

No. 5-1(87)/2010-PD

Dated 19.11.2024

From

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

To

The Directors/Heads of all CSIR National Labs./Instts./Hqrs./Units

Sub.: Amendment of Para 6.10 of Revised MANAS and Rule 7.6.9 of CSRAP Rules, 2001 regarding procedure for Assessment of Scientific, Technical & Support Staff - reg.

Sir/Madam,

I am directed to invite your kind attention to CSIR letter no. 17/66/94-PPS dated 08.05.1998 and dated 02.08.2000 prescribing procedures for Assessment of Scientists, under Rule 7.6.9 of CSRAP Rules, 2001, and Technical & Support Staff, under para 6.10 of Revised MANAS, who are under suspension / against whom disciplinary proceedings are pending. However, the said rules have not defined the procedure to be followed as regards to Assessment Promotion of Scientist, Technical and Support Staff:

- i. who are neither completely exonerated nor disciplinary proceedings resulting in imposition of any of the recognized penalty;
- ii. who are undergoing penalty;

2. In this context, in addition of existing guidelines issued vide CSIR letters no. 17/66/94-PPS dated 08.05.1998 and dated 02.08.2000, the Governing Body of CSIR, in its 206th meeting held on 12.07.2024, considered the matter and approved the following:

- a) The procedure to deal with the cases where the S&T staff is neither completely exonerated nor disciplinary proceedings resulting in imposition of any of the recognized penalty as in **Annexure-I**, and;
- b) The procedure and the effect of penalty on Assessment Promotion in those cases where S&T Staff has been under currency of penalty between the due dates of Assessment and the date of meeting of the Assessment Committee (both date inclusive) as in **Annexure-II**.

3. The above provision will be applicable for the case where the Assessment Promotion of S&T Staff are considered from the date of its notification.



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4. You are requested to kindly bring these instructions to the notice of all the concerned.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'M. Arun Manikanda Bharathi', followed by the date '19^{XI}/2024'.

(M. Arun Manikanda Bharathi)
Under Secretary (Policy Division)

Encl.: As above

Copy to :

- 1) O/o DG, CSIR
- 2) O/o JS(Admn.), CSIR
- 3) O/o FA, CSIR
- 4) O/o CVO, CSIR
- 5) O/o LA, CSIR
- 6) Sr. DS/Sr. COA /DS /COA /US /AO of all National CSIR Lab/Instt./Hqrs. /Units
- 7) CSIR Website
- 8) Office Copy

THE PROCEDURE TO DEAL WITH THE CASES WHERE THE S&T STAFF IS NEITHER COMPLETELY EXONERATED NOR DISCIPLINARY PROCEEDINGS RESULTING IN IMPOSITION OF ANY OF THE RECOGNISED PENALTY

If on the date of meeting of the assessment committee, an employee is –

- (a) under suspension;
- (b) against whom a charge-sheet has been issued and disciplinary proceedings are pending; or
- (c) against whom prosecution has been launched,

and the findings of the committee are kept in the sealed cover, in case where the employee is neither completely exonerated nor the disciplinary proceedings resulted in imposition of any of the recognised penalties; the case would be placed before the same Assessment Committee(s) for the relevant year(s), as far as possible, which will review it with reference to the original recommendations kept in the sealed cover(s), the circumstances leading not to exonerate completely; and after taking into consideration all the aspects including the facts and the circumstances of the misconduct; Assessment Committee may give specific recommendations for promotion or otherwise from the due date.

If the employee is recommended for assessment promotion from his due date, his pay on promotion will be fixed notionally from the due date but actual monetary benefit shall accrue to him only from the date following the date of issue of final order after the completion of the disciplinary proceedings.

In so far as the payment of arrears for the period of notional promotion is concerned, the question or the extant thereof will be decided by the appointing authority by taking into consideration all facts and circumstances of disciplinary proceedings/criminal prosecution. Where the authority denies arrears of salary or part of it, it shall record reasons for doing so after affording opportunity to the employee concerned by issuing a notice to show-cause there against.



THE PROCEDURE AND THE EFFECT OF PENALTY ON ASSESSMENT PROMOTION IN CASES WHERE S&T STAFF HAS BEEN UNDER CURRENCY OF PENALTY BETWEEN THE DUE DATES OF ASSESSMENT AND THE DATE OF MEETING OF THE ASSESSMENT COMMITTEE (BOTH DATE INCLUSIVE)

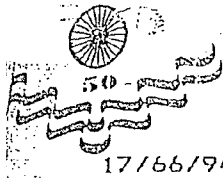
- A. In assessing the suitability of the employee who is/was undergoing a penalty specified under Rule 11 of CCS (CCA) Rules, 1965 between the due date of assessment and the date of the meeting of the assessment committee (both dates inclusive), the Assessment Committee will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of the general service record of the officer and the fact of imposition of penalty, the employee should be considered for assessment promotion.
- B. The Assessment Committee, after due consideration, has the authority to assess the employee as 'unfit' for assessment promotion. However, where the Assessment Committee considers that despite the penalty, the officer is suitable for assessment promotion, the committee will give specific recommendations for promotion from the due date or otherwise. Even if the employee is recommended for assessment promotion from due date, the effect of the penalty on assessment promotion will be as under:
- i. In case the employee has been imposed the penalty of 'Censure' under Rule 11(i) or 'recovery from the pay of the whole or part of any pecuniary loss caused by the official's negligence or breach of orders' under Rule 11(iii) between the due date of assessment and the date of the meeting of the assessment committee (both dates inclusive) and the Assessment Committee has found the employee suitable for assessment promotion, the pay of the employee will be fixed from his due date notionally but actual monetary benefit shall accrue to the employee only from the date following the date of imposition of any of these penalties.
 - ii. In case the employee is/was undergoing a penalty of 'reduction to a lower stage in the time scale of pay' as specified in Rule 11(iii a) of CCS(CCA) Rules or 'withholding of increment of pay' under Rule 11(iv) between the due date of assessment and the date of the meeting of the assessment committee (both dates inclusive), and the Assessment Committee has found the employee suitable for promotion, the pay of the employee will be fixed from his due date notionally but actual monetary benefit shall accrue to the employee only after the currency of the penalty.
- C. In case the employee has been under the currency of the penalty of 'withholding of promotion' under Rule 11(ii), the employee will be


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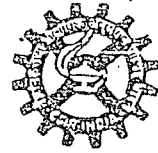
considered for assessment promotion only from the date following the expiry of currency of the penalty implying thereby assessment promotion shall be admissible to the employee after the currency of the penalty.

- D. In case the employee has been under the currency of the penalty of 'reduction to a lower stage in time scale of pay' under Rule 11(v) or 'reduction to a lower time-scale of pay, grade, post or service' as specified in Rule 11(vi), the employee will be considered for assessment promotion only from the date following the expiry of currency of the penalty implying thereby assessment promotion shall be admissible to the employee after the currency of the penalty.
- E. In case the employee has been imposed the penalty of 'Compulsory Retirement' or 'Removal of Service' or 'Dismissal', the employee will cease to be entitled to the assessment.





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Anusandhan Bhavan, 2, Rafi Marg, New Delhi-110 001
17/66/94-PPS



8.5.1998

Dated _____

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

The Directors/Heads of
all National Labs./Instts.

Sub: Procedure for assessment of Scientific & Technical staff who are under suspension/against whom disciplinary proceedings are pending.

Sir,

I am directed to state that the Governing Body while approving the revised provisions of the Merit and Normal Assessment Scheme (MANAS) at its meetings on 18th May, 1993, felt that assessments being distinct from the DPC procedure it would be appropriate to evolve a detailed procedure to regulate the cases of assessment of employees who are under suspension/against whom disciplinary proceedings are pending on the date of meeting of the Assessment Committee. Since evolving of the new procedure would have taken time, it was decided by the Governing Body that till such time the new procedure is evolved, the procedure as contained in para 6.10 of revised MANAS would continue to be operative.

In pursuance of the above decision of the Governing Body, DG, CSIR constituted a Group to formulate the new procedure. The new procedure as recommended by the Group constituted by the DG, CSIR was examined administratively in consultation with Department of Personnel & Training and Deptt of Legal Affairs (Ministry of law) and placed before the Governing Body at its 144th meeting held on 18th Feb., 1998. The Governing body considered the matter and approved the


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following procedure in replacement of the existing procedure contained under Para 6.10 of the revised MANAS.

"PROCEDURE TO BE FOLLOWED IN RESPECT OF ASSESSMENT OF S&T STAFF INVOLVED IN DISCIPLINARY PROCEEDINGS:-"

1. "Assessment of scientific and technical employees is effective from due dates. In the case of backlog of assessments, an employee is required to be assessed retrospectively i.e. from the date when he had become due for assessment on completion of the prescribed residency period.
2. If on the date of meeting of the Assessment Committee, an employee is - (a) under suspension; (b) against whom a charge-sheet has been issued and disciplinary proceedings are pending; or (c) against whom prosecution has been launched/sanctioned, the findings of the Assessment Committee will be kept in sealed cover irrespective of the fact that the Assessment is due from the date when none of these contingencies was in existence. Likewise, if the assessment has taken place but any of the contingencies as mentioned above arises before issue of orders, the findings of the Committee in respect of that employee will be kept in sealed cover. However, if the employee is completely exonerated or suspension is held unjustified upon conclusion of the proceedings, findings in the sealed cover would be acted

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upon and the employee allowed the benefit of notional promotion from due date, if recommended for promotion. In so far as the payment of arrears for the period of notional promotion is concerned, the question or the extant thereof will be decided by the appointing authority by taking into consideration all facts and circumstances of disciplinary proceedings/criminal prosecution. Where the authority denies arrears of salary or part of it, it shall record reasons for doing so after affording opportunity to the employee concerned by issuing a notice to show-cause there-against.

3. In case the disciplinary proceedings result in imposition of penalty of 'censure' or 'recovery from pay of the whole or part of any pecuniary loss caused by the official's negligence or breach of orders', to the Council the case would be placed before the same Assessment Committee(s) for the relevant year(s), as far as possible, ~~which will review it with reference to the original recommendations kept in the sealed cover(s), the circumstances leading to disciplinary action and the~~ penalty imposed; and after taking into consideration all the aspects, give specific recommendations for promotion or otherwise from the due date(s). Even if the employee is recommended for assessment promotion from his due date, his pay on promotion will be fixed notionally from the due

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date but actual monetary benefit shall accrue to him only from the date following the date of imposition of any of these penalties.

4. The same procedure as in para 3 above shall be followed in the case of penalty of 'reduction to a lower stage in the time scale of pay' as specified in Rule 11(iii) (a) of CCS (CCA) Rules is imposed, except that the monetary benefit of the assessment promotion shall accrue to the officer after the expiry of the penalty.)

5. In case the penalty of 'withholding of promotion' is imposed, the disciplinary authority while passing the orders will clearly indicate therein the date of effect of the penalty and also the date on which the said employee shall become due for his assessment consequent upon imposition of the aforesaid penalty, implying thereby the shifting of due date by the period of penalty. The findings in the sealed cover shall, in such a case, will ~~not be acted upon and the assessment shall be taken up~~ afresh from the shifted due date.

The monetary benefit will accrue only w.e.f. the date following the date of issue of such orders i.e. the orders for imposing penalty, if, the employee is recommended for promotion. However, he will get notional benefit from the shifted due date of assessment promotion.

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6. In the event of penalty of 'withholding of increments of pay' is imposed, the sealed cover(s) containing findings of the Assessment Committee(s) will be placed before the same Assessment Committee(s) for the relevant years, as far as possible. In case the employee was recommended for promotion by the earlier Committee, the Committee after considering the penalty and the charges against the employee, will give its recommendation whether the employee is to be promoted from his original due date or otherwise. In case, he has not been recommended by the earlier Committee(s) then his case for the next chance will be processed as per provisions of the assessment scheme(s). The Assessment Committee while considering such cases will take into consideration the penalty imposed upon the employee and the facts of the case and there upon give its recommendation.

In case the employee is recommended for promotion, he will get his promotion notionally from his due date with actual financial benefit from the date following the date of expiry of the penalty.

7. In the event of imposition of penalty of 'reduction to a lower time-scale of pay/grade/post or service' the sealed cover will not be opened. The employee will be assessed only from the date following the date of expiry of the penalty.

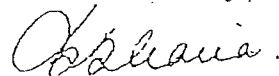
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8. However, in case disciplinary proceedings/court case result in imposition of the major penalties or compulsory retirement/removal/dismissal under Rule - 1 of CCS (CCA) Rules, the sealed cover(s) will not be opened and the employee will cease to be entitled to the assessment which had become due to him."

The above procedure will be applicable to the cases of assessments of employees governed under MANAS as well as under erstwhile bye-law 71(b) and will come into force from the date of issue of this letter.

It is requested that the above decision may kindly be brought to the notice of all concerned in your Lab./Instt. for information, guidance and necessary action.

Yours faithfully,



(B.S. Gaira)

Deputy Secretary

~~Copy to:-~~

1. PPS to DG, CSIR.
2. PS to J.S. (Admn.),
- ~~3. P.S. to F.A.~~
4. CVD
5. OSD.
6. Legal Adviser.
7. All Deputy Secretary/Deputy F.A. in CSIR Hqrs. and CSIR Complex.
8. Sr.F&AOs/F&AOs of all Labs./Instts.
9. All Divisional/Sectional Heads of CSIR Hqrs./CSIR Complex.
10. Dr.M.Bapuji, General Secretary, CSIR-SWA, C/o RRL, Bhubaneswar.
11. Shri N. Suresh Prasad, General Secretary, Federation of CSIR-EWUA, C/o CFTRI, Mysore



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Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110 001

17/66/94-PPS

Dated

2.8.2000

संयुक्त सचिव (प्रशासन)
Joint Secretary (Admn.)

The Directors/Heads of
all National Labs./Instts.

Sub:-Procedure for assessment of Scientific & Technical
Staff who are under suspension/against whom
disciplinary proceedings are pending.

Sir,

I am directed to invite your kind attention to this office circular letter of even number dated 8.5.1998 on the above subject and to state that references were being received from the Labs./Instts. seeking clarifications regarding regulation of cases of assessment in respect of employees on whom major penalty of reduction to a lower stage in the time scale of pay as specified under item (v) of Rule 11 of CCS(CCA) Rules had been imposed.

The matter was examined and it was noted that no procedure/provision had been made for regulating cases of the employees falling under the above category, under the procedure as contained in CSIR circular letter referred to above.

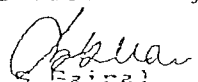
The matter was, therefore, placed before the Governing Body for consideration at its meeting held on 2.6.2000. The Governing Body considered the matter and approved the following provision effective from the same date from which the revised procedure was made effective, i.e. 8.5.1998, for the purpose:

"In the event of imposition of penalty of reduction to a lower stage for a specified period as specified in Rule 11(v) of CCS(CCA) Rules, the sealed cover will not be opened and the employees will be assessed only from the date following the date of expiry of penalty."

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It is requested that the above decision may kindly be brought to the notice of all concerned in your Lab./Instt for their information, guidance and necessary action.

Yours faithfully,


(B.S. Saira)

Deputy Secretary

Copy to:-

1. COAs/AOs of all the Labs./Instts.
2. PPS to DG, CSIR
3. PS to JS(Admn.)
4. CVO, CSIR, Hqrs.
5. DS(CO), CSIR Hqrs.
6. DS, CSIR Complex
7. Legal Adviser