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No. F.7/28/68-Ests.(A)
Government of India
Ministry of Home Affairs

New Delhi-11, the 22nd December, 1964

OFFICE MEMORANDUM

Subject:-Procedure to be followed by Departmental Promotion Committee in the case of officers under suspension and officers against whom enquiries are pending - Fixation of seniority and pay.

Para 2 of this Ministry's Office Memorandum No. 39/4/56-Ests.(A) dated the 3rd November, 1958 read with their Office Memorandum No. 39/3/59-Estt.(A) dated 31st August, 1960 inter alia provides that an officer under suspension, who, on the conclusion of the departmental proceedings against him is completely exonerated, the suspension being held to be wholly unjustified, should be promoted in the first vacancy that could be made available for the purpose and his seniority in the next higher grade fixed as if he had been promoted in accordance with his position in the select list.

2. A question has been raised as to how the seniority should be fixed in cases of the above type where, for promotion to the next higher grade, a minimum period of service is prescribed but which the Govt. servant concerned could not put in on account of his suspension, which was ultimately found to be wholly unjustified. It has now been decided that in such a case, the period during which any officer junior to the suspended officer concerned was promoted to the higher grade should be reckoned towards the minimum period of service referred to above for the purpose of determining his eligibility for promotion to the higher grade. It has also been decided that the pay of such category of Govt. servants should, on promotion, be fixed by allowing the intervening period, during which the suspended officer could not be promoted due to his suspension, to be counted for increments in the higher grade, but also be admissible to those Government servants who, though not under suspension, could not be promoted to the higher grade on account of their being implicated in departmental proceedings, or on account of their conduct being under investigation and who were subsequently completely exonerated.

No arrears would be admissible. These concessions will

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3. These orders take effect from the date of issue i.e., these orders will be applicable in cases wherein the suspended Govt. servants are re-instated in service (their suspension ultimately found to be wholly unjustified) on or after the date of issue of this Office Memorandum. As for Govt. servants referred to in the last sentence of para 2, the concessions referred to therein will be admissible in those cases only where the decision to exonerate them completely is taken by the competent authority on, or after, the date of this Office Memorandum.

4. In so far as personnel serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General of India.

sd/-

(Harish Chandra)

Under Secretary to the Government of India.

To

All Ministries/Departments of Government of India.