

F.No. 20011/2/2008-AIS(II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi - 110001
Dated 25th March, 2008

The Chief Secretaries of all the
State Governments and UTs

Subject : Confirmation of availability of vacancies under Rule 3(2) of IAS (Pay) Rules, 2007 regarding.

Sir/Madam,

I am directed to say that, under Rule 3(2)(ii) & (iii) of the IAS(Pay) Rules, 2007, notified by this Department on 20th March, 2007, all the cadre authorities in respect of the IAS are required to seek concurrence of availability of vacancies in the cadre for appointments to posts of the level of selection grade and above. The text of rule 3(2)(ii) & (iii) is as follows:-

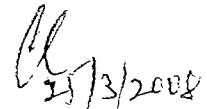
- 3(2)(ii) Appointment of a member of the service in the scales of Selection Grade and above shall be subject to availability of vacancies in these grades and for this purpose, it shall be mandatory upon the State Cadres or the Joint Cadre Authorities, as the case may be, to seek prior concurrence of the Central Government on the number of available vacancies in each grade.
- (iii) The Central Government shall accord such concurrence within a period of thirty days from the date of receipt of such references and if the Central Government does not accord concurrence within a period of said thirty days, the concurrence on availability of vacancies shall be deemed to have been accorded. The position emanating as referred to this clause shall be placed before the Screening Committee at the time it meets to consider promotion in these grades.

2. Further instructions have also been issued in this Department's letter no. 20011/1/2005-ASI (II), wherein State cadre/Joint Cadre authorities have been requested to forward proposals for concurrence of the Central Government for availability of vacancies at least three months before the promotions are proposed along with all the details of vacancies in cadre and ex-cadre posts at different levels in the Cadre. The Department of Personnel and Training conveys its concurrence on the basis of details of vacancy

position received from the State Governments. It has been noticed that some State Governments have sent incorrect or incomplete information for the purpose of obtaining concurrence of vacancies. It is clarified that the insertion of a new clause in the Pay Rules for obtaining the concurrence of vacancies from the Central Government does not absolve the State Cadre/Joint Cadre Authorities from ascertaining and verifying the existence of vacancies in the cadre as per the Pay Rules, Promotion Guidelines and the instructions of this Department prior to sending the proposal. The onus of the correctness of the details and the existence of vacancies lies with the concerned State/Joint Cadre Authorities and any concurrence obtained on the basis of incomplete or incorrect information would be ab-initio void and the promotion would be liable for cancellation. These conditions hold true even if the promotions are given in exercise of the powers given to the State/Joint Cadre Authorities under rule 3(2)(ii) of the IAS(Pay) Rules.

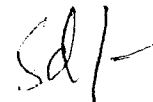
3. This Department has received complaints through the CVC that the instructions of the Central Government are not being strictly followed by some cadre authorities in the matters of promotions to posts of the level of the Selection Grade and above in the IAS. It is, therefore, requested that all the State/Joint Cadre Authorities may ensure strict adherence to the provisions contained in Rule 3(2)(ii) and (iii) of IAS (Pay) Rules, 2007 after thorough verification of the vacancy position in different grades of the IAS in the cadre.

Yours faithfully,



(Chaitanya Prasad)
Director (Services)
Tele No. 23093591

Copy to All Accountants General for State/UTs for information and necessary action.



(Chaitanya Prasad)
Director (Services)