

(1.2) Ad-hoc Appointments

(1.2.1) Sub : Ad-hoc appointments in the CSIR.

According to revised Bye-Law 67-A(b) of the Bye-Laws of the CSIR, the Director-General, Scientific & Industrial Research or the Director of the Lab./Instt. may, in consultation with the DG-CSIR in exceptional cases, appoint a candidate of proven merit to a Scientific or technical post of or below the rank of Senior Scientific Officer, Grade I, subject to the condition that the post shall be advertised within six months of such appointment and selection made in accordance with the provisions of the bye-laws. The Vice- President, Council of Scientific & Industrial Research has been pleased to order that all such ad-hoc appointments should invariably be regularised within six months of the date of appointment and that the proposal for any extension thereafter shall not be sanctioned. These instructions may kindly be noted for future guidance.

(CSIR letter No.3(1)164-E-I, dated 5th May. 1965)

(1.2.2) Sub : Ad-hoc Appointments

The Director-General has given careful consideration to the question of laying down certain guidelines which will be useful in making proposals for ad-hoc appointments. Accordingly, he has, in consultation with the Financial Adviser, Council of Scientific & Industrial Research, formulated a set of guidelines. These are enclosed for your guidance while making recommendation in future for ad-hoc appointments

(CSIR letter No.3(15)165-E-I, dated 17-10-1966)

Guidelines for making ad-hoc appointment

In making ad-hoc appointment under Bye-laws 67(A) (a) and 67(A)(b) of the Bye-laws of the CSIR the following guidelines may be kept in mind:

- 1. No proposal for ad-hoc appointment may be made in cases where duties do not involve research, design or development.**

2. Ad-hoc appointments are not to be made without prior approval of Director General.
3. Ad-hoc appointments are not to be recommended in the cases of persons already in the Scientists' pool and the persons already in employment in the CSIR or other organizations of the Government, Universities or Private Industry in the country.
4. Ad-hoc appointments should be recommended against vacant posts. If no vacant post is available, a temporary post may be created to accommodate the ad-hoc appointee for a fixed period not exceeding one year subject to availability of funds in the sanctioned budget allotment of the establishment. Such an appointment should even usually be absorbed against a regular post of the establishment.
5. Ad-hoc appointments may be recommended only in exceptional cases of candidates of proven merit in scientific and technical posts. It is expected that the candidates will be of such caliber that they will walk through any selection committee.
6. The post should be advertised simultaneously with the offer of ad-hoc appointment and the regular selection to the post in accordance with the established procedure must be completed within six months of such appointment.
7. An ad-hoc appointment may not be recommended for a candidate, when it is known that he is not likely to join within a period of three months from the date of offer. In such cases, it is desirable for the post to be advertised and the candidates in question considered by the Selection Committee in the normal course.
8. Higher initial pay in the sanctioned scales may be recommended to an ad-hoc appointee, by the appointing authority, commensurate with his scientific and technological attainments and experience. Such, a proposal will be dealt with in accordance with the rules.
9. In submitting proposals for ad-hoc appointments, the heads of Labs./Insts./ Organizations, may kindly furnish the reasons and establish the urgency of making such appointments indicating the sanctioned vacant

posts against which the appointments are proposed. It is necessary to establish clearly why the normal procedure of advertisement and selection may be by passed, and more than anything else, how the candidate is of such exceptional merit and the *organization would stand to benefit by his appointment on ad-hoc basis.*

(1.2.3) Sub : Adhoc appointments-Procedure to be followed

The guidelines to be observed for making ad-hoc appointments were communicated to you through this Office Circular No.3(15)/65-E-I dated the 17th October, 1966. It is evident there from that no ad-hoc appointment against a non-technical post is permissible. In cases where the ad-hoc appointments against scientific or technical posts become quite unavoidable in the interest of research work, the guidelines contained in the circular letter mentioned above have to be strictly followed.

Instances have come to the notice of the Director-General, Scientific & Industrial Research in which the ad-hoc appointments have been made even against non- technical posts and even without obtaining the prior approval of the Director-General. Further it is found that those ad-hoc appointments are not regularised within six months as per rules. The practice is contrary to Bye law 67(A)(b) of the CSIR according to which the post should be advertised within six months of the ad-hoc appointment and selection made in accordance with the provisions of the Bye-laws.

It is, therefore, requested that Bye-law 67(A)(b) as also the guidelines already conveyed to you may kindly be followed strictly in future while making the ad-hoc appointments against scientific or technical posts and prior approval of the Director-General, SIR may kindly be obtained in all these cases.

(CSIR letter No.7(168)/70-E-I. dated 21st August 1971)

(1.2.4) Appointment to higher post during the period of probation.

The question whether the persons who are on probation may be allowed to officiate against higher posts even on pro-tempore basis, has been under consideration of the Council of Scientific and Industrial Research for some time

past. It has now been decided that as such appointments imply satisfactory work in the existing post on which the employee concerned are on probation and as it also carries an implied acknowledgment of their competence to hold higher posts during the probationary period, the persons belonging to the administrative and accounts cadres who are on probation will be barred to officiate against a higher post, even in a short term vacancy till they satisfactorily complete their probationary period.

(CSIR letter No.31(7)/71-E.I, dated 23rd December, 1971)

(1.2.5) Sub: Pro-tempore officiating appointments against the administrative/ accounts - clarification- reg.

It has been observed that the procedure being followed by the National Labs/ Instts. in the matter of making pro- tempore officiating appointments in short term vacancies against administrative posts has not been uniform. It is, therefore, clarified for information of all National Labs/ Instts. that pro-tempore officiating appointments in such cases may be made on the following general principles:-

- i. Officiating appointments can be made only if the duration of the vacancy exceeds 45 days. Where, however, an officiating appointment becomes inevitable in a vacancy of 45 days duration or less no pecuniary benefit will be admissible to the person concerned.
- ii. Whenever a vacancy arises the senior most person in the line of promotion in the eligible cadre should be considered for officiating appointment.
- iii. If the senior most person is not available due to (a) he being already officiating against some other short-term vacancy or (b) being on leave/ foreign service etc. and is not likely to return to duty by the time of commencement of vacancy in question, the person next to him in the eligible cadre may be given the officiating appointment.
- iv. Whenever an officiating appointment is made in accordance with (iii) above, it should continue for the entire duration of the leave vacancy including the extended period of leave if any and should not be discontinued in between

even though the senior person may later become available on account of (a) termination of his officiating appointment against some other post or (b) his return from leave etc.

These orders may be noted and followed in future. Cases already decided may not be reopened.

It may be noted that no officiating appointments are permissible against newly created posts.

(CSIR letter No.8(7)-2/65-E-II, dated 14th Jan. 1974)

(1.2.6) Sub: Proposals for pro-tempore officiating appointments in short-term vacancies.

The CSIR have been receiving requests from the National Laboratories/Institutes proposing pro-tempore officiating appointments of local cadre staff against short- term vacancies in the common cadre posts in the Laboratories/ Institutes.

It has been observed that in many cases such proposals are incomplete in as much as that they do not contain certain relevant information such as seniority of the individual, whether his CRs have adverse entries, and whether any disciplinary proceedings are contemplated or pending against him.

With a view to enabling this office to process the proposals with celerity, it is requested that the proposals for pro-tempore officiating appointments may contain a certificate to the effect that

1. The individuals recommended is the senior-most in his cadre;
2. He has completed his probationary period;
3. There is nothing adverse in his confidential reports; and
4. No disciplinary proceedings are pending or contemplated against the individual.

CSIR Letter No33(1)/82-E-1, dated 3rd Nov., 1982.

(1.2.7) Delegation of powers arrangement for pro-tempore officiating appointment against posts included under the CSIR Administrative Services (Recruitment and Promotion) Rules.

1. The Vice-President, Council of Scientific and Industrial Research vide O.M.No.3(257)/67-E.III dated 23.11.1967 was pleased to approve that: -

- i. The short term appointments upto level of Assistants/Senior Accountants may be made by Directors/Secretary in National Laboratories/Institutes/Central Office and appointments already made by them may be deemed to have been made under the said Rules;**

and

- ii. The short term appointments from the level of Section Officers and above may be made by DGSIR-and appointments already made by him may be deemed to have been made under the said Rules.**

2. Since the delegation of above powers, there have been changes in (i) scale of pay; (ii) designations of some category of posts; (iii) appointing authorities. Accordingly the matter was examined and the DG-CSIR with the approval of V.P., CSIR, under Bye-Law 80 of the Rules & Regulations and Bye Laws of CSIR, has been pleased to decide that:

- i. All pro-tempore officiating appointments upto the grade of Rs. 650-1200 against the short-term vacancies in respect of posts included in the Administrative Services (Recruitment and Promotion) Rules may be approved by the Heads of all National Laboratories/Institutes by making local arrangement;**

and

- ii. The short-term appointments beyond the grade of Rs. 650- 1200 may be referred to CSIR for approval as hithertofore.**

3. The exercise of the powers in para 2 above by the Heads of all National Laboratories/Institutes will be subject to the following conditions :-

- i. The employee has satisfactorily completed his probationary period of one year from the date of appointment on regular basis in the grade. Wherever the probationary period has been curtailed the benefit of pro-tempore officiating promotion will accrue only after expiry of one year of service on regular basis.
- ii. No vigilance case is pending contemplated against such employee:
- iii. CR of the employee is satisfactory and the candidate so considered for pro-tempore officiating promotion is adjudged fit;
- iv. Pro-tempore officiating appointment to the post of P.S. (except the post of P.S. to DGSIR) will not be permissible as such, posts are being operated on non- functional basis;

Pro-tempore officiating appointment will be strictly on seniority-cum-fitness basis subject to stipulation in (ii) and (iii) above. In the event of any departure from the principle of seniority due to record of service being unsatisfactory or otherwise, the matter may be referred to CSIR for a decision.

(CSIR letter No. 33(98)/84-EI, dated 1st February, 1984)

(1.2.8) Ad-hoc appointments - Need for avoiding the same.

As per instructions from the Government of India, Ministry of Home Affairs, Department of Personnel & Administrative Reforms contained in their O.M. No.39021/35/78-Estt (D) dated 24th November, 1979, I am directed to state that henceforth the terminology of 'pro-tempore officiating arrangement' will be substituted by "ad-hoc arrangement" and will be subject to the following conditions:-

1. Term "pro-tempore" officiating arrangement will not be used.
2. The ad-hoc arrangement will be in the same cadre as is being done now in the case of pro-tempore officiating arrangements
3. The ad-hoc arrangement will be strictly on Seniority-cum- fitness basis subject to the condition that the individual concerned has not been

adjudged unfit for promotion. Period of ad-hoc arrangement will not count for seniority.

4. The adhoc arrangement will continue till further orders or a person joins on regular basis whichever is earlier.
5. All ad-hoc arrangements will be made with the approval of the authority competent to make regular appointments to the post or posts in which ad-hoc arrangement is to be made or by the authority authorised to make the ad-hoc arrangements (CSIR Circular No. 33(98)/84-EI, dated 1.2.1984)

The above instructions which will only apply for Administration, Accounts, Stenographers & Stores/Purchase Cadres may be noted for strict compliance.

(CSIR letter No.33(98)/84-EI, dated 19th March. 1984)

(1.2.9) Adhoc appointment - Revision of Instructions.

Reference this office letter of even number dated 18th April, 1988 (not printed) containing revised instructions for ad-hoc appointments. These instructions inter-alia, contained the following guidelines for making ad-hoc appointments: -

- i. Where there is an injunction by a Court Tribunal directing that the post may not be filled on a regular basis and if the final judgement of the Court/Tribunal is not expected early and the post also cannot be kept vacant.
- ii. Where the D.R. Quota has not been filled and the Recruitment Rules also do not provide for filling it up on transfer or deputation temporarily and the post cannot also be kept vacant.
- iii. In short term vacancies due to regular incumbents being on leave/deputation, etc. and where the posts cannot be filled as per para 2(v) and cannot also be kept vacant.

In such exceptional circumstances where ad-hoc appointments are to be resorted to, the following conditions inter-alia have been laid down :-

- i. The total period for such appointment/promotion on ad-hoc basis should be limited to one year only;
- ii. Only those Officers who fulfil the eligibility conditions prescribed in the recruitment rules should be considered for ad-hoc appointment. If, however, there are no eligible officers, necessary relaxation may be obtained from the competent authority in exceptional circumstances.

It has come to notice that these guidelines have not been scrupulously followed by various Labs./Instts. for making ad-hoc appointments.

In order to obviate any administrative or legal implications, it has been decided that all ad-hoc appointments may be made strictly in accordance with the guidelines, as contained in Govt. of India's OM No. 28036/8/87ESTT (D), dated 30th March, 1988. Any deviation thereof will be taken serious note of.

(CSIR letter No. 17(142)/91-E.I., dated 20th December, 1991)

(1.2.10) Ad-hoc appointments/promotions.

Reference CSIR Circular letter No. 17(142)/91-EII, dated 20.12.1991.

1. In accordance with the instructions, ad-hoc appointments /promotions could be considered only against purely short-term vacancies in the same cadre from among the eligible Officers in the direct line of promotion in the feeder grade strictly on seniority-cum-fitness basis. The total period for such ad-hoc appointments/promotions is limited to one year only. The practice of giving the break periodically and then appointing the same person on an ad-hoc basis is not permissible.
2. It has also been observed that these instructions are not being followed strictly by some of the Labs./Instts. in as much as
 - i. ad-hoc promotions are allowed to continue beyond the maximum permissible period of one year;
 - ii. same persons are promoted after giving a break; and

- iii. some times employees who are not holding the feeder grade in the direct line of promotion (such as promoting an officer from Stenographic cadre against a vacant post in general administration cadre or a general Administration cadre officer against a vacant post in Stores & Purchase Cadre, &etc.) are being promoted on ad-hoc basis which is not permissible.
- 3. Such violations of the extant instructions create administrative wrangles and invite all sorts of problems, unnecessary court cases, etc. and have, therefore, to be viewed very seriously.
- 4. It is requested that the instructions/guidelines issued by the GOI/CSIR on the subject should be strictly followed by all concerned while considering the proposals for making any ad-hoc appointments/promotions against short-term vacancies.

(CSIR letter No. 14(6)/22/88-E.II, dated 30th September, 1993)

(1.2.11) Guidelines are issued in cases where powers are delegated to Laboratories; in the case of Controller of Administration appointments, whether on regular or on ad-hoc/officiating basis, continue to be made by us in the CSIR Hqrs. We have, therefore, not felt it necessary to issue any guidelines in this regard.

However, as regards the issues raised by you we had considered these matters and had taken a view thereon. Since according to the Recruitment Rules only the A.O./Sr.F&AO/SPO are eligible, there is no question of making officiating arrangements of any Scientist or any other functionary who does not belong to one of these three cadres. Though, according to the Recruitment Rules, promotions are to be made on the basis of an All India Seniority, short-term officiating arrangements are usually made by the CSIR on a local basis. So the principle in selecting any one of these functionaries for officiating appointment will be the inter se seniority amongst themselves. However, proposals would have to come to us in the Headquarters for issue of necessary orders

It is possible that a case may arise when none of these functionaries is in position, or very junior officials are holding these three posts. In that case, of course, some ad-hoc arrangements will have to be made. We expect the Directors

to make a suitable recommendation in these cases to us so that a proper decision can be taken.

(CSIR DO. No.33(114)/88-E-I, dated 3rd July, 1991).