

No. 22/34/2005-EO (SM-II)
Department of Personnel & Training
(Office of the Establishment Officer)

New Delhi, the 30 August 2006

OFFICE MEMORANDUM

Subject: Date of effect of promotions to posts falling within the purview of Appointments Committee of the Cabinet (ACC).

The undersigned is directed to say that the general principles laid down in the DPC guidelines, as contained in the Department of Personnel & Training's OM No.22011/5/86-Estt.D dated 10.4.1989, read with OM No.22011/14/91-Estt.D dated 1.9.91 and OM No.22011/5/91-Estt.D dated 27.3.1997, are as under:-

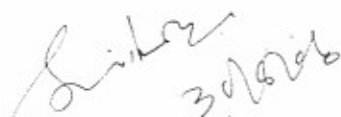
- (a) In cases, where the recommendations for promotion are made by the DPC presided over by a member of the UPSC and in case such recommendations do not require to be approved by the Commission, the date of Commission's letter forwarding the fair copies of the minutes, duly signed by the Chairman of the DPC, or the date of the actual promotion of the officer, whichever is later, should be reckoned as the date of regular promotion of the officer.
- (b) In cases, where the approval of the Commission is also required, the date of the UPSC's letter, communicating its approval or the date of actual promotion of the officer, whichever is later, will be the relevant date.
- (c) In cases, where a Government servant, who is already holding a post on ad hoc basis, is later on, selected by the UPSC for regular appointment thereto, the appointment may be treated as regular from the date of advice of the UPSC i.e. the date of Commission's letter conveying their recommendations in the matter.
- (d) In all other cases, the date, on which promotion will be effective, will be the date on which the officer was actually promoted or the date of the meeting of the DPC, whichever is later. Where the meeting of the DPC extends over more than one day, the last date, on which the DPC met, shall be recorded as the date of meeting of the DPC.

2. But the guidelines, however, have an overriding provision that the appointments to those posts, which fall within the purview of the ACC, can, however, be treated as regular only from the date of the approval of the ACC or actual promotion, whichever is later, except in those particular cases, where the ACC approves appointments from some other date.

3. The directions of the ACC follow the settled principle that promotions can take only prospective effect. A departure from this position is made only in few cases where promotions/appointments have to be given effect to, from some other date, pursuant to the Court directions.

4. The ACC has, however, noted that despite the fact that, as per laid down practice, the promotions are effective only from the prospective date, the proposals, from different Ministries/Departments for retrospective promotions, are still being received. The ACC has, therefore, directed that the Ministries/Department be advised to avoid infructuous references/requests for retrospective promotions.

5. The above directions of the ACC are brought to the notice of all the Ministries/Departments, for strict observance, and for avoiding infructuous references/requests for retrospective promotions.



(Satyananda Mishra)
Establishment Officer and
Additional Secretary to the Government of India

To

All Ministries/Departments (Secretaries to the Govt. of India
by name).