(9)

No.22011/1/91-Estt.(A)
भारत सरकार
GOVERNMENT OF INDIA
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
कार्मिक और प्रशिक्षण विभाग
DEPARTMENT OF PERSONNEL & TRAINING
नई दिल्ली
NEW DELHI Dated the 31.7.1991

OFFICE MEMORANDUM

Subject:- Review of instructions on promotion of Government servants whose conduct is under investigation.

....

The undersigned is directed to refer to this Ministry's O.M. No.22011/2/86-Estt.(A) dated 12.1.1988 regarding procedure and guidelines to be followed in the matter of promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation and to say that in view of various judicial pronouncements subsequent to the issue of the aforesaid O.M. the question of applicability of sealed cover procedure in respect of Government servants against whom an investigation on seious allegations of corruption, bribery or similar grave misconduct is in progress either by the C.B.I. or any other agency, departmental or otherwise as envisaged in para 2(iv) of that O.M., has been reviewed and it has been decided in consultation with the Ministry of Law that para 2(iv) of the O.M. No.22011/2/86-Estt.(A) dated 12.1.1988 be deleted with immediate effect.

2. It is further clarified that:-

(i) All cases kept in sealed cover on date of this O.M. on account of conditions obtainable in para 2(iv) of the O.M. dated 12.1.1988 will be opened. If the official had been found fit and recommended by DPC, he will be notionally promoted from the date his immediate junior had been promoted. The pay of the higher post would, of course, be admissible only on assumption of actual charge in view of provisions of FR 17(i). (Since only officiating arrangements could be made against the vacancies available because of cases of senior officials being in sealed cover, there may not be any difficulty in terminating some officiating arrangemnts if necessary and giving promotion in such cases).

(ii) If any case is in a sealed cover on account of any of the other conditions mentioned in para 2(i) to 2(iii) of the O.M. dated 12.1.88, the case will continue to be in the sealed cover.

(iii) On opening of the sealed cover because of deletion of para 2(iv), if an officer is found to have been recommended as 'unfit' by the DPC no further action would be necessary.

3. Insofar as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

(J.S. MATHUR)
JOINT SECRETARY TO THE GOVT. OF INDIA.

To

All Ministries and Departments of the Govt. of India with usual number of spare copies.

No.22011/1/91-Estt.(A) Dated the,

1. C.V.C., New Delhi.
2. C.B.I., New Delhi.
3. UPSC, New Delhi.
4. C&AG, New Delhi.
5. Lok Sabha/Rajya Sabha/President's Secretariat/ Vice President's Secretariat/Prime Minister's Office.
6. SSC, New Delhi.
7. All U.T. Administrations.
8. CAT, Principal Bench, Faridkot house, New Delhi.
9. Commissioner of Linguistic Minorities, Allahabad.
10. Election Commission, New Delhi.
11. All attached & subordinate offices of M/o Personnel, P.G. & Pensions.
12. All Administrative Sections in the M/o Personnel, P.G. & Pensions
13. Chief Secretaries of all States.

(M.S. BALI)
DEPUTY SECRETARY TO THE GOVT. OF INDIA.