

F. No. 27/8/2007/EO/SM.II
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)
Office of the Establishment Officer

New Delhi, the 28th December, 2007

OFFICE MEMORANDUM

Subject : Ban on issue of unilateral guidelines/instructions concerning methods of recruitment and service conditions by Ministries in violation of established rules and procedures.

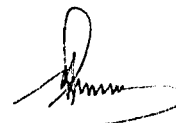
The undersigned is directed to convey the directions of the ACC on the subject mentioned above.

2. The Government of India (Allocation of Business) Rules, 1961 allocates the subject matters of recruitment, promotion and morale of services and the conditions of service of Central Government employees (excluding those under the control of the Ministry of Railways, the Department of Atomic Energy, the erstwhile Department of Electronics, the Department of Space and the Department of Defence Research & Development) to the Department of Personnel & Training. The Rules and Regulations under the All India Service Act, 1951 also fall within the purview of the Department of Personnel and Training. The subject includes the issuance of various service rules and their amendments and the administration of these rules.

3. The Government of India (Transaction of Business) Rules, 1961 also provides that unless a case is fully covered by a decision or advice previously given by the Department of Personnel and Training, that Department shall be consulted on all matters involving – (a) the determination of the methods of recruitment and conditions of service of general application to Government servants in civil employment; and (b) the interpretation of the existing orders of general application relating to such recruitment or conditions of service. Prior concurrence of the Ministry of Finance, Department of Expenditure would also be required for cases related to conditions of service having financial implications.

4. The ACC has noticed instances in the past where some Ministries have issued guidelines/instructions in respect of the procedure or eligibility conditions for promotions within the All India Services without the concurrence of the Department of Personnel and Training or of the Department of Expenditure in violation of the provisions of Allocation of Business Rules and the Transaction of Business Rules disturbing the established guidelines and the inter-service relativity in the conditions of service of the All India Services.

5. The ACC has viewed with concern such instances of Ministries issuing unilateral guidelines in violation of established procedures and rules and decided that henceforth no Ministry/Department shall issue any guideline / instruction in respect of the methods of recruitment and the conditions of service of any of the Central Services (except those exempted under the Allocation of Business Rules) or the All India Services without following the provisions of Government of India (Allocation of Business Rules), 1961 and the Government of India (Transaction of Business) Rules, 1961. If any Ministry/Department resorts to such action, the relevant order issued by it will be treated as non-est and the Department of Personnel and Training shall be authorized to declare the same as null and void as and when it comes to its notice.



(Rahul Sarin)
Additional Secretary (S&V)

To

All Ministries/Departments (Secretaries to the Government of India)