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

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

As the Ministries/Departments of the Government of India are aware, according to para (i) (a) of
Ministry of Home Affairs Office Memorandum No. 17651-56-RP, dated the 4th May, 1959, no case of confi-
mation of direct recruits and departmental promotions is to be made by any authority to excede the required number of direct recruits and departmental promotions separately for each category. In other words it is now authorized after the date of promulgation of the recruitment Rules. It was obligatory to make confirmation strictly in accordance with the quotas prescribed in these rules. Since the inception of the above-detailed results in the reporting of seniority of those appointed prior to the promulgation of the recruitment rules, instructions were issued subsequently, viz. Ministry of Home
Affairs Office Memorandum No. 12/1063-Estt. (E), 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 decided to make any departure from the prescribed quota in making con-
firmations of persons required prior to the promulgation of the recruitment rules, it would be necessary to incorporate a suitable provision in the rules to the effect in the future itself.

2. Instructions have gone to the notice of this Department where the confirmation of direct recruits and
departmental promotions etc. in accordance with the quota prescribed for direct recruitment and promotions to
the relevant recruitment/promotion to the grade, where for any reason (e.g. retirement, resignation, death etc.) any
direct recruit or a promotion cease to hold the appointments in the grade concerned. The question whether confi-
mation in a grade should be made in accordance with the quotas prescribed for the various method of recruit-
ment 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 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. The decision will
not, however, affect reservation and other concessions required to be provided for the Scheduled Castes
Scheduled Tribes and other special category 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 person concerned might have been approved for confirmation by the Departmental Promotion
Committees but their confirmations 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.