

No. 11012/6/2008-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

.....
North Block,
New Delhi,
Dated the 7th July, 2008

OFFICE MEMORANDUM

Subject : CCS (CCA) Rules, 1965 – Promotion to a higher Grade or post –
Clarifications regarding effect of warnings etc. on promotion.

The undersigned is directed to refer to the DOPT's O.M. No. 22011/2/78-Estt. (A) dated 16th February, 1979 on the above mentioned subject and to say that at present, administrative devices like warning, letter of caution, reprimand etc. are being used by the various administrative Ministries/Departments for cautioning the Government servants against such minor lapses as negligence, carelessness, lack of thoroughness and delay in disposal of official work with a view to toning up efficiency or maintaining discipline. These administrative actions do not, however, constitute any of the penalties specified in rule 11 of the CCS (CCA) Rules, 1965. Doubts have often been raised about the actual effect of such informal administrative actions as warning, letter of caution and reprimand on the promotion of a Government servant.

2. In this connection, the existing provisions regarding the effect of warning etc. as distinguished from Censure on promotion are reiterated and clarified as follows :-

- (i) There is no objection to the continuance of the practice of issuing oral or written warnings. However, where a copy of the warning is also kept on the Confidential Report dossier, it will be taken to constitute an adverse entry and the officer so warned will have the right to represent against the same in accordance with the existing instructions relating to communication of adverse remarks and consideration of representations against them.

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- (ii) Warnings, letters of caution, reprimands or advisories administered to Government servants do not amount to a penalty and, therefore, will not constitute a bar for consideration of such Government servants for promotion.
- (iii) Where a departmental proceeding has been instituted, and it is considered that a Government servant deserves to be penalized for the offence/misconduct, one of the prescribed penalties may only be awarded and no warning recordable or otherwise, should be issued to the Government servant.
- (iv) The term 'empanelment' occurring in para 1 of DOPT's O.M. No. 11012/11/2007-Estt. (A) dated 14.12.2007 relating to guidelines on grant of vigilance clearance does not cover cases of promotion. Cases of promotion of Government servants during the pendency of disciplinary proceedings would be regulated by DOPT's O.M. No. 22011/4/91-Estt. (A) dated 14.09.1992, O.M. No. 22012/1/99-Estt. (D) dated 25.10.2004 and after imposition of any of the prescribed penalties as per O.M. No. 22034/5/2004-Estt. (D) dated 15.12.2004.

3. All Ministries/Departments are, therefore, requested to keep in view the above guidelines while dealing with cases of promotion of the Government servants.



(P. Prabhakaran)

Deputy Secretary to the Government of India

To

All Ministries/Departments of the Government of India.

Copy forwarded to :-

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.

3. President's Secretariat/Vice President's Secretariat/Prime Minister's Office.
4. Cabinet Secretariat, Rashtrapati Bhawan. *New Delhi*
5. Election Commission of India, New Delhi.
6. Central Vigilance Commission, New Delhi.
7. Central Bureau of Investigation, New Delhi.
8. All Union Territory Administrations.
9. Chief Secretaries of all State Governments and UT Administration.
10. Lok Sabha Secretariat/Rajya Sabha Secretariat.
11. All attached and subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
12. All officers and Sections of Ministry of Personnel, Public Grievances & Pensions.