार्यालय ज्ञापन सं० 22011/3/2013-Estt.(D) के दिनांक 15.11.2018 Govt. of India, MoP,PG&P, Department of Personnel and Training OM No. 22011/3/2013-Estt.(D) dated 15.11.2018	Promotion of Government servants found fit by review DPC after retirement – procedure and guidelines to be followed.
2.	भारत सरकार ,कार्मिक ,लोक शिकायत तथा पेंशन मंत्रालय, कार्मिक और प्रशिक्षण विभाग कार्यालय ज्ञापन सं० 22011/3/2013-Estt.(D) के दिनांक 25.01.2016 Govt. of India, MoP,PG&P, Department of Personnel and Training OM No. 22011/3/2013-Estt.(D) dated 25.01.2016	Promotion of Govt. Servants exonerated after retirement – Procedure and Guidelines to be followed – Regarding.

भवदीय/Yours faithfully

(बी.के.सिंह / B.K. Singh)

उप सचिव (नीति प्रभाग)/ DS(PD)

संलग्न/Encl. : यथोपरि/As above

प्रतिलिपि/Copy to:

- 1) आई.टी. प्रभाग प्रमुख वेबसाइट और पॉलिसी रिपॉजिटरी पर इस परिपत्र को उपलब्ध कराने के अनुरोध के साथ / Head, IT Division with the request to make this circular available on the website & Policy Repository.
- 2) कार्यालय प्रति/Office copy.

No.22011/3/2013-Estt (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi
Dated- 25.01.2016

OFFICE MEMORANDUM

Subject:- Promotion of Govt. Servants exonerated after retirement – Procedure and Guidelines to be followed - Regarding.

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum No. 22011/4/91-Estt(A) dated 14th September, 1992 regarding procedure and guidelines to be followed by DPC in respect of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation. In case the Government servant is covered under any of the three conditions as mentioned in Para 2 of OM dated 14.09.1992, the recommendations of the DPC are to be kept in 'sealed cover' and subsequent action regarding opening of sealed cover will depend on the outcome of the disciplinary/criminal proceedings.

2. If on conclusion of the disciplinary/ criminal proceedings, the Government servant is exonerated, the procedure prescribed in para 3 of the OM dated 14-9-1992 is to be followed. This provides as under:-

“On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Govt. servant, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceedings/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.”

....2/-

3. The applicability of above provisions in so far as it relates to cases where the Government Servant, who has retired by the time he is exonerated of all the charges has been considered in respect of the following cases:

- i. Where the promotion order pertaining to the relevant DPC has been issued and the officers empanelled have assumed charge prior to the date of superannuation of the retired Government Servant; and
- ii. The retired Government Servant would have been in service and assumed charge of the post had the disciplinary proceeding not been initiated against him/her.

4. It has been decided in consultation with the Department of Expenditure, Department of Pensions & Pensioners' Welfare and the Department of Legal Affairs that notional promotion and payment of arrears of pay, if any, for the period of notional promotion till the date of retirement, to such a retired Government servant if found fit on opening of the sealed cover is to be decided by the appointing authority in terms of Para 3 of OM No.22011/4/91-Estt.(A) dated 14/9/1992.

5. A retired Government employee who is considered for notional promotion from the date of promotion of his next junior after opening of the sealed cover would also be entitled to fixation of pension on the basis of such notional pay on his notional promotion.

6. The provisions contained in this Office Memorandum shall become operational from the date of issue of this Office Memorandum. Past cases settled in accordance with the earlier provisions shall not be reopened.


(Gayatri Mishra)

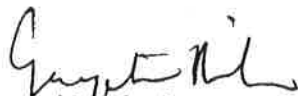
Director (E-I)

Phone No. 23092479

All Ministries/Departments of the Government of India.

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Vice-president's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat, New Delhi.
6. The Lok Sabha Secretariat, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. Union Public Service Commission, New Delhi
9. The Staff Selection Commission, New Delhi.
- 10 All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment(D) Section, DoP&T (10 copies)
13. NIC for updation on the website.


(Gayatri Mishra)
Director (E-I)

F. No. 22011/3/2013-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training

North Block, New Delhi
Dated 15th November, 2018

OFFICE MEMORANDUM

Sub: Promotion of Government servants found fit by review DPC after retirement – procedure and guidelines to be followed

The undersigned is directed to invite reference to this Department's OM of even number dated 25.1.2016 which deals with the grant of *notional* promotion to a Government servant exonerated in a disciplinary proceedings after retirement. However, the cases of Government servants who are found fit by review DPC after their retirement on account of revision of seniority list of the feeder cadre, upgradation of below benchmark APARs etc. are not covered under the said OM. These cases have now been examined and it has been decided to lay down procedure as narrated in subsequent paragraphs for dealing with such cases.

2. A Government servant who is not recommended in the panel by the original / supplementary DPC but later on is recommended in the panel by a review DPC but has since retired may be given the benefit of *notional* promotion *w.e.f.* the date of promotion of his immediate junior in the reviewed panel and fixation of *notional* pay subject to the fulfillment of the following conditions:

- (i) That the officer who is immediate junior to the retired Government servant assumed charge of the higher post on or before the date of superannuation of the retired Government servant.
- (ii) That the said retired Government servant was clear from vigilance angle on the date of promotion of his immediate junior.
- (iii) A retired Government servant who is considered for *notional* promotion from the date of promotion of his immediate junior on the recommendation of a review DPC would also be entitled to fixation of pension on the basis of such *notional* pay.
- (iv) The *notional* promotion, *notional* pay fixation and revision of pension shall be further subject to extant rules on promotion, pay fixation and CCS (Pension) Rules, 1972. Actual increase in pension shall be given only from the date of approval of reviewed panel by the competent authority. No arrears shall be paid.

3. The provisions contained in this Office Memorandum shall become operational from the date of issue of this Office Memorandum. Past cases settled in accordance with the earlier provision shall not be reopened.

4. In so far as persons serving in the Indian Audit & Accounts Department are concerned, these orders issue after consultation with the Comptroller & Auditor General of India.

5. Hindi version will follow.

G. Jayanthi.
(G. Jayanthi)
Joint Secretary (E.I.)

To

All Ministries and Departments of Government of India.

OM No. 22011/3/2013-Estt.(D) dated 15th November, 2018

Copy to:-

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Chairman, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes / National Commission for Scheduled Tribes,
National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Centre, DOP&T (20 copies) / Establishment Section (10 copies).
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.


(Rajesh Sharma)

Under Secretary to the Government of India