

No. Per (Niyukti-II)-B(11)-1/92
Government of Himachal Pradesh
Department of Personnel (AP-II)

..... Dated Shimla-2, 8-8-2000

From

Commr.-cum-Secretary (Personnel) to the
Government of Himachal Pradesh.

To

1. All Administrative Secretaries,
Government of Himachal Pradesh.
2. All Heads of Departments in H.P.
3. All Deputy Commissioners, in H.P. ✓
4. The Secretaries, H.P. Public Service Commission/
HP SSSB, Hamirputh.
5. All MDs/Registrars of Board, Corporations/
Universities in H.P.

Subject: Adhoc promotion - prescribing of sealed cover procedure
- regarding.

Sir,

Jai Hind.

I am directed to refer to the subject cited above and to say that the procedure and guidelines to be followed in the cases of promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation contained in Government of India Office Memorandum No. 22011/4/91-Estt(A) dated 14th September, 1992 were circulated vide this Department CM No. Per (AP-II) A(3) 1/79-III dated 3.12.92 for guidance in deciding such cases. These instructions provide that at the time of consideration of the cases of Government servants for promotion, the details of Government servants in the zone of consideration for promotion under the following categories are invariably to be brought to the notice of the Departmental Promotion Committee and their assessment is required to be placed in the sealed cover:

- i) Government servant under suspension;
- ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; &
- iii) Government servants in respect of whom a prosecution for criminal charge is pending.

Though according to the instructions issued by the Government from time to time that all appointments whether by direct recruitment or by promotion are required to be made on regular basis according to the Rules and the prescribed procedure, yet sometimes the Departments are required to resort to adhoc promotions to meet a certain emergent situation in the public interest. The adhoc appointments in promotion are generally made in the following situations:-

- (a) Where seniority list of feeder category posts has not been finalised;
- (b) Where the court/Tribunal has stayed finalisation of seniority list or restrained regular promotions being made;
- (c) The select list prepared by the DPC and approved by the appointing authority has either been exhausted or is not valid;
- (d) Eligible officials/officers do not possess requisite service or other requirement of rules and it is essential to fill the post by promotion;
- (e) The R&P Rules have not been framed for the post, but the post is intended to be filled in by promotion in consultation with the H.P. Public Service Commission & Department of Personnel; &
- (f) The post has been created for specific short period and the duration is so short that it is not desirable to frame the R&P Rules, provided the mode of recruitment is concurred in by the HP PSC and DCP.

The adhoc promotions are generally made on the basis of seniority subject to rejection of the unfit and barring those against whom disciplinary proceedings/court cases etc. are pending. The sealed cover procedure as applicable in the cases of regular promotion was not applicable in making adhoc promotion. Though the authorities concerned are required to pursue the matter for their regular promotion expeditiously, but despite clear instructions, sometimes, the cases could not be settled for years together owing to certain unavoidable reasons. In such circumstances, the Government servants ignored for adhoc promotion due to pendency of disciplinary cases/court cases etc., but subsequently if exonerated of the charges are adversely affected due to non-applicability of sealed cover procedure.

The matter was under consideration of the Government for some time past to extend the sealed cover procedure in adhoc

promotion of Government servant as is applicable in the Government of India. Now after thorough consideration it has been decided that the "Sealed Cover Procedure" as discussed in para-1 above may be followed at the time of consideration for "Adhoc Promotion" of Government servants.

These instructions may be brought to the notice of all concerned under your control.

P-lease acknowledge the receipt.

Yours faithfully,

N. K. Mainotra

Under Secretary (Personnel) to the
Government of Himachal Pradesh.
