

No.27/12/97-EO(ACC)
GOVERNMENT OF INDIA
DEPARTMENT OF PERSONNEL & TRAINING
OFFICE OF THE ESTABLISHMENT OFFICER

15th October , 1997

OFFICE MEMORANDUM

Subject:- Appointments Committee of the Cabinet(ACC) - functions - amendment to Annexure I & II to the First Schedule to the Government of India (Transaction of Business) Rules, 1961 issued on 26.6.97 - guidelines regarding-

Vide its notification No.1/20/2/97-Cab. dated 26.6.97, the Cabinet Secretariat has issued certain amendments to Annexure I & II to the First Schedule to the Government of India (Transaction of Business) Rules, 1961. These amendments refer to delegation of some of the powers of the ACC to the administrative ministries / departments. The ACC has also directed that detailed guidelines be issued which should explain the salient features of the amendments as well as the conditions under which the powers in this regard are to be exercised. In accordance with the above, the undersigned is directed to circulate the following guidelines.

2. Notwithstanding the delegation of powers to the administrative ministries (described in the succeeding paras), the formal orders, as in past, would be issued centrally by the Establishment Officer (EO). The ministries may, therefore, continue the practice of sending their proposals to EO who would arrange to get the orders issued with the approval of the competent authority.

POSTS FILLED UNDER CSB PROCEDURE

3.1 Earlier, all appointments to posts carrying a salary (excluding allowances) or a maximum salary (excluding allowances) of not less than Rs.5300/- (pre-revised) per month required the approval of the ACC. Hereafter, approval of the ACC would be required only for appointments to posts which carry a salary (excluding allowances) or a maximum in a salary scale (excluding allowances) of Rs.6700/-(pre-revised) or higher. Thus, the powers to appoint Deputy Secretaries/Directors stand delegated to the administrative ministries / departments. The ministries / departments, however, would have to follow the Civil Services Board (CSB)

procedure as prescribed under the Central Staffing Scheme. The delegation of power would be subject to the condition mentioned in para 3.3.

3.2 As per the CSB procedure, for every post under the Scheme, the Establishment Officer (EO) prepares a panel of names and puts it up before the CSB for consideration. The panel is thereafter sent to the administrative ministry with the observations of the Minister of State for Personnel [MOS(PP)]. The ministry selects an officer from the panel with the approval of the minister in charge.

3.3 The delegation of powers to the administrative ministries would be subject to the condition that the person placed at the first position on the panel is selected. In the event of the minister-in-charge of the administrative ministry / department not agreeing to the recommendation of the CSB (including the order in which the names had been placed by CSB), the matter would be placed before the ACC for decision. In such cases, EO shall put up the matter to MOS(PP) for his observation / recommendation before submitting it to the ACC.

3.4 The above procedure would be applicable to cases of appointments to posts in the grade of Director/equivalent (carrying a salary excluding allowances) or a maximum in a salary scale (excluding allowances) of less than Rs.6700/-(pre-revised) per mensem under the Central Staffing Scheme in respect of non-Secretariat postings in attached/subordinate offices of the Government of India.

POSTS OF DIRECTOR (VIGILANCE) ETC.

4. Appointments of Directors(Vigilance) / Chief Vigilance Officers / Executive Directors (Vigilance), etc. in Public Sector Undertakings would require the approval of the ACC, if the salary of the officer / post (excluding allowances) or maximum of the salary scale (excluding allowances) is Rs.6700/-(pre-revised) per mensem or more. The other cases would stand delegated to the administrative ministries.

PS TO MINISTER

5. In regard to appointment of officers as Private Secretaries to Ministers, irrespective of the pay/pay scale/grade or designation such as OSD, Additional Private Secretaries, etc., of the officer concerned, the power of appointment shall remain with the ACC.

REDESIGNATION OF DEPUTY SECRETARY AS DIRECTOR

6. Proposals for redesignation of Deputy Secretaries as Directors as a measure personal to the incumbents on completion of 14 years' service and on the fulfilment of other prescribed conditions would not require the approval of the ACC.

PREMATURE REPATRIATION

7. Power to approve premature repatriation of officers serving with the Central Government to their parent cadre/department, would continue to be with the ACC. This, however, would not override the provisions in the Central Staffing Scheme which allow Cabinet Secretary and EO to approve premature repatriations in certain cases. The administrative ministries / departments may send their proposals in this regard to the EO who shall arrange to issue the orders with the approval of the competent authority.

LATERAL SHIFT OF OFFICERS

8. Proposals for lateral shift of officers serving on Central deputation will continue to require the approval of the ACC.

APPOINTMENTS OUTSIDE THE COUNTRY

9. All proposals for appointment of officers of the rank of Third Secretaries and above/or equivalent (other than those belonging to the Ministry of External Affairs) in Indian Missions abroad or outside such Missions would continue to require approval of the ACC.

BOARD LEVEL APPOINTMENTS IN PSUs

10.1 The powers to make appointments, whether salaried or not, of Chairman, Chairman-cum-Managing Director, and other Members of the Board of Management (including the Managing Director and the Financial Adviser, if the Financial Adviser is a Member of the Board of Management) of any Schedule 'A' and Schedule 'B' State-owned public Corporation, company or enterprise, except where such appointment is made on ex-officio basis by the Government, would continue to be with the ACC. Such powers in respect of Schedule 'C' and 'D' PSUs stand delegated to the concerned administrative ministries / departments.

10.2 The delegation of powers in regard to Schedule 'C' and 'D' PSUs will, however, be subject to the condition that the selection is made on the basis of the recommendation of the Public Enterprises Selection Board (PESB) and is made strictly in accordance with the order in which the names are placed in the PESB panel. If the administrative ministry / department decides to deviate from the PESB's recommendation whether in regard to the order in which the names of the persons are placed in the panel or the salary or tenure or any other matter, such cases would have to be submitted to ACC for approval.

10.3 In regard to extension of tenure of Board level appointees in Schedule 'A' and 'B' PSUs, the power to approve would continue to vest in the ACC. In regard to such appointees in Schedule 'C' and Schedule 'D' PSUs, after consultation with PESB, proposals may be submitted to EO who would arrange to get the formal orders issued with the approval of the competent authority.

10.4 Regarding PSUs which are exempted from the PESB procedure and / or rule of immediate absorption, irrespective of its Schedule, the powers of appointments, whether salaried or not, of Chairman, Chairman-cum-Managing Director and other Members of the Board of Management (including the Managing Director and the Financial Adviser, if the Financial Adviser is a Member of the Board of Management) of any PSU, would continue to be with the ACC.

10.5 No reference to the ACC shall be required for internal transfer of Functional Directors from one post to another within a State-owned public corporation, company or enterprise which has signed a Memorandum of Understanding with the Government.

APPOINTMENT IN AUTONOMOUS BODIES

11. The powers of appointments in respect of all posts having a salary (excluding allowances) or a maximum in salary scale (excluding allowances), of Rs.6700/-(pre-revised) per mensem or more in autonomous bodies / societies controlled by the Government, will continue to remain with the ACC. However, the powers to make appointments in respect of other posts i.e. posts having salary or upper limit of salary scale, of less than Rs.6700/-(pre-revised) per mensem, stand delegated to the concerned Administrative Ministries/Departments. This delegation will be subject to the condition that the concerned posts have duly approved recruitment rules which clearly lay down procedures for selection. If any of these requirements is wanting, the proposal would have to be submitted to the ACC for approval.

ADDITIONAL CHARGE ARRANGEMENTS

12. The guiding principle for determining whether any particular additional charge arrangement would require the approval of the ACC is whether a proposal for regular appointment to that post would have required the approval of the ACC. If yes, a proposal for additional charge arrangement for that post would need to be submitted to the ACC for approval. If the post is one where power of regular appointment has been delegated to the administrative ministries, while submitting their proposals to EO for issue of formal orders, the administrative ministries / departments would ensure that these are in accordance with instructions issued by the DOP&T from time to time.

APPOINTMENTS BY PROMOTION / TRANSFER ON DEPUTATION / DIRECT RECRUITMENT

13. The power of appointment by promotion / transfer on deputation / direct recruitment to posts wherein the salary (excluding allowances) or the maximum of the scale (grade) is

Rs.6700/-(pre-revised) per mensem or more, would continue to require the approval of the ACC. For posts which carry salary less than what has been described above, the power of appointment would stand delegated to the administrative ministries / departments. The delegation would, however, be subject to certain conditions which are described below. Such cases are divided in two categories.- those based on the recommendation of the Departmental Promotion Committee (DPC) in the UPSC and those where UPSC is not associated in the promotion committees.

Appointments involving UPSC: -

In such cases where appointment is being made on the recommendation of a DPC in which UPSC is involved, the delegation would be subject to the condition that the administrative ministry accepts the recommendation of the UPSC in its entirety. If there is any deviation from the recommendation of the UPSC, the proposal would require the approval of the ACC.

Appointments where UPSC is not involved

In such cases where the appointment is being made on the recommendation of a DPC in which UPSC is not involved, the delegation would be subject to the following conditions:-

- i) The DPC/Selection Committee should consist of members who are at least one level higher than the level for which the appointment is being made; and
- ii) A representative of the Department of Personnel & Training is associated with the DPC/Selection Committee. The representative should also be at least one level higher than the level for which the promotion is being considered.
- iii) The proposal does not entail relaxation of any DOP&T guidelines.

If any of the above conditions is not fulfilled, the proposal would have to ^{be} submitted to the ACC for approval.

APPOINTMENTS IN INDUSTRIAL TRIBUNALS / LABOUR COURTS

14. The power of appointment to the posts of Presiding Officers in Central Government Industrial Tribunal/Labour Courts, etc. where the upper limit of the salary or the maximum of the scale is less than Rs.6700/-(pre-revised) per mensem, now stand delegated to the concerned administrative ministries / departments.

PANELS FOR GROUP IV OF IFS AND CSS

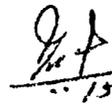
15. So far, empanelment for making appointment to posts in Grade IV (Rs.4500-5700) (pre-revised) of the Indian Foreign Service and empanelment of officers belonging to the Central Secretariat Service for appointment to posts at the level of Deputy Secretary/Director in the Central Secretariat required the approval of the ACC. The ACC has delegated its powers in these respects to the Administrative Ministries concerned, namely, the Ministry of External Affairs and the Department of Personnel & Training respectively.

INTER CADRE TRANSFERS / DEPUTATIONS

16. The power to approve inter-cadre deputation / transfer of an officer of any All India Service would require the approval of the ACC.

17. It is reiterated that notwithstanding the delegation of powers to the administrative ministries (described in the above paras), the formal orders, as in ^{the} past, in those cases would be issued centrally by the Establishment Officer (EO). The ministries may, therefore, continue the practice of sending their proposals to EO who would arrange to get the orders issued with the approval of the competent authority.

18 Kindly acknowledge the receipt of this communication.


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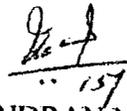
(K. RAJENDRAN NAIR)
Establishment Officer &
Additional Secretary to the
Government of India

All Secretaries to the Government of India.

Member Secretary, Planning Commission
Secretary, Railway Board
Principal Secretary, Election Commission of India
Secretary, Union Public Service Commission
Secretary, Public Enterprises Selection Board

Copy for information to:

1. Shri C. Phunsog, Joint Secretary, PMO.
2. Shri D.M.M. Rao, Deputy Secretary, Cabinet Secretariat.
3. Shri G. Balachandran, Private Secretary to the Minister of State for Personnel and Public Grievances.


.. 15/10/97

(K. RAJENDRAN NAIR)