

New Delhi-110001

January 8, 2003

OFFICE MEMORANDUM

Subject: Non-Functional Selection Grade in 'Organised' Group-A Services - Application of sealed cover procedure.

The undersigned is directed to say that DoPT O.M. NO. 22038/1/88-Estt D dated 22nd November, 1990 [para (b) thereof] refers to application of sealed cover procedure at the time of considering grant of Non- Functional Selection Grade to officers of 'Organised' Central Group 'A' Services. However, this Office Memorandum does not indicate the circumstances in which the sealed cover procedure is to be adopted. As stated in para 2 of O.M. No. 22/1/2000-CRD dated 6th June, 2000, NFSG is a segment of Junior Administrative Grade and appointment to NFSG is, therefore, not a case of promotion, but merely a placement in a higher pay-scale. Consequently, the provisions relating to adoption of sealed cover procedure by the DPC while considering cases of regular promotion as prescribed in this Department's O.M. no. 22011/4/91-Estt (A) dated the 14th September 1992 are not directly applicable in such cases

2. It is clarified that the Internal Selection Committee, while considering the issue of grant of NFSG in accordance with the criteria laid down in this Department's O.M. no. 28038/1/88-Estt D dated the 9th October, 1989, shall also place the recommendations for grant of NFSG in a sealed cover, if the Officer (s) concerned are covered by any of the following three situations as on the 1st January of the relevant calendar year in which the case of the concerned officers matures for grant of NFSG, unless such meeting is held in advance of the relevant year in which case the date of the meeting of the Internal Selection Committee will be relevant:

- a) Where the officer is under suspension;
- b) Where a charge sheet has been issued and the departmental proceedings for disciplinary action are pending; and
- c) Where prosecution for a criminal charge is pending in a court of law.

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3. **T**he same procedure will be followed by the subsequent Internal Selection Committees convened till the disciplinary case/criminal prosecution against the Officer concerned is concluded. On the conclusion of the disciplinary case/criminal prosecution, if it results in dropping of the case against the Officer, the sealed cover (or covers) shall be opened. In case, he is recommended for placement in NFSG, the same shall be allowed from the relevant year in which he has been recommended for grant of NFSG by the Internal Selection Committee. He shall also be entitled to arrears of pay and allowances for such period.

4. **I**f, however, the disciplinary/criminal case against the government servant ends in a punishment/penalty, the findings of the Internal Selection Committee in the sealed cover/covers shall not be acted upon. The Officer's case for grant of NFSG may be considered by the next Internal Selection Committee held in the normal course subsequent to the date on which the pending case was decided against him. The Internal Selection Committee may decide on his suitability for NFSG in terms of the criteria laid down vide O.M. dated 9.10.89 and also having regard to the penalty imposed on him.

5. **I**t is also clarified that as NFSG is a mere placement in a higher scale and non-functional in character, there is no functional requirement of another officer being allowed NFSG in place of the officer whose case is placed in the sealed cover by the Internal Selection Committee. Also, there is no requirement of allowing NFSG on ad-hoc basis to the officer whose case is placed in the sealed cover where the disciplinary/criminal case are delayed as his monetary interests are fully protected by the decision that in the event of his exoneration in the pending disciplinary/criminal case, he will be entitled to appointment in NFSG from the relevant year in which he has been recommended for grant of NFSG by the Internal Selection Committee, with arrears of pay and allowances.

6. **A**ll Ministries /Departments are advised to ensure that provisions of this Office Memorandum are kept in view while regulating the cases for placement of officers of Organised Central Group-A Services (both technical & non-technical) in the Non-functional Selection Grade.

7. **H**indi version will follow.


(Alok Saxena)

Deputy Secretary to the Government of India

All Ministries/Departments of the Government of India.

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