

**Department of Personnel and Administrative Reforms O.M. No.9/10/72-Estt.(D),  
dated the 17<sup>th</sup> November, 1975, to all Ministries/Departments, etc.**

**Subject:—Confirmation of Central Government employees—Question whether confirmation in a grade should be made in accordance with the quotas prescribed for the various methods of recruitment laid down in the Recruitment Rules or on the basis of the seniority list of the grade concerned—Instructions regarding—**

As the Ministries/Departments of the Government of India are aware, according to para (1) (A) (d) of Ministry of Home Affairs Office Memorandum No. 1/9/57-58-RPS, dated the 16th May, 1959, if cases of confirmation of direct recruits and departmental promotees are referred at the same time, to the Departmental Promotion Committee, that Committee should be informed of the number of permanent vacancies available for confirmation of direct recruits and departmental promotees in accordance with the quotas prescribed in the recruitment rules to enable that committee to recommend the required number of direct recruits and departmental promotees separately for each category. In other words in making confirmation after the date of promulgation of the recruitment rules, it was obligatory to make confirmation strictly in accordance with the quotas prescribed in those rules. Since the adoption of the above principle resulted in the upsetting of seniority of those appointed prior to the promulgation of the recruitment rules, instructions were issued subsequently, vide Ministry of Home Affairs Office Memorandum No. 12/10/63-Estt. (D), dated the 27th December, 1963 that after promulgation of the recruitment rules, confirmations should necessarily take place only in accordance with the quotas prescribed in the recruitment rules, but if it was desired, to make any departure from the prescribed quotas in making confirmations of persons recruited prior to the promulgation of the recruitment rules, it would be necessary to incorporate a saving provision to that effect in the rules themselves.

2. Instances have come to the notice of this Department when the confirmation of direct recruits and departmental promotees etc. in accordance with the quotas prescribed for direct recruitment and promotion in the relevant recruitment rules often result in the upsetting of their seniority, as determined at the time of their initial recruitment/promotion to the grade, when for any reason (e.g. retirement, resignation, death etc.) any direct recruit or a promotee ceases to hold the appointment in the grade concerned. The question whether confirmation in a grade should be made in accordance with the quotas prescribed for the various method of recruitment laid down in the relevant recruitment rules or in the order of the seniority of the person concerned, as reflected in the relevant seniority list, has accordingly been examined in this Department in consultation with Ministry of Law (Department of Legal Affairs) and it has been decided that once the seniority of various persons appointed to a grade in accordance with the quotas prescribed for direct recruitment promotion etc. has been determined, their confirmation in that grade should also be made in the order of their seniority, irrespective of the quotas prescribed for direct recruitment promotion etc. in the relevant recruitment rules. This decision will not, however effect reservation and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

3. These instructions shall come into force with effect from the date of issue of this Office Memorandum and the confirmations already made prior to the date of issue of these orders will not be reviewed. However, where the persons concerned might have been approved for confirmations by the Departmental Promotion Committees but their confirmation orders have actually not been issued, these may be reviewed in the light of the above decision.

4. The Ministries and Departments of the Government of India are requested to bring these instructions to the notice of the attached and subordinate offices with which they are concerned.